

Agenda Item	6
Report No	AS/4/22

HIGHLAND COUNCIL

Committee: **AUDIT AND SCRUTINY**

Date: 16 February 2022

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 September 2021.

2. Recommendations

2.1 Members are asked to:

- I. Note the Council continues to be a modest user of the powers and that a further report will be forthcoming to the September 2022 meeting.

3. Implications

3.1 Resource: There are no resource implications arising directly from this report.

3.2 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.

3.3 Community (Equality, Poverty and Rural) and Gaelic :No implications are envisaged from this report.

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

4. Background

4.1 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 such as the sale of

counterfeit goods. All such activity is regulated by and authorised through the Regulation of Investigatory Powers (Scotland) Act 2000.

- 4.2 The Council's use of these powers is subject to regular external scrutiny through independent inspection of the Council's arrangements which is undertaken by the Investigatory Powers Commissioner's Office. The last inspection took place in July 2020 and the accompanying Inspection report was reported to the 24 September 2020 meeting of this Committee
- 4.3 Recent inspection reports and the Covert Surveillance & Property Interference Code of Practice have recommended that the Council should report on the use of the powers contained in the 2000 Act to members on a regular basis to ensure that the powers are being used consistently with the local authority's policy and that the policy remains fit for purpose. Reports are submitted to this Committee every six months.

5. The Council's Use of RIPSAs Powers

- 5.1 Historically the Council has been described as 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.
- 5.2 The purpose of this Report is to inform members upon the Council's use of its RIPSAs powers since September 2021. For information in 2019 nine authorisations for Directed Surveillance were granted and one for the use of a Covert Human Intelligence Source.
- 5.3 In the period from 2020 until September 2021 and reflecting the impact of the pandemic the Council granted three authorisations. No applications were refused.
- 5.4 Since September 2021 the authorisation to use a Covert Human Intelligence Source (CHIS) has been renewed. There have been no applications for Directed Surveillance.
- 5.5 As in previous years the applications were made by the Council's Trading Standards Service. Typically, the officers will have been undertaking investigation into the unlawful sale of age restricted products, the sale of suspected counterfeit goods or into the supply of illegal goods.

Designation: Head of Corporate Governance

Date: 1 February 2022

Stewart Fraser, Head of Corporate Governance