



**CORPORATE GOVERNANCE COMMITTEE**

**12 May 2014**

**REPORT OF THE COUNTY SOLICITOR**

**COVERT SURVEILLANCE AND REGULATION OF INVESTIGATORY  
POWERS ACT 2000 – QUARTERLY UPDATE**

**Purpose of the Report**

1. The purpose of this report is to provide the Committee with a quarterly update on the use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

**Background**

2. At its meeting on 25 November 2013, the Committee agreed to receive quarterly reports on the use of RIPA powers. The relevant RIPA Code of Practice suggests that quarterly reports should be made to members as a means of ensuring that RIPA has been used consistently and the policy remains fit for purpose. The Code specifically states that elected members should not be involved in making decisions on specific authorisations.

**Use of RIPA**

3. For the period from 1 January to 31 March 2014, authorising officers in the Chief Executive's Department received the following:
  - 3 applications for directed surveillance;
  - 1 application to use a covert human intelligence source;
  - 3 applications to obtain communications data.
4. Magistrates approved all seven authorisations and were satisfied that the County Council's submissions met all the necessity and proportionately requirements.
5. These surveillance authorisations were required to enable the Trading Standards Service to:
  - Establish the identities of persons engaged in the online distribution of counterfeit and illicit tobacco products;
  - Undertake age restricted test purchases of alcohol and tobacco products from retailers within the County;
  - Gather evidence relating to the alleged supply of unsafe vehicles.

### **Sale of Knives and Butane**

6. The Cabinet agreed at its meeting on 13 December 2013 that covert investigatory techniques may be adopted to prevent and detect illegal sales of butane, knives and fireworks to children. The Councils' policy statement recognises that such covert activity does not attract the protections of RIPA and agreed that, when necessary and proportionate, covert surveillance relating to this area of age restricted sales, enforcement should be undertaken. A corporate authorisation process is now fully implemented to ensure that surveillance in this area of enforcement is compliant with human rights principles.
7. For the period from 1 January to 31 March 2014, four covert test purchases using child volunteers were authorised. Two traders made a sale, one supplying a knife and the other a canister of butane.

### **Recommendation**

8. The Committee is recommended to note the contents of this report and the use of RIPA powers for the period from January to March 2014.

### **Equal Opportunities Implications**

None.

### **Background papers**

Report to the Corporate Governance Committee on 25 November 2013

Report to the Cabinet on 13th December 2013– Regulation of Investigatory Powers Act 2000 (RIPA).

Covert Surveillance and the Acquisition of "Communications Data" Policy Statement

### **Circulation under the local issues alert procedure**

None.

### **Officer to contact**

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