



AUDIT COMMITTEE – 21ST OCTOBER 2020

SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT 2000

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To advise Members of the numbers of covert surveillance operations undertaken by the Council in accordance with the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period 1st January to 30th September 2020.

2. SUMMARY

- 2.1 To provide an update on the number of operations undertaken in accordance with RIPA for the period 1st January 2020 to 30th September 2020.

3. RECOMMENDATIONS

- 3.1 None. This report is for information only.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure compliance with statutory requirements

5. THE REPORT

- 5.1 The Regulation of Investigatory Powers Act 2000 (RIPA) sets out strict controls for public authorities wishing to carry out covert surveillance of individual members of the public as part of their exercise of their statutory functions. In addition to this Act, advice and guidance is found within the Codes of Practice issued by the Investigatory Powers Commissioner's Office.
- 5.2 The Authority has a corporate policy, which provides guidance on how surveillance should be used by the relevant officers.
- 5.3 Public Authorities undertaking covert surveillance of individual members of the public are subject to inspection by the Investigatory Powers Commissioner's Office.
- 5.4 Members are advised that for the period 1st January 2020 to 30th September 2020 there have been two RIPA operations undertaken as follows:

Directed Surveillance (i.e. the covert surveillance of individuals)

One relating to the sale of alcohol to persons under the age of 18 years.

Covert Human Intelligence Sources

This is the use of either undercover officers or informants who establish or maintains a personal or other relationship with a person for the covert purpose of obtaining information, or access to information or covertly disclosed information obtained by the use of such a relationship. A covert purpose is one calculated to ensure that one of the parties to the relationship is unaware of the purpose.

One relating to the sale of nitrous oxide.

5.5 **Conclusion**

The report advises members that there have been two applications made in relation to RIPA operations for the period 1st January 2020 to 30th September 2020

6. **ASSUMPTIONS**

6.1 There are no assumption in this report.

7. **LINKS TO RELEVANT COUNCIL POLICIES**

7.1 This report contributes to the governance arrangements on the use of directed surveillance and covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 as set out in the Council's Policy and Procedure under the Regulation of Investigatory Powers Act 2000.

8. **WELL-BEING OF FUTURE GENERATIONS**

8.1 The Council is under an obligation to comply with legislative requirements - this report helps to achieve that.

8.2 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory mechanism for authorising directed surveillance and the use of a covert human intelligence source, which aims to ensure that any interference with the individual's right to privacy under Article 8 of the European Convention is necessary and proportionate, and that both the public interest and the human rights of individuals are protected and as such contributes to the following wellbeing goals within the Well-being of Future Generations Act (Wales) 2015.

A prosperous Wales

A resilient Wales

A healthier Wales

A globally responsible Wales

9. **EQUALITIES IMPLICATIONS**

9.1 There are none, the report is for information only.

10. FINANCIAL IMPLICATIONS

10.1 There are none, the report is for information only.

11. PERSONNEL IMPLICATIONS

11.1 There are none, the report is for information only.

12. CONSULTATIONS

12.1 There has been no consultation this report is for information only

13. STATUTORY POWER

13.1 Regulation of Investigatory Powers Act 2000.

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