

Subject:	Quarterly Surveillance Report		
Date of Meeting:	15 March 2012		
Report of:	Director of Finance		
Lead Cabinet Member:	Leader of the Council		
Contact Officer:	Name:	Jo Player	Tel: 29-2488
	Email:	Jo.player@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No:	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to inform the Cabinet 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 December 2011 and to confirm that these activities were authorised in line with the necessity and proportionality rules.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet 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 Cabinet notes the surveillance activity undertaken by the authority since the last report to Cabinet in December 2011 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 1998. RIPA 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 the Council in the previous quarter and for the year as a whole. These figures will be reported to the Office of the Surveillance Commissioner in March 2012 for inclusion in the Chief Commissioners annual report to the Prime Minister.
- 3.4 Details of communications data accessed by the Council in the last year has been submitted to the Interception of Communications Commissioners Office since the last report to Cabinet and within the required timescales.

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 There are no direct financial implications associated with this report.

Finance Officer Consulted: Name Karen Brookshaw Date: 16/02/12

Legal Implications:

- 5.2 The legal framework governing the use of covert surveillance and accessing communications data is addressed in the body of the report. The use of these powers may interfere with qualified Convention rights incorporated into UK law by the Human Rights Act 1998, but the Council's policy and reporting measures with regard to RIPA should ensure that the powers are exercised lawfully, proportionately and consistently.

Lawyer Consulted: Oliver Dixon Date: 15/02/12

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 undertaken

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

1. None

Background Documents

1. None