

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Corporate Governance Committee

25th September 2015

AUTHOR/S: Executive Director (Corporate Services) / Legal & Democratic Services Manager

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

Purpose

1. To update on the use of RIPA powers in the last quarter, note the use of RIPA powers over the last year and conduct an annual review of the Council's policy.

Recommendations

2. That Corporate Governance Committee:
 - (a) **AGREE** that no further changes the Council's RIPA policy are necessary at this time;
 - (b) **NOTE** the information contained in the report about the council's use of surveillance powers in the last quarter and the annual summary of RIPA usage.

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 25th 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 inspected on 4th 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 (Appendix A) endorsing the inspection report and stating that the Council has *"an excellent corporate policy for using RIPA and effective oversight"*.

Considerations

11. The recent Commissioners report noted that *"there has been no material change in OSC business in this reporting year"* and once again emphasised the shift from more traditional surveillance techniques to "virtual surveillance" and the importance of amending policies to reflect this, alongside officer training in this area.
12. As the council's policy was updated and amended to take into account surveillance using social media last year and comprehensive officer training took place in January 2015 which included this area it is considered that no further amendments to the council's policy are necessary at this stage.

The council's use of RIPA in Quarter 4 2015

13. The information in the table below outlines the authorisations granted by the council during the fourth quarter of the year 2014/15 and once again there were no authorisations granted.

Quarter	Directed surveillance	CHIS	Total	Purpose
July - Sept 2015	0	0	0	n/a

Annual summary of the Council's use of RIPA (September 2014 – September 2015)

14. The information in the table below summarises the authorisations granted by the council in the last year, from September 2014 to September 2015. As the Committee is aware from its quarterly update reports there have been no such authorisations.

Sept 2014- Sept 2015	Directed surveillance	CHIS	Total	Purpose

October 2014 – December 2014	0	0	0	n/a
January 2015 – March 2015	0	0	0	n/a
April 2015–June 2015	0	0	0	n/a
July 2015 – September 2015	0	0	0	n/a

Implications

15.	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 completed	No adverse impact
	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 in the last quarter, along with an overview of the last year.

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: Fiona McMillan – Legal & Democratic Services Manager
Telephone: (01954) 713027