

Corporate Issues Overview and Scrutiny Committee

17 November 2015

Report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 – Quarter 2 - 2015/16



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 July 2015 until 30 September 2015 (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 2015 until 30 September 2015 and the outcomes following surveillance.

Quarter 2 Activity

4. During Quarter 2 there were 7 new RIPA Directed Surveillance authorisations which related to operations conducted by Trading Standards regarding sales of counterfeit tobacco from residential premises, sales of counterfeit goods (clothing, footwear, cosmetics and accessories) and test purchases at premises where complaints had been received regarding underage sales of alcohol and tobacco.

5. There were 2 new Covert Human Intelligence Source (CHIS) authorisations which related to operations conducted by Trading Standards where a Directed Surveillance authorisation was also in force.
6. During the reporting quarter there has been 1 Communications Data application, which related to an investigation conducted by Trading Standards to substantiate whether counterfeit products were being sold to the public and where a Directed Surveillance authorisation and CHIS authorisation were granted.
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. A prosecution is pending in relation to an investigation relating to underage sales of tobacco. Investigations remain ongoing in relation to three operations regarding the sale of counterfeit tobacco from premises and sales of counterfeit goods. No formal action is to be taken in relation to the test purchase investigations.

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 2015 to 30 September 2015 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

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