

Item No. 18.	Classification: Open	Date: 27 February 2017	Meeting Name: Audit, governance and standards committee
Report title:		Report on the operational use of the Regulation of Investigatory Powers Act 2000	
Ward(s) or groups affected:		All	
From:		Director of Law and Democracy	

RECOMMENDATION

1. That the audit, governance and standards committee note the information relating to the use of RIPA for the period shown.

BACKGROUND INFORMATION

2. The Regulation of Investigatory Powers Act 2000 (RIPA) puts a regulatory framework around a range of investigatory powers used by local authorities. This is done to ensure the powers are used lawfully and in a way that is compatible with the European Convention on Human Rights. It also requires, in particular, those authorising the use of covert techniques to give proper consideration to whether their use is necessary and proportionate.
3. RIPA legislates for the use by local authorities of covert methods of surveillance and information gathering to assist in the detection and prevention of crime in relation to an authorities core functions.
4. At their meeting on 13 October 2010 the former committee agreed to consider reports on the use of RIPA.

KEY ISSUES FOR CONSIDERATION

5. The council's use of these powers is subject to regular inspection and audit by the Office of the Surveillance Commissioner (OSC) in respect of covert surveillance authorisations under RIPA. During these inspections, authorisations and procedures are closely scrutinised and Authorising Officers are interviewed by the inspectors.
6. The council was inspected by HH Brian Barker, Assistant Surveillance Commissioner, on 3 October 2016. A further report on this agenda concerns his report.
7. From 1 November 2012 local authorities have been required to obtain judicial approval prior to using covert techniques. Local authority authorisations and notices under RIPA (Regulation of Investigatory Powers Act 2000) will only be given effect once an order has been granted by a Justice of the Peace. Authorisations are for 3 months and can only be extended with further judicial approval. Within the 3 month period they are subject to monthly reviews to ensure they are still required.
8. Additionally, from that date local authority use of directed surveillance under RIPA has been limited to the investigation of crimes which attract a six month or more custodial

sentence, with the exception of offences relating to the underage sale of alcohol and tobacco.

9. Appendix A shows the usage for the period 1 January 2016 to 31 December 2016. Appendix B shows the usage for the period 1 April 2010 to 31 December 2015 for comparison purposes.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Council's Constitution	http://www.southwark.gov.uk Constitutional Team, 2nd floor, PO Box 64529 London, SE1P 5LX	Victoria Foreman 020 7525 5485

APPENDICES

No.	Title
Appendix A	1 January 2016 to 31 December 2016
Appendix B	1 April 2010 to 31 December 2015

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Director of Law and Democracy		
Report Author	Norman Coombe, Head of Corporate Team		
Version	Final		
Dated	23 February 2017		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments sought	Comments included
Director of Law and Democracy		Yes	Yes
Director of Finance		No	No
Cabinet Member		N/A	N/A
Date final report sent to Constitutional Team			23 January 2017

APPENDIX A

Reference	Date authorised applied for	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
EN75	13.01.2016	Surveillance concerning sale of unsafe food	Terminated 12.02.2016	NO
EN76	13.01.2016	Surveillance concerning sale of unsafe food	Terminated 12.02.2016	NO
EN77	13.01.2016	Surveillance concerning sale of unsafe food	Terminated 12.02.2016	NO
EN78	13.01.2016	Surveillance concerning sale of unsafe food	Terminated 12.02.2016	NO
EN79	29.11.2016	Sale of counterfeit tobacco	Terminated 23.01.2017	NO
EN80	29.11.2016	Sale of counterfeit tobacco	On going	Not applicable as still first period

APPENDIX B

Reference	Date authorised applied for	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
EN55	01.04.2010	Covert surveillance to detect fraud	Authorisation cancelled 12.05.2010	No
N/A	29.04.2010	Proposed use of covert CCTV to gather evidence of begging and ASB	Refused	N/A
N/A	24.06.2010	Proposed covert surveillance of bar/club by Officers to establish whether unauthorised activities taking place	Refused	N/A
EN57	13.07.2010	Under age goods sales test purchasing -	3 months	Yes
EN58	01.04.2011	Under age goods sales test purchasing -	3 months	No
EN59	11.05.2011	Under age goods sales test purchasing -	3 months	Yes
EN60	20.10.2011	Under age goods sales test purchasing	3 months	Yes
EN61	28.10.2011	Directed surveillance for the identification of persons supplying illegal products	3 months	Yes
EN62	09.02.2012	Under age goods sales test purchasing	3 months	Yes

EN63	30.06.2012	Under age goods sales test purchasing	3 months	No
EN64	25.10.2012	Under age test purchase for the sale of tobacco, alcohol and knives	3 months	No
EN65	25.11.2013	Sale of counterfeit tobacco	Terminated 10.01.2014	No
EN66	20.01.2014	Sale of counterfeit tobacco	Terminated 04.04.2014	No
EN67	15.11.2014	Sale of counterfeit tobacco	Refused	N/A
EN68	15.12.2014	Sale of counterfeit tobacco	Terminated 07.01.2015	No
EN69	18.09.2015	Sale of counterfeit tobacco	Terminated 01.12.2015	NO
EN70		Sale of counterfeit tobacco	Refused	N/A
EN71	23.12.2015	Sale of counterfeit tobacco	Terminated 10.02.2016	NO
EN72	23.12.2015	Sale of counterfeit tobacco	Terminated 01.02.2016	NO
EN73	23.12.2015	Sale of counterfeit tobacco	Terminated 10.02.2016	NO
EN74	23.12.2015	Sale of counterfeit tobacco	Terminated 01.02.2016	NO