

5th January 2016

Agenda Item: 8

REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE AND PUBLIC PROTECTION.

UPDATE ON THE USE OF TECHNIQUES REGULATED BY THE REGULATION OF INVESTIGATORY POWERS ACT 2000 IN THE TRADING STANDARDS AND COMMUNITY SAFETY SERVICE

Purpose of the Report

1. To update the Committee on the use of techniques in the Service authorised under Regulation of Investigatory Powers Act 2000 (RIPA) since April 2015.

Information and Advice

2. Where it is considered both necessary and proportionate to do so, and where more serious criminal offences are being lawfully investigated, the Council can use certain enforcement powers that are specifically regulated by the Regulation of Investigatory Powers Act.
3. The Trading Standards and Community Safety Service is the primary user of such techniques within the County Council.
4. The Act controls the use of three different types of activity:
 - The use of covert (secret) surveillance;
 - The obtaining of certain communications data; and
 - The use of covert human intelligence sources.
5. In order to utilise such techniques, strict authorisation processes for applications are in place within the Council, signed off by Senior Managers. Having been authorised within the Authority, authorisations must then be further approved by a Magistrates Court.
6. Since April 2015, one directed surveillance application has been approved by the Magistrates Court. The surveillance resulted in entry warrants being executed on a factory, and a number of products and pieces of manufacturing equipment being seized. The authorisation was signed in August of this year.
7. The surveillance was considered necessary to determine the ongoing use of the factory for production. It was not possible to establish by any other methods. The investigation is still continuing.

8. Since April 2015, communications data, such as information relating to telephone or email accounts (but not the content of communications themselves) has been obtained on one occasion. This information was obtained in relation to a potential doorstep crime investigation. The evidence gathered both from the investigation and the RIPA application has not subsequently resulted in any action taken against alleged offenders because it failed to provide information to identify the alleged offender concerned.
9. The Service has not utilised Covert Human Intelligence Sources in this period. A decision was taken due to the complex and high risk nature, if circumstances determined that a covert source would be an appropriate tactic, the Service would work with Nottinghamshire Police to manage the process. The Police have the specialist infrastructure, training and protections in place to safely employ this tactic and protect those involved.

Other Options Considered

10. Not relevant

Reason/s for Recommendation/s

11. This is an information report

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

13. This report contains no additional financial implications.

RECOMMENDATION/S

- 1) It is recommended that the Community Safety Committee notes the contents of this report.

Paul McKay, Service Director, South Nottinghamshire & Public Protection.

For any enquiries about this report please contact:

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Constitutional Comments

As this report is for noting only, Constitutional Comments are not required

Financial Comments

As this report is for noting only, Financial Comments are not required

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 'None'

Electoral Division(s) and Member(s) Affected

- 'All'