

Agenda Item	7
Report No	AS/13/18

## HIGHLAND COUNCIL

**Committee:** Audit and Scrutiny Committee

**Date:** 20 September 2018

**Report Title:** Regulation of Investigatory Powers (Scotland) Act

**Report By:** Head of Corporate Governance

### **1. Purpose/Executive Summary**

- 1.1 This is a report to advise members on the Council's use of the powers within the Regulation of Investigatory Powers (Scotland) Act since April.

### **2. Recommendations**

- 2.1 The Committee is asked to:

Note the Council continues to be a modest user of the powers and that a further report will be forthcoming to the March 2019 meeting.

### **3. Background**

- 3.1 On occasion Highland Council officials will require to conduct covert surveillance including the use of covert human intelligence sources, as part of their Council duties. This would be principally for the purposes of detecting crime or the prevention of disorder, ensuring public safety, or protecting public health. All such activity is regulated by and authorised through the Regulation of Investigatory Powers (Scotland) Act 2000.
- 3.2 The Council's use of these powers is subject to regular external scrutiny through an independent inspection of the Council's arrangements undertaken by the Office of the Surveillance Commissioner ( now the Investigatory Powers Commissioner's Office.)
- 3.3 At the time of the most recent Inspection the Office of the Surveillance Commissioner recommended that the Council should put procedures in place to report matters of RIPSAs policy to elected members in accordance with Para 3.29 of the Covert Surveillance and Property Interference Code of Practice. The Code has now been revised and at paragraph 4.47 provides '*Elected members should review the authority's use of the 1997 and 2000 Act and set the policy at least once a year. They should also consider internal reports on the use of the 1997 Act and 2000 Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that policy remains fit for purpose.*'

### **4. The Council's Use of RIPSAs Powers**

- 4.1 Historically the Council has been a modest user of its RIPSAs powers and the various Inspections have acknowledged the value of the policies and procedures that the Council has in place.
- 4.2 The purpose of this Report is to inform members upon the Council's use of its RIPSAs powers since April this year.
- 4.3 To date the Council has granted seven authorisations. No applications have been refused.

The seven authorisations comprised six for Directed Surveillance and one for a Covert Human Intelligence Source (CHIS).

As in previous years all requests were made by the Council's Trading Standards Service. On five occasions the officers were undertaking an investigation into the alleged underage sale of age restricted products, on one occasion an investigation into the alleged sale of counterfeit goods and on one occasion an investigation into the illegal supply goods and services.

- 4.4 In calendar year 2017 the Council granted a total of five authorisations comprising four for Directed Surveillance and one for use of a Covert Human Intelligence Source.

### **5. Implications**

- 5.1 Resource  
There are no Resource implications.
- 5.2 Legal  
There are no direct legal implications arising from the report. The Council continues to

follow the terms of its policies and procedures to ensure compliance with the Act.

5.3 Community (Equality, Poverty and Rural), Climate Change/Carbon Clever, Gaelic  
No implications to these risks are envisaged from this report.

5.4 Risk  
There are no risks to be identified arising from this report.

Designation: Head of Corporate Governance

Date: 12 September 2018

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