

To: Council

Date: Monday 22nd April 2013

Report of: Head of Law & Governance

Title of Report: Regulation of Investigatory Powers Act 2000

Summary and Recommendations

Purpose of report: To report the Council's application of its powers under the Regulation of Investigatory Powers Act 2000

Key decision? No

Executive lead member: Councillor Price

Report approved by: Jeremy Thomas

Policy Framework: Not applicable

Recommendation:

Council is asked to note the Council's use of the powers under the Regulation of Investigatory Powers Act 2000 (RIPA) for the period 1st April 2012 to 31st March 2013 and to note the recent amendments to RIPA relating to judicial approval and custody thresholds.

Introduction

1. This report provides information on the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) during the period 1st April 2012 to 31st March 2013. There are three investigatory powers regulated by RIPA which are available to local authorities, these are directed covert surveillance, the interception of communications data and the use of Covert Human Intelligence Sources (CHIS). The Council has never exercised either of these latter powers.

The Council's use of Covert Surveillance

2. The Council issued one authorisation for directed covert surveillance during the period 1st April 2011 and 31st March 2012. This authorisation related to an investigation into alleged benefit fraud. The authorisation was reviewed and then cancelled.

Recent Changes to RIPA

3. On 1st November 2012 two significant changes came into force regulating how the Council uses RIPA. These are:
 - (a) an authorisation under RIPA for the use of the powers outlined in paragraph 1 can only be given effect once an order approving the authorisation has been granted by a Justice of the Peace (a Magistrate); and,
 - (b) an authorisation under RIPA for the use of the powers outlined in paragraph 1 can only be granted where the offence under investigation carries a custodial sentence of 6 months or more or where the offence under investigation relates to the underage sale of alcohol or tobacco.

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