

## **Corporate Issues Overview and Scrutiny Committee**

**19 February 2014**

### **Report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 – Quarter 3 2013/14**



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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 October 2013 until 31 December 2013 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 October 2013 to 31 December 2013.

### **Quarter 3 Activity**

4. During the reporting quarter there have been 5 new RIPA directed surveillance authorisations. The authorisations related to operations conducted by Trading Standards regarding underage sales of cigarettes, the supply of illegal fireworks, the sale of counterfeit goods, the sale of illicit cigarettes and test purchases regarding the underage sales of alcohol.

5. During the quarter there were also 2 Covert Human Intelligence Source (CHIS) authorisations, both relating to operations which were conducted by Trading Standards and for which a Directed Surveillance authorisation was also obtained as outlined in paragraph 4, in relation to the supply of illegal fireworks and the sale of counterfeit goods. A Covert Human Intelligence Source is a person who establishes or maintains a personal or other relationship with another person for the covert purpose of using such a relationship to obtain information, or to provide access to information to another person, or disclosing information obtained by the use of such a relationship or as a consequence of such a relationship. The relationship is used covertly if, and only if, it is conducted in a manner calculated to ensure that the person is unaware of its purpose.
6. During the reporting quarter there has been 1 Communications Data application, which related to an operation conducted by Trading Standards the objective of which was to substantiate whether counterfeit products were being sold to the public.
7. 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 the quarter is consistent with the Council's policy and the policy remains fit for purpose.

### **Recommendations and Reasons**

9. It is recommended that members receive the quarterly report on the Council's use of RIPA for the period 1 October 2013 to 31 December 2013 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