



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

21ST NOVEMBER 2019

**REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) -
USE OF RIPA IN 2018-19 BY
RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**REPORT OF THE DIRECTOR OF LEGAL SERVICES IN DISCUSSIONS WITH THE
DEPUTY LEADER, CLLR WEBBER**

**Authors: Judith Parry, Trading Standards & Registrar Service Manager
Andy Wilkins, Director of Legal Services**

1. PURPOSE OF THE REPORT

1.1 To enable Members to review the Council's use of the Regulation of Investigatory Powers Act 2000 (as amended) ('RIPA') in 2018-19.

2. RECOMMENDATIONS

It is recommended that Cabinet:

2.1 Notes the contents of the report; and

2.2 Acknowledges RIPA has been used in an appropriate manner that is consistent with the Council's RIPA policies during the period 1st April 2018 – 31st March 2019.

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure Members are kept apprised of how RIPA has been used during the period 1st April 2018 - 31st March 2019 and that it has been used in an appropriate manner consistent with the Council's RIPA policies.

3.2 The Cabinet is responsible for approving revisions to the Council's Corporate Enforcement Policy and Corporate RIPA Policy in order to ensure that they remain fit for purpose.

4. USE OF RIPA BY THE COUNCIL: 1ST APRIL 2018 – 31ST MARCH 2019

4.1 Directed Surveillance and the use of Covert Human Intelligence Sources

4.2 New Authorisations

During the year 1st April 2018 - 31st March 2019, there were no new authorisations in respect of directed surveillance or the use of covert human intelligence sources.

Directed surveillance authorisations can be issued where it is necessary and proportionate in order to prevent or detect crime, or prevent disorder, where at least one of the offences is punishable by a maximum term of imprisonment of at least 6 months or more or relates to the underage sale of alcohol or tobacco/nicotine.

4.3 Authorisations extant as at 1st April 2018

There were 2 authorisations in respect of either directed surveillance that had been authorised in the previous year (2017-18) and were carried forward to the 2018-19 financial year.

The outcomes from these 2 authorisations are included in paragraph 4.4 below.

There were no authorisations in respect of a Covert Human Intelligence Source extant as at 1st April 2018.

4.4 Cancellation of Authorisations & Subsequent Outcomes

During the 2018-19 financial year 2 authorisations for directed surveillance were cancelled (both extant from 2017-18).

The outcomes of the investigations that were concluded were as follows:

Evidence of fly tipping at location under investigation

- 1 x authorisation identified fly tipping however the DVLA search on the vehicle concerned returned as incorrect vehicle details

No evidence of fly tipping at location identified

- 1 x authorisations resulted in no instances of fly tipping being observed during the authorisation period.

4.5 Authorisations extant as at 1st April 2018

No investigations have been carried over into 2019-20.

4.6 Previous uses of directed surveillance have demonstrated that it is able to produce results that are of benefit from an enforcement point of view. Without the use of directed surveillance officers would not have been able to progress investigations to determine whether the alleged incidents were ongoing, directed surveillance has therefore enabled officers to ascertain the true situation at the relevant locations, in a manner that was the most cost-effective in relation to officer time.

4.7 Human Rights Act Authorisations

As part of initial investigations, officers may need to carry out non-overt work which does not fall within the statutory requirements for RIPA, mainly because the work is carried out in such a manner that there is little likelihood of obtaining private information (collateral intrusion). The use of non-overt enforcement techniques are assessed to ensure that they are carried out in compliance with the requirements of the Human Rights Act 1998 (HRA). Such assessments are recorded on a Human Rights Act consideration form, whereby the necessity,

proportionality and purpose of the activity are addressed, precautions are introduced to minimise collateral intrusion and the use of the technique is approved by a senior manager.

Importantly, if the initial work carried out using the HRA-compliant technique shows that an investigation needs to be carried out using RIPA-based techniques, officers will apply for RIPA authorisation.

Five Human Rights Act authorisations currently exist in relation to:

- Anti-social behaviour monitoring;
- Underage sales test purchasing;
- Proxy sales monitoring;
- Internet site monitoring;
- Vehicle test purchasing;

During 2018 - 19 these authorisations were used to carry out monitoring of potential locations for anti-social behaviour on 0 days; underage sales test purchasing operations on 4 days; proxy sales of alcohol monitoring operations on 0 days; vehicle test purchasing operations on 0 occasions; and monitoring of internet sites for 9 investigations. A review of these operations and investigations showed that on no occasion did they result in an improper infringement of a person's human rights.

4.8 Communications Data

During the year from 1st April 2018 - 31st March 2019, 1 application for communications data was submitted for approval by the Designated Person in relation to telephone numbers used as part of possible fraudulent activity.

5. RIPA TRAINING

- 5.1 Members are asked to note that a refresher training session is being arranged for all relevant officers involved in the RIPA process together with an appropriate session for Members.

6. CONSULTATION

- 6.1 This report has been prepared in consultation with the Council's Trading Standards & Registrar Service Manager who is responsible for operational oversight of RIPA matters.

7. EQUALITY AND DIVERSITY

- 7.1 There are no equality or diversity implications linked to this report.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications linked to the contents of this report.

9. **LINKS TO THE COUNCILS CORPORATE PLAN/ OTHER COUNCIL PRIORTIES**

9.1 The report will ensure that effective governance arrangements with regards to RIPA remain in place by the Council.

10. **CONCLUSION**

10.1 The Senior Responsible Officer (Director of Legal Services) considers that RIPA has been used appropriately in relation to all of the above uses of directed surveillance and acquiring of communications data and that RIPA has been used in a manner that is consistent with the two corporate policies. The policies are kept under constant review and any changes required will be reported to Cabinet at the appropriate time.