

Corporate Issues Overview and Scrutiny Committee

21 November 2014

Report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 – Quarter 1 and Quarter 2 - 2014/15



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 2014 until 30 June 2014 (Quarter 1) and 1 July 2014 until 30 September 2014 (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 April 2014 until 30 June 2014 and 1 July 2014 until 30 September 2014

Quarter 1 Activity

4. During Quarter 1 there have been 6 new RIPA Directed Surveillance authorisations, which related to operations conducted by Trading Standards regarding sales of illicit cigarettes and tobacco from residential properties and underage sales of alcohol, tobacco or butane from retail premises.

5. All authorisations were approved the Magistrate there were no difficulties or issues raised by the Magistrate in approving the applications.

Quarter 2 Activity

6. During Quarter 2 there have been 7 new RIPA Directed Surveillance authorisations, which related to operations conducted by Trading Standards regarding sales of illicit cigarettes and tobacco from residential properties, underage sales of alcohol or tobacco from retail premises and the sale of counterfeit clothing, footwear and accessories.
7. There were also 4 new Covert Human Intelligence Source (CHIS) authorisations which related to operations which were conducted by Trading Standards and for which a Directed Surveillance authorisation was also obtained as outlined in paragraph 6. 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
8. The authorisations were approved the Magistrate and there were no difficulties or issues raised by the Magistrate in approving the applications.
9. The Council's Senior Responsible Officer is satisfied that the Council's use of its powers under RIPA during both quarters is consistent with the Council's policy and the policy remains fit for purpose.

Recommendations and Reasons

10. It is recommended that members receive the quarterly report on the Council's use of RIPA for the periods 1 April 2014 to 30 June 2014 and 1 July 2014 to 30 September 2014 and resolve that it is being used consistently with the Council's policy and that the policy remains fit for purpose.

Background Papers

None

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: None