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|------------------------------------|--------------------------------|--|---|
| <b>Item No.</b><br>13.             | <b>Classification:</b><br>Open | <b>Date:</b><br>8 February 2021  | <b>Meeting Name:</b><br>Audit, governance and standards committee |
| <b>Report title:</b>               |                                | Report on the operational use of the Regulation of Investigatory Powers Act 2000 |   |
| <b>Ward(s) or groups affected:</b> |                                | All  |   |
| <b>From:</b>                       |                                | Director of Law and Governance   |   |

## 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 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.
6. 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. A virtual inspection took place and officers will update the committee with the outcome when known.
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 2020 to 31 December 2020. Appendix B shows the usage for the period 1 April 2010 to 31 December 2019 for comparison purposes.

## BACKGROUND DOCUMENTS

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

## APPENDICES

| No. | Title                              |
|-----|------------------------------------|
| A   | 1 January 2020 to 31 December 2020 |
| B   | 1 April 2010 to 31 December 2019   |

## AUDIT TRAIL

|   |  |                          |
|---|--|--------------------------|
| <b>Lead Officer</b>   | Doreen Forrester-Brown, Director of Law and Governance |                          |
| <b>Report Author</b>  | Norman Coombe, Head of Corporate Team                  |                          |
| <b>Version</b>  | Final  |                          |
| <b>Dated</b>  | 12/01/2021   |                          |
| <b>Key Decision?</b>  | No   |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |  |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>                                 | <b>Comments included</b> |
| Director of Law and Governance  | Yes  | Incorporated             |
| Finance Director  | No   | No                       |
| <b>Cabinet Member</b>   | N/a  | N/a                      |
| <b>Date final report sent to Constitutional Team</b>                    | 12/01/2021   |                          |

## 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> |
|------------------|------------------------|--|--------------------------------|---|
| EN89             | 17.01.2020             | Surveillance of suspect suspected of selling illicit tobacco | Terminated 17.03.2020          | 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<br>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 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<br>10.01.2014              | No  |
| EN66             | 20.01.2014             | sale of counterfeit tobacco  | Terminated<br>04.04.2014              | No  |

| <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> |
|------------------|------------------------|--|--------------------------------|---|
| EN67             | 15.11.2014             | sale of counterfeit tobacco                    | Refused                        | N/A   |
| EN68             | 15.12.2014             | sale of counterfeit tobacco                    | Terminated<br>07.01.2015       | No  |
| EN69             | 18.09.2015             | sale of counterfeit tobacco                    | Terminated<br>01.12.2015       | NO  |
| EN70             |                        | sale of counterfeit tobacco                    | Refused                        | N/A   |
| EN71             | 23.12.2015             | sale of counterfeit tobacco                    | Terminated<br>10.02.2016       | NO  |
| EN72             | 23.12.2015             | sale of counterfeit tobacco                    | Terminated<br>01.02.2016       | NO  |
| EN73             | 23.12.2015             | sale of counterfeit tobacco                    | Terminated<br>10.02.2016       | NO  |
| EN74             | 23.12.2015             | sale of counterfeit tobacco                    | Terminated<br>01.02.2016       | NO  |
| EN75             | 13.01.2016             | surveillance concerning<br>sale of unsafe food | Terminated<br>12.02.2016       | NO  |
| EN76             | 13.01.2016             | surveillance concerning<br>sale of unsafe food | Terminated<br>12.02.2016       | NO  |
| EN77             | 13.01.2016             | surveillance concerning<br>sale of unsafe food | Terminated<br>12.02.2016       | NO  |
| EN78             | 13.01.2016             | surveillance concerning<br>sale of unsafe food | Terminated<br>12.02.2016       | NO  |
| EN79             | 29.11.2016             | sale of counterfeit tobacco                    | Terminated<br>23.01.2017       | NO  |
| EN80             | 29.11.2016             | sale of counterfeit tobacco                    | On going                       | Not applicable as still<br>first period   |

| <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> |
|------------------|--|--|--------------------------------|---|
| EN75             | 13.01.2016   | surveillance concerning sale of unsafe food                          | Terminated<br>12.02.2016       | NO  |
| EN76             | 13.01.2016   | surveillance concerning sale of unsafe food                          | Terminated<br>12.02.2016       | NO  |
| EN77             | 13.01.2016   | surveillance concerning sale of unsafe food                          | Terminated<br>12.02.2016       | NO  |
| EN78             | 13.01.2016   | surveillance concerning sale of unsafe food                          | Terminated<br>12.02.2016       | NO  |
| EN79             | 29.11.2016   | sale of counterfeit tobacco  | Terminated<br>23.01.2017       | NO  |
| EN80             | 29.11.2016   | sale of counterfeit tobacco  | Terminated<br>24.02.2017       | NO  |
| EN81             | 24.03.2017   | surveillance concerning sale of illegal skin lightener               | Terminated<br>08.05.2017       | NO  |
| EN82             | 13.07.2017   | surveillance concerning prolific fly tipping                         | Terminated<br>12.10.2017       | NO  |
| EN83             | 15.01.2018   | Surveillance of suspect suspected of selling illicit tobacco         | Terminated<br>09.04.2018       | No  |
| EN84             | 17.09.2018   | Surveillance of suspect suspected of selling illicit tobacco         | Terminated<br>03.10.2018       |   |
| EN85             | 15.08.2018   | Surveillance of suspect suspected of selling illegal skin lighteners | Terminated<br>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<br>13.12.2018       |   |
| EN88             | 05.09.2019   | Surveillance of suspect suspected of selling illicit tobacco         | Terminated<br>11.12.2019       | No  |