

APPENDIX 5

Report of the Head of Communications and Customer Engagement

Corporate Briefing – 2 September 2014

REGULATION OF INVESTIGATORY POWERS (RIPA) ANNUAL REPORT 2013-2014

Purpose:	To report on the operation of the Authority's use of covert surveillance, conducted under the provisions of The Regulation of Investigatory Powers Act (RIPA) 2000 for the period 1 April 2013 to 31 March 2014
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FOR INFORMATION

1. Introduction

- 1.1 The Regulation of Investigatory Powers Act (RIPA) 2000 allows local authorities to conduct covert surveillance activity in circumstances where it is for the purpose of preventing or detecting crime or of preventing disorder. It also allows local authorities to acquire communication data from Communication Providers.
- 1.2 The process must be in accordance with the Home Office's Code of Practice for Covert Surveillance and Code of Practice on Acquisition of Communication data.
- 1.3 This report will provide an overview to the Council's executive of the Authority's practices and activity regulated by RIPA.

1.4 Glossary of Terms

RIPA	Regulation of Investigatory Powers Act (RIPA) 2000
OSC	Office of Surveillance Commissioners – Central Government
IOCCO	Interception of Communications Commissioner's Office
Inspection	Biennial event to monitor compliance in surveillance matters

Glossary of Terms (continued)	
RIPA Application	A request for a surveillance exercise
Applicant	Officer requesting surveillance
Countersigning Officer	An officer who brings further experience to the Application
Authorised Officer	Officer responsible for surveillance compliance and monitoring
CHIS	Covert Human Intelligence Source
Gatekeeper	Officer responsible for administration of surveillance practice
FOI	Requests under the Freedom of Information Act 2000

2. Service Delivery

2.1 A list of authorised officers is shown in Appendix 1.

2.2 Table 1 below shows the types of surveillance permitted under RIPA for Local Authority use, comparing annual usage over the last 4 years.

TABLE 1 - Surveillance Permitted Under RIPA				
	20010-11	2011-12	2012-13	2013-14
Directed	19	8	9	4
Interception of Communications	0	0	0	0
Acquisition / Disclosure of Communications Data	5	0	44	0
Covert Human Intelligence Source	0	0	0	0

Figures based on annual returns to the Commissioners:

- Surveillance April-March
- Interception of Communications Commissioner January – December

2.3 Directed Surveillance

2.3.1 A total of 4 Authorisations were granted during 2013-14. This figure has decreased from last year which reflects officer's commitment to explore the least intrusive method of gaining information to effect the Local Authority's responsibilities.

2.4 Acquisition and Disclosure of Communications Data

2.4.1 Since 8 February 2012, the City & County of Swansea (CCS) has subscribed to the National Anti-Fraud Network (NAFN)'s Single Point of Contact Services to acquire this information. Annual Returns to the Interception of Communications Commissioner's Officer are requested and provided on a calendar year basis and are reported in that format for this report for expediency.

2.5 Covert Human Intelligence Source (CHIS)

2.5.1 No CHIS activity took place during this year

2.6 Surveillance Activity

2.6.1 Table 2 below shows the use of RIPA by services and its purpose within the City and County of Swansea

TABLE 2 - Use of RIPA		
Directed Surveillance		
Trading Standards	3	Detection of illegal trading practices
Housing Benefit (HB)	1	Detection of fraudulent HB claims
Covert Human Intelligence Source		
	0	
Acquisition and Disclosure of Communications Data		
	0	

2.6.2 CCS operate an extensive Closed Circuit Television (CCTV) system to provide a safer environment for the community. The system is managed and developed in partnership with the South Wales Police. The use of CCTV is not covered by the same regulations as the surveillance reported on above as it is an overt not covert method of observation. A separate code of practice and annual report apply to the CCTV system and are public documents.

2.6.3 If requested the system can also be used for directed surveillance by the police for law enforcement purposes or for a specific exercise. If this does occur, the use changes from overt to covert surveillance and will be regulated by RIPA. The Police have responsibility to comply with the legislation in these cases. As a matter of transparency and good practice we will include in this report the use of our equipment for this purpose. Any specific use for local authority purposes would be reported under service usage.

2.6.4 During 2013-14, no directed surveillance requests were made by the police to utilise the authority's CCTV equipment which were conducted under Police RIPA authorisations.

3 Progress & Development

3.1 Since 1st November 2012, all local authority surveillance and access to communication data authorised under the Regulation of Investigatory Powers Act 2000 (RIPA) have required the approval of a Magistrate.

3.2 The Protection of Freedoms Act also introduced a requirement that where local authorities wish to use RIPA to authorise Directed Surveillance, this should be confined to cases where the offence under investigation carries a custodial sentence of six months or more (the Serious Crime Test). The

exception to this is the use of RIPA for surveillance by Trading Standards in relation to underage sales of alcohol or tobacco.

- 3.4 The list of Authorised Officers reflects those services most likely to conduct criminal prosecutions falling into this category. This would include Trading Standards and Housing/Council Tax Benefit officers.

4. Freedom of Information (FOI)

- 4.1 Media coverage of incidents in other parts of the country brought to the public attention local authorities ability to use surveillance under RIPA. This was reflected in the receipt of related media enquiries.
- 4.2 There have been 3 FOI enquiries related to RIPA activities during the year, most often press enquiries related to current affairs.

5. 2014 / 2015 Action Plan

- 5.1 Complete all Office of the Surveillance Commissioner's recommendations in conjunction with developing the Council's policy and standards in line with the new procedures required by the Protection of Freedoms Act.

6. Equality and Engagement Implications

- 6.1 There are no community and engagement implications

7. Financial Implications

- 7.1 All costs incurred in dealing with RIPA have to be covered within existing budgets.

8. Legal Implications

- 8.1 As set out in the Report

Background papers: None

Appendices: Appendix 1 – Authorised Officers

Appendix 1

TABLE 3 – RIPA Authorised Officers.	
Name	Department / Section
Rose McCreesh Phil Thomas	Housing Benefit Housing Benefit
Lynda Anthony Huw Morgan David Picken	Environmental Health Environmental Health Environment Health (Trading Standards)