

Body: **AUDIT AND GOVERNANCE COMMITTEE**

Date: **4 December 2013**

Subject: **The Regulation of Investigatory Powers Act and related legislation: update on the authority's usage of its powers**

Report Of: **LAWYER TO THE COUNCIL AND MONITORING OFFICER**

Ward(s) **All**

Purpose **To provide the Audit and Governance Committee with information to enable it the authority's usage of its powers to conduct covert surveillance pursuant to the Regulation of Investigatory Powers Act**

Recommendations: That the Committee note that no applications were made by officers of this authority pursuant to the Regulation of Investigatory Powers Act to conduct covert surveillance during the quarter leading up to 1 December 2013.

Contact: Victoria Simpson, Lawyer to the Council and Monitoring Officer, Telephone 01323 415018 or internally on extension 5018. E-mail address: victoria.simpson@eastbourne.gov.uk

1.0 Background

1.1 Members will recall that the Audit and Governance Committee has agreed to receive quarterly reports on the authority's usage of its powers to conduct covert surveillance pursuant to the Regulation of Investigatory Powers Act.

2.0 Usage of the powers available to Eastbourne Borough Council under the Regulation of Investigatory Powers Act

2.1 The quarterly returns compiled for the period 1/9/2013 to 1/12/2013 include the following data:

RIPA applications for the use or conduct of a CHIS:

Nil applications made by EBC

Nil applications by partner organisations with which the authority is working on relevant matters.

RIPA applications for authorised surveillance:

Nil applications made by EBC

Nil applications made by partner organisations with which the authority is working on relevant matters.

2.2 The Committee will note that the returns for this quarter are consistent with EBC's very infrequent recourse to the powers available to it under RIPA in recent years. The last applications by the authority for authorised surveillance were during 2010 and concerned serious allegations of benefit fraud.

3.0 Consultation

3.1 None.

4.0 Resource Implications

4.1 None.

5.0 Financial

5.1 None.

6.0 Staffing

6.1 None.

7.0 Conclusion

7.1 This report updates the Committee on the authority's arrangements for and usage of its powers to conduct covert surveillance when circumstances merit. The report aims to equip this Committee to assist the authority in ensuring it applies a robust approach which balances its enforcement responsibilities with the requirement to act at all times in a proportionate and human rights-compliant way.

Victoria Simpson
LAWYER TO THE COUNCIL AND MONITORING OFFICER

Appendices

None

Background Papers:

Previous reports and minutes of this Committee and of Cabinet.

Articles in the Local Government Lawyer

ACSeS bulletins