

27 Sept 2016**Agenda Item: 11****REPORT OF THE SERVICE DIRECTOR FOR ACCESS AND PUBLIC
PROTECTION****UPDATE REPORT ON THE USE OF THE REGULATION OF INVESTIGATORY
POWERS ACT****Purpose of the Report**

1. To update the Community Safety Committee on activities undertaken by Trading Standards and Community Safety using the Regulation of Investigatory Powers Act.

Information and Advice

2. The Regulation of Investigatory Powers Act 2000 (RIPA) gives the Council the power to undertake covert surveillance in relation to certain investigations. There is a strict authorisation process; applications are considered by senior officers before being considered by the Magistrate's Court for final approval.
3. Regular information reports regarding the use of RIPA are submitted to Community Safety Committee as most of the few authorisations sought relate to Trading Standards investigations.
4. Since April 2016 one authorisation for covert surveillance have been submitted to the Magistrate's Court and received approval. This is a relatively new investigation which is currently ongoing. Details of the results of the surveillance will be fed back to the committee on completion of the investigation.
5. Under the legislation the Council can also gain access to some Communications Data, namely telephone and email account information (but not communications content). Three applications for such data were made to assist investigations. Again all three investigations are still ongoing.
6. The Office of the Surveillance Commissioner (OSC) is responsible for oversight of covert surveillance by public authorities. The Council is required to report annually on its use of RIPA powers, and is inspected by the OSC approximately every 3 years. The latest inspection was conducted in April 2016.

7. The feedback for the Council was very positive; the Inspector concluded that no formal recommendations for improvement were necessary.
8. The report stated that the Council is well performing with good Senior Responsible Officer and RIPA Co-Ordinating Officers, sound policy and procedures, a good training programme and appropriately trained officers.
9. The report contained some suggestions for improvements, but these were minor and considered not significant enough to warrant formal recommendations.
10. A further area that is also covered by the RIPA legislation is that of Covert Human Intelligence sources (CHIS). It is anticipated that in practice CHIS powers will rarely, if ever, be exercised by the County Council. If there ever is such a requirement Group Leaders will be informed. Additionally, safeguards are in place to ensure appropriate use of CHIS. Legal advice must be sought where use of CHIS is proposed, and the strict authorisation process must be followed.

Other Options Considered

11. None, this report is for information only.

Reason/s for Recommendation/s

12. To update the Community Safety Committee the limited use of these investigatory powers across the Council. This is an information report

Statutory and Policy Implications

13. 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 services), the public sector equality duty, safeguarding of children and adults at risk, 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.

Crime and Disorder Implications

Use of surveillance can assist the Council in relation to the reduction of crime in Nottinghamshire.

Human Rights Implications

Every authorisation for surveillance requires consideration of human rights including the right to privacy and the right to a fair trial. The rights of people under surveillance need to be balanced against public safety and the prevention of crime. This is why every authorisation has to clearly set out why the surveillance is considered necessary and proportionate in the circumstances.

Financial Implications

This report contains no additional financial implications, with activity reported or that proposed being contained within existing service budget.

RECOMMENDATION/S

1) It is recommended that the Community Safety Committee notes the information contained within the report.

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Constitutional Comments (SLB 05/09/2016)

This report is for noting only.

Financial Comments (KAS 08/09/15)

As the report is for noting, there are no financial implications

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'