

<b>Agenda Item</b>	<b>10</b>
<b>Report No</b>	<b>AC/25/24</b>

# The Highland Council

**Committee:**           **Audit**

**Date:**                   **26 September 2024**

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

**Report By:**           **Chief Officer - Legal and 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 (RIPSA) since March 2024.

## **2. Recommendations**

2.1 Members are asked to:

- i. Note the Council continues to make appropriate use of the powers and that a further report will be forthcoming to the March 2025 meeting.

## **3. Implications**

3.1 Resource: There are no immediate 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, Rural and Island): No implications are envisaged from this report.

3.4 Climate Change / Carbon Clever: No implications are envisaged from this report.

3.5 Risk: There are no immediate risks identified in the report. The actions to be agreed by the RIPSA Management Group and their ongoing supervision will ensure that the Council continues to comply with the legislation and guidance in dealing with covert surveillance.

- 3.6 Health and Safety (risks arising from changes to plant, equipment, process, or people): No implications are envisaged from this report.
- 3.7 Gaelic: No implications are envisaged from this report.

#### **4. Impacts**

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 This is an update report and therefore an impact assessment is not required.

#### **5. Background**

- 5.1 On occasion Highland Council officials require to conduct covert surveillance, including the use of covert human intelligence sources, as part of their Council duties. Such activity would principally be for the purposes of detecting crime such as the sale of counterfeit goods or age restricted products. All such activity is regulated by and authorised through the Regulation of Investigatory Powers (Scotland) Act 2000.
- 5.2 The Council's use of these powers is subject to regular external scrutiny through independent inspection by the Investigatory Powers Commissioner's Office.
- 5.3 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. The purpose of such reporting is to ensure that the powers are being used consistently with the Council's policy and that the processes remain fit for purpose. Reports on the Council's use of RIPSAs are submitted to this Committee every six months.

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

- 6.1 The Council has been described previously as a modest user of its RIPSAs powers and various inspections have acknowledged the value of the policies and procedures that the Council has in place.
- 6.2 The purpose of this Report is to inform members upon the Council's use of its RIPSAs powers in the period from 1 March 2024 to 15 September 2024.
- 6.3 In the period from March 2024 twelve authorisations for directed surveillance were sought. One authorisation for use of a Covert Human Intelligence Source (CHIS) had previously been approved and this continues to be in place.
- 6.4 As in previous years all 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. A continuing area of concern and thus the focus of recent directed surveillance activity has been the sale of disposable vapes to young people.

Designation: Head of Legal and Governance

Date: 13 September 2024

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