

# Corporate Issues Overview and Scrutiny Committee

26 January 2016

## Report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 – Quarter 3 - 2015/16



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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 2015 until 31 December 2015 (Quarter 3) 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 2015 until 31 December 2015 and the outcomes following surveillance.

### Quarter 3 Activity

4. During Quarter 3 there were 6 new RIPA Directed Surveillance authorisations which related to operations conducted by Trading Standards regarding online sales of counterfeit goods, sales of illicit tobacco from a residential premises and test purchases at premises where complaints had been received regarding underage sales of alcohol and tobacco.

5. There were 3 new Covert Human Intelligence Source (CHIS) authorisations which related to operations conducted by Trading Standards regarding online sales of counterfeit goods and where a Directed Surveillance authorisation was also in force.
6. During the reporting quarter there has been 2 Communications Data application, which related to investigations conducted by Trading Standards for subscriber information for telephone and e-mail addresses.
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 3 is consistent with the Council's policy and that the policy remains fit for purpose.

#### **Outcomes following surveillance**

9. Investigations remain ongoing in relation to a number of operations relating to the sale of counterfeit goods. Licence reviews are to be undertaken in relation to premises which failed the test purchases and sellers have received fixed penalty notices from the police.

#### **Recommendations and Reasons**

10. It is recommended that members receive the quarterly report on the Council's use of RIPA for the period 1 October 2015 to 31 December 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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**Contact: Clare Burrows**

**Tel: 03000 260548**

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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