

Regulatory and Audit Committee

Title: RIPA Covert Surveillance Annual Report

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Summary

The purpose of the paper is to provide an update about the Council's use of its powers under the Regulation of Investigatory Powers Act 2000

Recommendation

The Committee is asked to note the annual report of the Council's use of its RIPA powers.

Background

The County Council has a number of functions to undertake which involve the enforcement of laws and regulation. On occasion, officers may need to conduct investigations and, in exceptional circumstances, the Council has the power to make use of covert surveillance and similar activities.

The Regulation of Investigatory Powers Act 2000 (RIPA) and the Codes of Practice issued under section 71 of that Act regulates the way in which the County Council conducts surveillance for the purposes of law enforcement. The fundamental requirement of RIPA is that when the Council considers undertaking directed surveillance or using a covert human intelligence source it must only do so if a) the activity has been authorised by an officer with appropriate powers, and b) the relevant criteria are satisfied.

Review

The County Council's RIPA procedures and activity were inspected by the Office of the Chief Surveillance Commissioner in January 2016. The Committee considered the findings of the inspection and the resulting action plan at its meeting in April 2016.

The three recommendations arising from the inspection focused on updates to the policy and record of authorisations, together with the delivery of regular refresher training for authorising officers. The action plan has been fully implemented, and appropriate training to key officers is delivered and recorded.

The Council's policy requires a regular update of RIPA activity to be reported to the Regulatory and Audit Committee. The Council's use of RIPA powers continues to be very limited. The Council did not undertake any directed surveillance or use a covert human intelligence source in 2014/15 or 2015/16. In 2016/17, one application was approved for the use of a covert human intelligence source to undertake test purchasing via Facebook. In this case, the use of the source was unsuccessful and a police warrant was used to collect evidence instead.

The Council submits an annual statement of its use of RIPA powers to the Office of the Chief Surveillance Commissioner.

Background Papers

Regulatory and Audit Report – 27 April 2016
