

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Audit & Corporate Governance Committee

31st July 2018

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

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) UPDATE ON USE OF RIPA & IPCO INSPECTION REPORT

Purpose

1. To update on the use of RIPA (Regulation of Investigatory Powers Act 2000) powers and to note the report by the Investigatory Powers Commissioner's Office following an inspection in May 2018.

Recommendations

2. That Audit & Corporate Governance Committee:
 - (a) **NOTE** the information contained in the report about the council's use of surveillance powers since April 2017.
 - (b) **NOTE** the inspection report at Appendix A which makes no recommendations.

Background

3. RIPA 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 annual reviews in September 2013, September 2014 and March 2017. It is intended that the current policy will be reviewed and brought back to committee at a later time after revised Codes of Practice have been published although the current policy is fit for purpose and covers all matters to assist and guide Council staff.
6. The Investigatory Powers Commissioner's Office is responsible for the inspection of public authorities with regard to compliance with RIPA. The Council was recently inspected by Mr Graham Wright on the 24th May 2018. The purpose of the inspection was to examine policies, procedures and operations in relation to Part II of RIPA. A copy of his Inspection Report is attached at Appendix A.
7. Mr Wright met with the Deputy Monitoring Officer & Executive Director and discussed the response to the previous inspection in November 2014, the provision of training

for staff, the core authorisation and oversight procedures and the use of covert surveillance by the Council. Mr Wright also met with the Director, (Health & Environmental Services - the main authorising officer) and several staff from enforcement departments

8. The 2014 inspection made one recommendation and commented that a previous recommendation in relation to the provision of training had not been completed. The Inspector was now able to report that this can be considered as discharged and the previous recommendation that a "single central inventory for technical equipment to be put in place" completed.
9. His report concluded that the policy, training and oversight regime was very good and made no recommendations.

Considerations

10. The council's RIPA policy was last updated in 2017 and comprehensive officer training took place in January 2018 and it is considered that no further amendments to the council's policy are necessary at this stage. However it is envisaged that an amended policy will be brought back to members for consideration and approval in due course containing practical examples that may assist staff in the application of the policy.

The council's use of RIPA since April 2017

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

	Directed surveillance	CHIS	Total	Purpose
April 2017 – June 2018	0	0	0	n/a

Implications

12.	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	No implications
	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 and updates the Committee on the Council's use of RIPA powers since April 2017.

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

None

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