

<b>Subject:</b>	RIPA Update Report	<b>Status:</b>	For Publication/information
<b>Report to:</b>	Performance Scrutiny Committee	<b>Date:</b>	28 <sup>th</sup> January 2013
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Customers, Legal and Licensing
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
<b>Contact Officer:</b>	Sarah Doherty	<b>Telephone:</b>	01706 252481
<b>Email:</b>	sarahdoherty@rossendalebc.gov.uk		

1.	<b>RECOMMENDATION(S)</b>
1.1	The Committee is recommended to review and note the Council's use of RIPA powers for the period from the 1 <sup>st</sup> August 2012 to 31st December 2012.

**2. PURPOSE OF REPORT**

2.1 To provide the Committee with a 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 23<sup>rd</sup> March 2011, it was agreed that the Performance Overview and Scrutiny Committee would receive update reports on the Council's use of RIPA to ensure that it is being used consistently with the Council's Policy.

## 6. **Authorisations this Quarter**

6.1 For the period from 1<sup>st</sup> August to 31<sup>st</sup> December 2012, the Council has authorised use of RIPA on **one** occasion. No requests have been refused.

6.2 The authorisation was carried out over a period of one week to obtain evidence to support a benefit fraud investigation. This involved officers carrying out observations in a vehicle parked outside a residential property to establish whether a benefit claimant claiming to live as a single parent was in fact living with her partner. Surveillance evidence was obtained and a prosecution is now being considered.

## 7. **Changes in Legislation**

7.1 On 1 November 2012 two significant changes came into force which affect how local authorities use RIPA:-

7.2 **Approval of Authorisations under RIPA by a Magistrate:** The amendments in the Protection of Freedoms Act 2012 mean that local authority authorisations under RIPA for the use of particular covert techniques can only be given effect once an order approving the authorisation has been granted by a Magistrate.

7.3 **Directed surveillance crime threshold:** Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 mean that a local authority can now only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.

## **COMMENTS FROM STATUTORY OFFICERS:**

### 8. **SECTION 151 OFFICER**

8.1 There are no immediate financial implications arising from the report.

### 9. **MONITORING OFFICER**

9.1 The policy is in the process of being updated.

### 10. **HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

10.1 No Human Resources implications arising from the report.

### 11. **CONSULTATION CARRIED OUT**

11.1 None.

**12. CONCLUSION**

12.1 Members are asked to note the Council's use of RIPA from 1<sup>st</sup> August to 31<sup>st</sup> December 2012.

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