

Item No. 12.	Classification: Open	Date: 10 February 2020	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 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 last inspected by HH Brian Barker, Assistant Surveillance Commissioner, on 3 October 2016. The council; is due to be inspected again on 18 March 2020. Officers will update the committee with the outcome.
7. 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, 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 2019 to 31 December 2019. Appendix B shows the usage for the period 1 April 2010 to 31 December 2018 for comparison purposes.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
A	1 January 2019 to 31 December 2019
B	1 April 2010 to 31 December 2018

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Director of Law and Democracy	
Report Author	Norman Coombe, Head of Corporate Team	
Version	Final	
Dated	20 January 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	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 2020	

APPENDIX A

RIPA requests 1 January 2019 to 31 December 2019

Reference	Date authorised	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
EN88	05.09.2019	Surveillance of suspect suspected of selling illicit tobacco	Terminated 11.12.2019	No

APPENDIX B

RIPA requests 1 April 2010 to 31 December 2018

Reference	Date authorised	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 & 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	3 months	Yes

Reference	Date authorised	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
		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	Refused	N/A

Reference	Date authorised	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
		tobacco		
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	On going	Not applicable as still first period
EN75	13.01.2016	surveillance	Terminated	NO

Reference	Date authorised	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
		concerning sale of unsafe food	12.02.2016	
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 concerning prolific fly tipping	Terminated 12.10.2017	NO
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	

Reference	Date authorised	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
EN86	It was decided to withdraw the application due to operational reasons before authorisation			
EN87	15.10.18	Surveillance of suspect suspected of selling illicit tobacco	Terminated 13.12.2018	