

Report To: Corporate Governance Committee

Date of Meeting: November 2017

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

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

Title: Annual RIPA report

1. What is the report about?

An information only report regarding the Council's RIPA activities.

2. What is the reason for making this report?

The Statutory Code of Practice in respect of RIPA requires the Council to regularly report to members regarding its use of RIPA powers.

3. What are the Recommendations?

That Members note the contents of the report.

4. Report details.

4.1 There has been no 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.

4.2 This last reporting period, training was provided in - house to investigating officers only on the 30th March 2017, with practical case studies. A refresher training event is to be provided to the Councils' Authorising Officers (CET) next year to enable them to effectively challenge and scrutinise any application that comes before them to ensure that any covert surveillance is carried out proportionately and necessarily only.

4.3 The Council's RIPA working group has continued to meet as required, in particular where there are any changes to policy required by 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.

- 4.4 During 2018 this Council is likely to receive an inspection from the Office of Surveillance Commissioners and their report will be brought to this Committee once received.

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

Although no decision is required, the Council's activities under RIPA may promote our environmental priorities in that the physical environment is protected (such as fly tipping) or the economic environment (trading standards) or young or vulnerable people and their well-being are protected (under age products).

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

There are no costs involved in this report specifically.

7 What are the main conclusions of the Well-being Impact Assessment?

There are no well-being implications in this information only report.

8. What consultations have been carried out with Scrutiny and others?

No consultation process has been required for this report.

9. Chief Finance Officer Statement

A financial statement is not required.

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

In utilising it's 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.

