

Subject:	Quarterly Surveillance Report June 2012		
Date of Meeting:	14th June 2012		
Report of:	Director of Finance		
Contact Officer:	Name:	Jo Player	Tel: 29-2488
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Key Decision:	No		
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The purpose of this report is to apprise the Committee of the activities that have been undertaken utilising the powers under the Regulation of Investigatory Powers Act 2000 (RIPA) since the last report to Cabinet in March 2012 and to confirm that these activities were authorised in line with the necessity and proportionality rules.

1.2 The report also provides an update on the progress of the legislation needed to introduce the proposed changes to the use of surveillance activity by local authorities.

2. RECOMMENDATIONS:

2.1 That the Committee approves the continued use of covert surveillance and the accessing of communications data as an enforcement tool to prevent and detect all crime and disorder investigated by its officers, providing the necessity and proportionality rules are stringently applied.

2.2 That the Committee notes the surveillance activity undertaken by the authority since the last report to Cabinet in March 2012 as set out in Appendix 1.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) is the law governing the use of covert surveillance techniques by Public Authorities, including local authorities. RIPA was enacted as part of a suite of legislation flowing from the implementation of the Human Rights Act 1997. The Act requires that when public authorities need to use covert techniques to obtain private information about someone, they do it in a way that is necessary, proportionate and compatible with human rights.

- 3.2 RIPA regulates the interception of communications, directed and intrusive surveillance and the use of covert human intelligence sources (informants). Local authorities may only carry out directed surveillance, access certain communications data and use informants
- 3.3 Appendix 1 details the uses made by in the Council in the previous quarter and for the year to date. The figures reported to March Cabinet were submitted to the Office of the Surveillance Commissioner in March 2012 for inclusion in the Chief Commissioners annual report to the Prime Minister.
- 3.4 The Protection of Freedoms Act has now received Royal assent and is likely to be enacted in October 2012.
- 3.5 The Office of the Surveillance Commissioner will undertake an audit of the authority's use of surveillance at the end of June 2012. The findings from this audit will be reported to Committee in October.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 There has been no consultation in the compilation of this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1

Finance Officer Consulted: Karen Brookshaw Date: dd/mm/yy

Legal Implications:

- 5.2

Lawyer Consulted: Liz Culbert Date: dd/mm/yy

Equalities Implications:

- 5.3 The proper and consistent application of the RIPA powers should ensure that a person's basic human rights are not interfered with without justification. Each application will be assessed by the gatekeeper for necessity and proportionality prior to the authorisation by a restricted number of 'Authorising Officers'. This process should identify any inconsistencies or disproportionate targeting of minority groups and enable action to be taken to remedy any perceived inequality
- 5.4 An equalities impact assessment is currently being completed

Sustainability Implications

- 5.5 There are no sustainability implications

Crime & Disorder Implications:

- 5.6 If used appropriately, the activities described in the report should enhance our capacity to tackle crime and disorder

Risk and Opportunity Management Implications:

- 5.7 Any failure to comply with the provisions of the legislation could render any evidence obtained as inadmissible, resulting in a failed prosecution and have a detrimental impact on the council's reputation.

Public Health Implications:

- 5.8 There are no public health implications

Corporate / Citywide Implications:

- 5.9 Proper application of the powers will help to achieve fair enforcement of the law and help to protect the environment and public from rogue trading and illegal activity.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The only alternative is to curtail the use of RIPA, but this is not considered an appropriate step.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 It is essential that officers are able to use the RIPA powers where necessary within the new threshold, but only after excluding all other methods of enforcement. An authorisation will only be given by the relevant 'Authorising Officer' following vetting by the 'gatekeeper', therefore, it is unlikely that these powers will be abused.
- 7.2 The implementation of the Annual review and quarterly oversight has made the whole process transparent and demonstrates to the public that the correct procedures are followed.

SUPPORTING DOCUMENTATION

Appendices:

1. Details of the use of RIPA since previous report

Documents in Members' Rooms

Background Documents

