

Corporate Overview and Scrutiny Management Board

9 October 2017

Report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 – Quarter 1 - 2017/18



Report of Helen Lynch, 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 2017 until 30 June 2017 (Quarter 1) 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 2017 until 30 June 2017 and the outcomes following surveillance.

Quarter 1 Activity

4. During Quarter 1 there were 2 new RIPA Directed Surveillance authorisations, which related to operations conducted by Trading Standards regarding sales of counterfeit tobacco from residential premises and test purchases at a number of premises where complaints were received by the Council about underage sales of alcohol.
5. There were no new Covert Human Intelligence Source (CHIS) authorisations during the period.

6. The Council's Senior Responsible Officer is satisfied that the Council's use of its powers under RIPA during Quarter 1 is consistent with the Council's policy and that the policy remains fit for purpose.

Outcomes following surveillance

7. In relation to one test purchase operation, non-compliance has been dealt with by way of 2 prosecutions and committee review and one committee review. Surveillance remains ongoing in the operation regarding sales of counterfeit tobacco from residential premises.

Recommendations and Reasons

8. It is recommended that members receive the quarterly report on the Council's use of RIPA for the period 1 April 2017 until 30 June 2017 and resolve that it is being used consistently with the Council's policy and that the policy remains fit for purpose.

Background Papers

None

Contact: Laura Renaudon

Tel: 03000 269886

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: Use of investigatory powers potentially engages the Human Rights Act 1998 and in particular the qualified right to private and family life under article 8 of the European Convention. This right may only be interfered with in circumstances where it is necessary and proportionate to do so in pursuit of the public interest. Oversight by the Board of the Council's RIPA operations is designed to facilitate compliance with the Human Rights Act.

Consultation: None

Procurement: None

Disability Discrimination Act: None

Legal Implications: The Council's objective is to make lawful and appropriate use of surveillance techniques where required whilst complying with the provisions of the Human Rights Act 1998 and in particular the provisions of Article 8 of the ECHR securing respect for an individual's (qualified) right to privacy. Quarterly oversight by the Board helps secure this objective.