

REPORT TO: Audit & Corporate Governance
Committee

9th July 2020

LEAD OFFICER: Monitoring Officer

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) AMENDMENTS TO POLICY & UPDATE ON USE OF RIPA

Executive Summary

1. The purpose of this report is to seek the approval of Members of the Audit and Corporate Governance Committee on the revised policy and procedure on the use of covert surveillance under RIPA and to provide an update on the use of RIPA powers since the committee last met.

Key Decision

2. No

Recommendations

3. It is recommended that Audit & Corporate Governance Committee:
 - (a) **AGREE** the recommendations for amendments to the Council's RIPA policy at Appendix A;
 - (b) **NOTE** the information contained in the report about the council's use of surveillance powers between September 2019 – June 2020.

Reasons for Recommendations

4. The committee are to receive quarterly updates on the Council's use of Regulation of Investigatory Powers Act 2000 (RIPA) powers and to review the RIPA policy on an annual basis and make amendments as necessary.

Details

5. 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.
6. Following a Home Office Review into counter-terrorism and security powers the Protection of Freedoms Act 2012 was passed 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.
7. 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, March 2017 and March 2019.
8. The Investigatory Powers Commissioner's Office is responsible for the inspection of public authorities with regard to compliance with RIPA. The Council was inspected on the 24th May 2018 and the report concluded that the policy, training and oversight regime was very good and made no recommendations.
9. The Director for Environmental Health (also acting Interim Chief Executive) was the Senior Responsible Officer for the RIPA process and his replacement needs to be appointment.
10. The Senior Responsible Officer has overall oversight of RIPA within the Council and is responsible for reporting to Audit and Corporate Governance Committee on the use of RIPA powers. The SRO is also responsible for:
 - the integrity of the process in place within the public authority to authorise directed surveillance;
 - compliance with Part II of the 2000 Act, and with this code;
 - engagement with the Commissioners and inspectors when they conduct their inspections, and
 - where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner
11. There have been no changes to the legislation since the last revision of the policy in March 2019.
12. It is proposed that the Chief Executive takes on the responsibility of Senior Responsible Officer and that the Council's Monitoring Officer takes on the role of

RIPA Monitoring Officer. Throughout the policy, references to obligations on the Head of Legal Practice are now shared with the Monitoring Officer.

13. There are no other proposed changes at this time and a copy of the revised policy is at Appendix A. A track changes version has also been provided to Members of the Committee and is at Appendix B.

The council's use of RIPA since September 2019

14. The information in the table below summarises the authorisations granted from June 2018 to March 2020.

	Directed surveillance	CHIS	Total	Purpose
September 2019 – June 2020	0	0	0	

Options

15. Members are required to approve the policy with or without amendments.

Implications

16. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Financial

17. None

Legal

18. Authorisation of surveillance activity gives that surveillance “lawful authority” for the purposes of the European Convention on Human Rights.

Staffing

19. None

Risks/Opportunities

20. See legal.

Equality and Diversity

21. See legal.

Climate Change

22. None

Background Papers

None

Appendices

Appendix A: RIPA Policy

Appendix B: RIPA Policy showing tracked changes.

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