

**CABINET MEMBER FOR SAFER AND STRONGER COMMUNITIES
18TH February 2013**

**Report on the use of the Regulation of Investigatory Powers Act 2000 by
Oxfordshire County Council**

Report by the County Solicitor & Head of Law and Governance

Introduction

1. The use of covert investigatory techniques, such as surveillance on an individual or a premises or accessing records of the use of a telephone number, is sometimes necessary for the effective detection or prevention of crime. However, by their nature such actions impinge on human rights, particularly the right to a private and family life.
2. The Regulation of Investigatory Powers Act (RIPA) provides the legislative framework governing the use of covert investigatory techniques by public authorities. Compliance with the requirements of this Act when carrying out such activities ensures that the actions are lawful. In broad terms, the Act requires the activity to be authorised by an appropriate, senior officer. In considering an application to conduct an activity which falls within the scope of the Act the authorising officer must be satisfied that the activity is necessary for one of a limited range of purposes and is proportionate to what it seeks to achieve.
3. Recent changes introduced to RIPA require local authorities to seek judicial approval for any activity that falls with the scope of this Act. These changes took effect from 1st November 2012. Codes of Practice under the Act require elected member oversight of applications to carry out covert surveillance.

Exempt Information

4. This report contains no exempt information. However, if specific details of operations or activities are required by the committee it may be necessary for the committee to exclude members of the public from the meeting in order to either-
 - a. Prevent the disclosure of information relating to an individual, or
 - b. Prevent the disclosure of information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Types of Covert Investigatory Techniques

5. There are three types of covert investigatory techniques.
 - a. Directed surveillance. The covert observation, recording or monitoring of a person, person(s) or location in a way that is likely to result in the obtaining of private information.
 - b. Use of a covert human intelligence source. Establishing a relationship with someone in order to covertly obtain information from that person.
 - c. Obtaining and disclosing communications data (e.g. the name and address of the user of a telephone number or e-mail address).
6. RIPA does not allow the use of any other covert techniques by local authorities to be authorised. In particular it does not allow the use of 'intrusive' surveillance, namely surveillance carried out in relation to activities taking place within residential premises.
7. To undertake any activity within the scope of RIPA a senior officer must consider and authorise the activity. Before any of these techniques can be authorised the authorising officer must be satisfied that the activity is necessary for the purpose of prevention or detection of crime and that the actual activity is proportionate to what it seeks to achieve (this involves balancing the level of intrusion with the need for the operation or activity taking account of the seriousness of the issue and other means to obtain the information that is sought).
8. From 1st November 2012 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 Justice of the Peace. In addition, further amendments to the Act from that time limit a local authority's ability to authorise actions within the scope of the Act to instances where the authority is investigating serious criminal offences. Serious criminal offences are those which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.

Use of Activities within the Scope of the Act by Oxfordshire County Council

9. Since the last report to the Committee the following applications have been considered. Where authorisations have been granted in relation to matters that may result in legal action these matters are not included in these activity summaries but will be detailed once any legal proceedings have concluded. Some of the activities outlined below were authorised before the last report to the Committee but can only now be reported.

Date	Service requesting authorisation	Description of activity	Granted/refused	Outcome
24/2/12	Trading Standards	Installation of covert camera to record persons approaching doorstep crime victim's home (Oxford).	Granted	Removed after suspect identified at another location. No further contact with the victim likely as a result of the subsequent investigation.
11/4/12	Trading Standards	Installation of covert camera to record persons approaching doorstep crime victim's home (Boars Hill).	Granted	Suspected arrested and bail conditions made to prevent further contact with victim. Investigation supported a prosecution by another agency resulting in conviction and imprisonment.
24/8/12	Trading Standards	Age restricted sales test purchase exercise. Various locations.	Granted	No illegal sales made.
17/5/12	Trading Standards	Installation of covert camera to record persons approaching doorstep crime victim's home (Nr Reading).	Granted	No further visits made by suspects to victim's property. Camera removed.
25/10/12	Trading Standards	Test purchase exercise to identify shops selling age restricted goods illegally (various locations).	Granted	1 shop sold fireworks person under 18 years of age. Currently under investigation.

10. The Council publishes a summary of the authorisations granted under this Act on the public website. This summary includes the date of the authorisation, type of surveillance or communications data concerned and the purpose of the operation or investigation.

Recommendation

11. The Committee is recommended to consider and note the periodic and annual use of RIPA by Oxfordshire County Council.

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Background papers: None

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