

Subject:	RIPA Quarterly Report	Status:	For Publication/information
Report to:	Performance Overview & Scrutiny	Date:	24 th September 2012
Report of:	Director of Business	Portfolio Holder:	Customers, Legal and Licensing
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	The Committee is recommended to review and note the Council's use of RIPA powers for the period from the 1 st April 2012 to 31 st July 2012.

2. PURPOSE OF REPORT

2.1 To provide the Committee with a quarterly report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND AND OPTIONS

5.1 The Council has a number of statutory functions which involve officers investigating the conduct of others with a view to bringing legal action against them. These functions include investigating flytipping, noise nuisance control, planning contraventions, benefit fraud, licensing and food safety legislation.

5.2 Whilst the majority of investigations are carried out openly, some investigations must be carried out using covert surveillance techniques. The Regulation of Investigatory Powers Act regulates the authorisation and monitoring of these investigations to safeguard the public from unwarranted intrusion of privacy.

- 5.3 Following guidance from the Home Office, at the meeting of full Council on the 23rd March 2011, it was agreed that the Performance Overview and Scrutiny Committee would receive quarterly report on the Council's use of RIPA to ensure that it is being used consistently with the Council's Policy.

Authorisations this Quarter

- 5.4 For the period from 1st April 2012 to 31st July 2012 the Council has authorised use of RIPA on **nil** occasions. No requests have been refused.

6. ADDITIONAL INFORMATION

6.1 Changes to the Regulation of Investigatory Powers Act

From 1st November 2012, local authorities may not authorise directed surveillance unless it is for the purpose of preventing or detecting a serious criminal offence (i.e. one which is punishable by a maximum term of at least 6 months of imprisonment) or offences relating to the sale of alcohol and tobacco to underage children.

Update on Prosecution following Evidence obtained under RIPA

- 6.2 Members are asked to note a recent prosecution brought by the Council using evidence obtained under a RIPA authorisation last year.

Council officers "test purchased" a birthday party at a petting farm where they were able to obtain evidence that there were insufficient handwashing facilities and an inability to control the spread of animal faeces resulting in a failure to control the risk of e-coli. Donkey rides were also being offered without the required licence.

A petting farm in Bacup pleaded guilty to four charges relating to a failure to manage e-coli under the Health and Safety at Work etc. Act 1974 and one offence of operating a riding establishment without a licence under the Riding Establishments Act 1964. Due to seriousness of the offences, the owner was sentenced to five months imprisonment suspended for 2 years and 240 hours community service.

It was necessary to use RIPA in this case because it was the only way that officers could experience the way the attraction was operated when open to members of the public and what facilities were on offer. Given the seriousness of offences, it was also considered proportionate to use RIPA in this case.

COMMENTS FROM STATUTORY OFFICERS:

7. SECTION 151 OFFICER

- 7.1 There are no immediate financial implications arising from the report.

8. MONITORING OFFICER

- 8.1 Updated guidance was circulated to relevant staff in December 2011.

9. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

9.1 No Human Resources implications arising from the report.

10. CONSULTATION CARRIED OUT

10.1 None.

11. CONCLUSION

11.1 Members are asked to note the Council's use of RIPA this quarter.

Background Papers

Document	Place of Inspection
Rossendale Borough Council Code of Practice for carrying out Surveillance under the Regulation of Investigatory Powers Act	http://www.rossendale.gov.uk/downloads/RIPA_POLICY_-_AMENDED_VERSION_1_2_11.pdf