

Corporate Issues Overview and Scrutiny Committee

28 September 2015

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 2014 to 31 March 2015 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 2014 – 31 March 2015

2. The table below provides details of RIPA authorisations that have been granted by the Council during the period 1 April 2014 to 31 March 2015. The Council has increased the use of its powers under RIPA during the last year as a result of the level of information and intelligence that has been received. The information now received by Trading Standards highlights more serious concerns about trading practices and generally involves sellers of goods from their home. The Council has also increased its partnership working with the Police and has also tried to generate more community intelligence and publicise its enforcement operations.
3. The increased use of social media, notably Facebook may also be a factor because previously counterfeit goods or illicit tobacco being sold from domestic properties would be limited to a smaller customer base. Now, social media platforms allows sellers to advertise and supply their goods to a much wider audience which in turn may lead to more people complaining about them as they are more overt than they used to be.

Type of Investigation	Number of Authorisations during the period 1 April 2014 – 31 March 2015
Illicit tobacco	6 x Directed Surveillance, 1 x CHIS
Underage sales of alcohol/tobacco	3 x Directed Surveillance
Test Purchases	3 x Directed Surveillance
Counterfeit Goods	6 x Directed Surveillance, 6 x CHIS,
Unlicensed Gambling	2 x Directed Surveillance, 2 x CHIS
	Total - 29

Review of the Council's Corporate Guidance on RIPA

4. The Council's RIPA policy was last approved by the Corporate Issues Overview and Scrutiny Committee at its meeting held on 19 September 2014.
5. As part of the annual review, the policy has been reviewed and is attached as Appendix 2, with the changes highlighted. The proposed amendments to the policy include updating the definition of a Single Point of Contact (SPoC) to reflect the Council's use of National Anti-Fraud Network (NAFN) to process applications for communications data, updating the record retention period to incorporate the guidance contained in new Home Office Codes of Practice, additional paragraphs regarding the cancellation process for authorisations and the removal of sections which are out of date or replicated elsewhere in the policy.

Recommendations and Reasons

6. It is recommended that members
 1. Receive the annual report on the Council's use of powers under RIPA.
 2. 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.