

## **BRECKLAND COUNCIL**

### **Report of the Assistant Director – Governance - CABINET to the OVERVIEW & SCRUTINY COMMISSION – 18 June 2009**

#### **Regulation of Investigatory Powers Act 2000**

##### **1. Purpose of Report**

- 1.1 To update the Overview and Scrutiny Commission on the numbers and types of authorised cases handled in the past 12 months and their success or otherwise, to ensure proper scrutiny of the function.

##### **2. Recommendations**

- It is recommended that the Commission:
- 2.1 Notes the report for information purposes only.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

##### **3. Information, Issues and Options**

###### **3.1 Background**

- 3.1.1 In June 2008, the former Policy Development and Review Panel 2 requested that an annual report on RIPA activity be submitted to the Overview and Scrutiny Commission to ensure proper scrutiny of the function.
- 3.1.2 Breckland's record of authorised RIPA cases in the period July 2005 to May 2008 had totalled 32. Since May 2008 and up to May 2009, a further 8 cases have been authorised.

###### **3.2 Issues**

- 3.2.1 The breakdown of these 8 cases are as follows:

<b>Cases</b>	<b>Outcome</b>
Street Scene / Community Safety White Hart Street - Thetford	Offenders were identified by other methods of investigation.
Street Scene / Community Safety Attleborough Skate park	Essential Evidence gained to ascertain true nature of behaviour of suspects.
Environmental Services Fly tipping – Thetford	Offences not caught on camera. As level of fly tipping dramatically reduced, it may be that the installation of cameras and subsequent checks, all overtly conducted, has achieved aim of operation.
Environmental Services Fly tipping – Weeting	No evidence of fly tipping obtained, operation successful in reducing number of incidents.

Environmental Health	Observation confirmed business was trading.
Benefits	The surveillance conducted has not proved/disproved the offence
Benefits	No value due to the surveillance being compromised
Benefits	Surveillance took place at different times; alleged partner was not seen.

### 3.3 Options

3.3.1 N / A

### 3.4 Reasons for Recommendation(s)

3.4.1 N / A

## 4. Risk and Financial Implications

### 4.1 Risk

4.1.1 N / A

### 4.2 Financial

4.2.1 N / A

## 5. Legal Implications

5.1 Improper use of the powers contained in RIPA would be ultra vires and unlawful.

## 6. Other Implications

- a) Equalities: NONE
- b) Section 17, Crime & Disorder Act 1998: Inherent in the main body of the report
- c) Section 40, Natural Environment & Rural Communities Act 2006: NONE
- d) Human Resources: NONE
- e) Human Rights: Inherent in the main body of the report
- f) Other: [e.g. Children's Act 2004] NONE

## 7. Alignment to Council Priorities

7.1 Proper use of the powers contained in RIPA is inherently aligned to the Council's objective to create safer and stronger communities.

## 8. Ward/Community Affected

8.1 N / A