

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Audit & Corporate Governance Committee

31<sup>st</sup> March 2017

**AUTHOR/S:** Executive Director (Corporate Services) / Head of Legal Practice

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### **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) REVIEW OF POLICY & UPDATE ON USE OF RIPA**

#### **Purpose**

1. To update on the use of RIPA powers and conduct a review of the Council's policy.

#### **Recommendations**

2. That Corporate Governance Committee:
  - (a) **AGREE** that no changes the Council's RIPA policy (other than officer changes) are necessary at this time;
  - (b) **NOTE** the information contained in the report about the council's use of surveillance powers since September 2015.

#### **Background**

3. The Regulation of Investigatory Powers Act 2000 regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
4. Following a Home Office Review into counter-terrorism and security powers the Protection of Freedoms Act 2012 was passed on in May 2012 requiring all local authority surveillance authorised under RIPA to be approved by a Magistrate from November 2012. The council's policy and procedures were amended at that time to reflect these changes.
5. The Council comprehensively reviewed and updated its policy in September 2012 and made further minor amendments as part of an annual review in September 2013. The current policy is attached as an appendix.
6. The Annual Report 2014-2015 of the Chief Surveillance Commissioner was published on the 25<sup>th</sup> June 2015:- <https://osc.independent.gov.uk/wp-content/uploads/2015/06/OSC-Annual-Report-2014-15-web-accessible-version.pdf>
7. The Office of the Surveillance Commissioner is responsible for regulating surveillance conducted by public authorities. This is done through a programme of inspections, followed by a report of the inspection findings. The Council was last inspected on 4<sup>th</sup> November 2014 by Mr Andrew Mackian who inspected policies and procedures and met the staff involved in implementing the policy.
8. His report stated that "*The RIPA Corporate Policy and Procedures is an excellent manual of instruction for both applicant and Authorising Officer*" and commended the inclusion of instructions relating to the use of social media sites for investigation

purposes, which were added to the policy in September 2014 following a mention in the OSC Annual report which had just been published. He said *“This undertaking is considered to be an example of good practice for which the Council should be complimented”*.

9. The inspector also looked at the reports and minutes of the Corporate Governance Committee as part of his inspection and noted that *“regular reporting on RIPA policy and use of powers is made to the Council’s Corporate Governance Committee in accord with the Codes of Practice.”* The Inspector concluded that *“the engagement of all staff during the inspection day, in particular the Chief Executive, gave confidence that RIPA compliance will remain a clear priority for this authority”*.
10. The Chief Surveillance Commissioner, Sir Christopher Rose, wrote to the Chief Executive on 20th November 2014 endorsing the inspection report and stating that the Council has *“an excellent corporate policy for using RIPA and effective oversight”*.

### Considerations

11. The council’s policy was updated and amended in 2014 to take into account surveillance using social media and comprehensive officer training took place in January 2015 which included this area and it is considered that no further amendments to the council’s policy are necessary at this stage. However it is envisaged that refresher training will be provided to relevant officers shortly.

### The council’s use of RIPA since September 2015

12. The information in the table below summarises the authorisations granted from September 2015 to March 2017.

	Directed surveillance	CHIS	Total	Purpose
September 2015 – March 2017	0	0	0	n/a

### Implications

13.	Financial	No implications
	Legal	Authorisation of surveillance activity gives that surveillance “lawful authority” for the purposes of the European Convention on Human Rights
	Staffing	No implications
	Risk Management	See comments under “Legal”
	Equality and Diversity	See comments under “Legal”
	Equality Impact Assessment	Comments to follow
	Climate Change	No implications

### Effect on Strategic Aims

16. None identified.

### **Conclusions / Summary**

17. This report proposed no further amendments at this time to the Council's RIPA policy (other than officer changes) and updates the Committee on the Council's use of RIPA powers since September 2015.

**Background Papers:** the following background papers were used in the preparation of this report:

Annual Report of the Chief Surveillance Commissioner for 2014 to 2015

**Contact Officer:** Tom Lewis – Head of Legal Practice