

# **Corporate Issues Overview and Scrutiny Committee**

**25 November 2016**

## **Report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 – Quarter 2 - 2016/17**



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## **Report of Colette Longbottom, Head of Legal and Democratic Services**

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### **Purpose of the Report**

1. To inform members about the Council's use of powers under the Regulation of Investigatory Powers Act 2000 ('RIPA') during the period 1 July 2016 until 30 September 2016 (Quarter 2) to ensure that it is being used consistently with the Council's policy and that the policy remains fit for purpose.

### **Background**

2. As members are aware, the Regulation of Investigatory Powers Act 2000 (RIPA) enables local authorities to carry out certain types of surveillance activity provided that specified procedures are followed. The Local Authority is able to rely upon the information obtained from those surveillance activities within court proceedings.
3. This report gives details of RIPA applications that have been authorised during the period 1 July 2016 until 30 September 2016 and the outcomes following surveillance.

### **Quarter 2 Activity**

4. During Quarter 2 there were 5 new RIPA Directed Surveillance authorisations which related to operations conducted by Trading Standards regarding sales of counterfeit tobacco from residential premises and test purchases at a number of premises where complaints were received by the Council about underage sales of alcohol.
5. There were 2 new Covert Human Intelligence Source (CHIS) authorisations which related to the operations conducted by Trading

Standards regarding sales of counterfeit tobacco from residential premises and where Directed Surveillance authorisations were also in force.

6. There was one Communications Data authorisation which related to the sale of counterfeit goods.
7. All authorisations were approved the Magistrate and there were no difficulties or issues raised by the Magistrate in approving the applications.
8. The Council's Senior Responsible Officer is satisfied that the Council's use of its powers under RIPA during Quarter 2 is consistent with the Council's policy and that the policy remains fit for purpose.

### **Outcomes following surveillance**

9. In relation to the test purchase operations, non-compliance has been dealt with by way of fixed penalty notices and/or training. Those who failed test purchases will be subject to further visits. Investigations have concluded in relation to one operation regarding the sale of counterfeit tobacco from a residential premises and significant amounts of illicit tobacco, cigarettes and cash were seized. Formal proceedings and Proceeds of Crime action will likely follow. A warning was issued to the seller and information was recorded for intelligence purposes in relation to one operation. Allegations were not proven in relation to another operation and one operation remains ongoing.

### **Recommendations and Reasons**

10. It is recommended that members receive the quarterly report on the Council's use of RIPA for the period 1 July 2016 to 30 September 2016 and resolve that it is being used consistently with the Council's policy and that the policy remains fit for purpose.

### **Background Papers**

None

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## **Appendix 1: Implications**

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**Finance:** None

**Staffing:** None

**Equality and Diversity:** None

**Accommodation:** None

**Crime and Disorder:** The appropriate use of an oversight of RIPA powers will enable the Council to provide evidence to support appropriate prosecutions and tackle crime.

**Human Rights:** None

**Consultation:** None

**Procurement:** None

**Disability Discrimination Act:** None

**Legal Implications:** None