

Item No. 14.	Classification: Open	Date: 7 February 2022	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 Governance	

RECOMMENDATION

1. That the committee note the information relating to the use of RIPA for the period shown in Appendix A.
2. That the committee note the letter from the Investigatory Powers Commissioner relating to the use of RIPA in Appendix C.

BACKGROUND INFORMATION

3. 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.
4. 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.
5. At their meeting on 13 October 2010 the former committee agreed to consider reports on the use of RIPA.

KEY ISSUES FOR CONSIDERATION

6. The council's use of these powers is subject to regular inspection and audit by the Investigatory Powers Commissioner's Office (IPCO) 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.
7. The council was last inspected by HH Brian Barker, Assistant Surveillance Commissioner, on 3 October 2016. The council was due to be inspected again in March 2020; this was stopped due to the public health emergency.
8. A virtual inspection took place in 2021 by an inspector, who examined your use of powers under Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) in relation to directed surveillance and CHIS. The information

provided has demonstrated a level of compliance that removes, for now, the requirement for a physical inspection. A copy of their letter is attached as Appendix B.

9. 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.
10. Additionally, 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.
11. Appendix A shows the usage for the period 1 January 2020 to 31 December 2020. Appendix B shows the usage for the period 1 April 2010 to 31 December 2019 for comparison purposes.

Community impact statement

12. The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring that they are carried out in accordance with law and subject to safeguards against abuse.

Health Impact Statement

13. There are no specific identified health impacts resulting from any of the proposals or recommendations, so a health impact statement is not necessary for this report.

Climate change implications

14. Following the council assembly meeting on the 14 July 2021, the council has now committed to considering the climate change implications of any decisions made.
15. There are no substantive negative effects anticipated as a result of the recommendations and proposals.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Constitution.	http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html 2nd floor, PO Box 64529, London, SE1P 5LX	Virginia Wynn-Jones 020 7525 7055

APPENDICES

No.	Title
A	1 January 2021 to 31 December 2021
B	1 April 2010 to 31 December 2020
C	Letter from the Investigatory Powers Commissioner relating to the use of RIPA

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Director of Law and Governance	
Report Author	Norman Coombe, Acting Deputy Head of Law	
Version	Final	
Dated	18 January 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Governance	Yes	Incorporated
Strategic Director of Finance and Governance	No	No
Cabinet Member	N/a	N/a
Date final report sent to Constitutional Team	20 January 2022	

APPENDIX A

<i>Reference</i>	<i>date authorised</i>	<i>purpose</i>	<i>length of investigation</i>	<i>Were investigators given extra authorisation to acquire/access confidential information?</i>
EN90	13.10.2021	Surveillance of suspect suspected of selling illicit tobacco	Terminated 10.01.2022	No

APPENDIX B

<i>Reference</i>	<i>date authorised</i>	<i>purpose</i>	<i>length of investigation</i>	<i>Were investigators given extra authorisation to acquire/access confidential information?</i>
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 & 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	3 months	Yes

		for the identification of persons supplying illegal products		
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
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	Terminated 24.02.2017	NO
EN81	24.03.2017	surveillance concerning sale of illegal skin lightener	Terminated 08.05.2017	NO
EN82	13.07.2017	surveillance	Terminated	NO

		concerning prolific fly tipping	12.10.2017	
EN83	15.01.2018	Surveillance of suspect suspected of selling illicit tobacco	Terminated 09.04.2018	No
EN84	17.09.2018	Surveillance of suspect suspected of selling illicit tobacco	Terminated 03.10.2018	
EN85	15.08.2018	Surveillance of suspect suspected of selling illegal skin lighteners	Terminated 21.08.2018	
EN86	It was decided to withdraw the application due to operational reasons before authorisation			
EN87	15.10.2018	Surveillance of suspect suspected of selling illicit tobacco	Terminated 13.12.2018	
EN88	05.09.2019	Surveillance of suspect suspected of selling illicit tobacco	Terminated 11.12.2019	No
EN89	17.01.2020	Surveillance of suspect suspected of selling illicit tobacco	Terminated 17.03.2020	No