

Report To: Corporate Governance Committee

Date of Meeting: 23 November 2016

Lead Member / Officer: Gary Williams Monitoring Officer and Senior Responsible Officer for Ripa

Report Author: Lisa Jones, Deputy Monitoring Officer/Legal Services Manager

Title: Annual RIPA Report

1. What is the report about?

This is the annual report to the Corporate Governance Committee on the Council's use of its powers of surveillance under RIPA (Regulation of Investigatory Powers Act 2000)

2. What is the reason for making this report?

The Council is required under the Home Office Code of Practice to make at least annual reports to members, on the authority's use of its powers under this regime.

3. What are the Recommendations?

That the Corporate Governance Committee note the contents of the report.

4. Report details

There has been very little activity in the use of these powers since the last report to this Committee; the Council has utilised these powers previously for fly tipping, environmental crimes, unlawful sales to underage persons such as alcohol or fireworks; animal welfare and so on. Applications are not made on the basis of 'fishing expeditions', the service will ordinarily be in receipt of evidence supporting the requirement for the surveillance in question.

This last reporting period, only one covert surveillance operation was conducted by the Council; involving the sale of age restricted products, such as tobacco or alcohol (juvenile test purchase). The application was made to the Magistrates Court and duly granted to enable public protection officers to conduct the operation.

Training is to be provided in - house to investigating officers and one authorising officer on the 30th March 2017, with practical case studies.

The Council's RIPA working group has continued to meet as required, in particular where there are any changes to the Codes of Practice or Guidance

issued by the Home Office or the Office of Surveillance Commissioners; in order to ensure that the Council's RIPA policy remains up to date and fit for purpose; to consider approaches to particular operations or areas where ripa could assist any enforcement issues and to feedback any comments from any Inspection or from members of this Committee.

5. How does the decision contribute to the Corporate Priorities?

The oversight by this Committee contributes to the priority of being a high performing Council.

6. What will it cost and how will it affect other services?

There are no implications on other services as a result of this report. Costs are contained within current budgets. Training of officers is delivered by the Monitoring Officer and his Deputy, rather than paying external training organisations.

7. What consultations have been carried out?

The Council's RIPA working group have been consulted on the contents.

8. Chief Finance Officer Statement

Not required.

9. What risks are there and is there anything we can do to reduce them?

In utilising its powers under this regime, the Council can risk breaching an individual's right to a private and family life as set out in the European Convention on Human Rights. Any exercise of these powers, requires the Council to set out very comprehensively, in an application to an Authorising Officer and then the Magistrates Court, those reasons and grounds for proceeding with the surveillance, which should address why it is proportionate to interfere with any human rights of an individual.

Regular training of officers who use these powers and close oversight by the Monitoring Officer of such activities reduce any risk involved. The Council is also inspected every three years by the Office of Surveillance Commissioners and the report is taken to this Committee once it is received.

10. Power to make the Decision

RIPA 2000 and the LGA 1972.