

AUDIT COMMITTEE	AGENDA ITEM No. 7.1
7 November 2011	PUBLIC REPORT

Cabinet Member responsible:	Councillor Seaton, Resources Portfolio Holder	
Committee Member responsible:	Councillor Lamb, Chair of Audit Committee	
Contact Officer(s):	Diane Baker, Head of Governance	☎ 452 559

1. ORIGIN OF REPORT

This report is submitted to the Committee as a scheduled report on the Council's use of RIPA in accordance with the established Work Programme 2011 / 2012.

2. PURPOSE AND REASON FOR REPORT

The purpose of this report is to provide an update of the outcomes of the individual use of RIPA powers used in 2010-2011 following the request by the Audit Committee at the meeting on the 26th September 2011. An update was also requested

3. BACKGROUND

- 3.1 The following table provides a breakdown of the Council's use of RIPA between April 2010 and March 2011 and is updated to include the outcomes of the authorisations.

Please note Test Purchasing refers to the testing of age restricted goods such as alcohol, tobacco and fireworks, at premises throughout the City.

Date of authorisation	Type of Covert Surveillance	Reason	Outcome
24.05.2010	Covert	Test purchasing	One sale of alcohol to a person under the age of 18 was identified. The seller was issued with a £60 Penalty Notice by Cambridgeshire Police.
24.05.2010	Covert	Test purchasing	Three sales of alcohol to a person under the age of 18 were identified. Each seller was issued with a £60 Penalty Notice by Cambridgeshire Police.
28.06.2010	Covert	Trading Standards Operation	Locations and an individual pertinent to the operation were

			identified. The operation led to the prosecution of two individuals for offences relating to counterfeit DVDs and their distribution. Both received 12 month suspended sentences.
13.07.2010	Covert	Test purchasing	Three sales of alcohol to a person under the age of 18 were identified. Each seller was issued with a £60 Penalty Notice by Cambridgeshire Police.
13.07.2010	Covert	Test purchasing	One sale of alcohol to a person under the age of 18 was identified. The seller was issued with a £60 Penalty Notice by Cambridgeshire Police.
17.08.2010	Covert	Test purchasing	Three sales of tobacco from a vending machine to a person under the age of 18 was identified. Each seller was issued with a warning letter along with education and advice .
03.09.2010	Covert	Test purchasing	Three sales of alcohol to a person under the age of 18 were identified. Each seller was issued with a £60 Penalty Notice by Cambridgeshire Police.
18.10.2010	Covert	Fly Tipping	Surveillance was commenced however the cameras being used were lost to vandalism and arson. The decision was made to cancel the surveillance as a result and the operation was terminated.
22.10.2010	Covert	Test purchasing	Three sales of alcohol to a person under the

			age of 18 were identified. Each seller was issued with a £60 Penalty Notice by Cambridgeshire Police.
22.10.2010	Covert	Test purchasing	Two sales of fireworks to a person under the age of 18 were identified. Written warnings were issued to the sellers.
09.12.2010	Covert	Test purchasing	Four sales of alcohol to a person under the age of 18 were identified. Each seller was issued with a fixed penalty notice by Cambridgeshire Police.

3.2 The Council's Regulatory Services have provided the following information regarding the approach to fly tipping

They have investigated a total of 1167 reports of fly tipping. In call of these cases, an officer attends the scene to remove any and all evidence which may lead to identifying a person. If there is reasonable cause to suspect a person of involvement or knowledge of the fly tipping then that person will be interviewed under caution to establish what if anything they can tell Council officers regarding the incident.

The Council has taken a firm stance ob fly tipping and will, where possible, seek to prosecute offenders. In the current financial year, five people have been prosecuted for fly tipping. A further case is due in court in November 2011 and two other files are being considered. The Council has also "cautioned" 30 people and recovered a total of £2682.13 in clearance costs from those people.

The Council is also examining other methods of dealing with offenders such as using the Duty of Care legislation on a householder under Section 34 of the Environmental Protection Act 1990. This means that if the Council finds a householder's waste in a fly tip and that householder is unable to provide an account of how that waste got there or who the waste was passed onto then the householder can be held liable. The Council is also using Section 46 of the Environmental Protection Act 1990 in relation to householders who leave excess waste out on bin collection days or leave bins in the street allowing access to them by other members of the public resulting in waste deposited in the locality. This involves the service of a notice on the householder which strictly outlines the how to use the bin scheme, a breach of that notice results in a £100 Fixed Penalty Notice. The Council is also begun to look at deploying CCTV equipment in hotspots around the city using RIPA powers.

4. REASONS FOR RECOMMENDATIONS

There are no recommendations contained within this report.

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