

Corporate Issues Overview and Scrutiny Committee

19 September 2014

Regulation of Investigatory Powers Act 2000 – Annual Review of the Council's use of powers and Approval of RIPA Policy



Report of Colette Longbottom, Head of Legal and Democratic Services

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 April 2013 to 31 March 2014, to notify members of the outcome of the Council's inspection by the Office of Surveillance Commissioner and to invite members to approve the Council's RIPA policy for the forthcoming year.

The Council's use of RIPA for the period 1 April 2013 – 31 March 2014

2. The table below provides details of RIPA authorisations that have been granted by the Council during the period 1 April 2013 to 31 March 2014. The Council has a low usage of its powers under RIPA and will use overt methods to detect and prevent crime and disorder where possible.

| Type of Investigation | Number of Authorisations during the period 1 April 2013 – 31 March 2014 |
|-----------------------------------|--|
| Illicit tobacco | 3 (Directed Surveillance) |
| Benefit fraud | 1 (Directed Surveillance) |
| Underage sales of alcohol/tobacco | 3 (Directed Surveillance) |
| Test Purchases | 2 (Directed Surveillance) |
| Illicit fireworks | 2 (1 x Directed Surveillance and 1 x covert human intelligence sources (CHIS)) |
| Counterfeit Goods | 3 (1 x Directed Surveillance, 1 x CHIS, 1 x Communications Data) |
| | Total - 14 |

The Council's RIPA Inspection by the Office of the Surveillance Commissioners

3. On 13 May 2014 the Council was inspected by the Office of Surveillance Commissioners (OSC) and a copy of the inspection report is attached as Appendix 2.
4. The inspection report makes two recommendations and the Senior Responsible Officer has taken the necessary steps to implement the recommendations identified within the report. This can be summarised as follows:

RECOMMENDATION 1 – To ensure that future training covers the need to set the duration of each and every authorisation.

ACTION TAKEN – An e-mail has been circulated reminding officers of the need to set the duration of each authorisation following Magistrates' Approval and officers will be reminded of this at the next training event.

The Council's internal RIPA authorisation procedure has been updated to include a step regarding the completion of the box entitled "expiry time and date" and this document will be republished on the intranet with the updated policy.

RECOMMENDATION 2 – Establish a robust system to review all RIPA forms.

ACTION TAKEN – Quarterly meetings will be established with effect from the end of the quarter (September) to review RIPA forms and issue reminders to officers where appropriate.

Review of the Council's Corporate Guidance on RIPA

5. The Council's RIPA policy was last approved by the Corporate Issues Overview and Scrutiny Committee at its meeting held on 13 June 2013. The review for this year has been delayed pending the outcome of the OSC inspection in order to incorporate any comments from the OSC regarding the Council's policy.
6. As part of the annual review, the policy has been reviewed and is attached as Appendix 3, with the changes highlighted. The proposed amendments to the policy consist of an addition to the section on Intrusive Surveillance to incorporate a minor suggestion made by the OSC Inspector and an expansion to the definition of private information and the inclusion of

information regarding the reporting of errors and storage and retention of product following feedback on the policy from the Council's external trainer. There is also a new section regarding Social Networking Sites and Internet Sites and the names of Authorising Officers have been updated following changes in staffing.

Recommendations and Reasons

7. It is recommended that members
 1. Receive the annual report on the Council's use of powers under RIPA.
 2. Receive the OSC Inspection Report
 3. Approve the Council's policy on the use of RIPA.

Background Papers

None

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Appendix 1: Implications

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: The policy and the procedures are designed to ensure as far as possible that the legislation is complied with.