

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

23<sup>rd</sup> March 2021

**LEAD OFFICER:** Monitoring Officer

---

## **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) AMENDMENTS TO POLICY, UPDATE ON USE OF RIPA & IPCO INSPECTION REPORT**

### **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 Council has not used surveillance powers between June 2020 – February 2021.
  - (c) **NOTE** the contents of the inspection report at Appendix B

### **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 amendments as part of reviews in September 2013, September 2014, March 2017, March 2019 and July 2020.
8. The Investigatory Powers Commissioner's Office is responsible for the inspection of public authorities with regard to compliance with RIPA. The Council was the subject of a remote inspection on the 24<sup>th</sup> February 2021 and the report concluded that the information provided demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. The Inspector also commented that the policy was a well written document and easy to read.
9. In the RIPA policy the Chief Executive is the Senior Responsible Officer for the RIPA process however it is proposed that she be replaced given her potential Senior Authorising Officer role.
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 Operating Officer takes on the responsibility of Senior Responsible Officer.

13. There are other minor proposed changes to the policy which are set out as tracked changes and a copy of the revised policy is at Appendix A with the main changes being;

- Change from the Office of Surveillance Commissioners to the Investigatory Powers Commissioner's Office
- The authorisation period for a juvenile source is four months from the time of grant or renewal (instead of twelve months), and the authorisation should be subject to at least monthly review

### **The council's use of RIPA since June 2020**

14. The information in the table below summarises the authorisations granted from June 2020 to February 2021.

	Directed surveillance	CHIS	Total
June 2020 – February 2021	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 showing tracked changes.  
Appendix B: Inspection report

## **Report Author:**

Rory McKenna – Monitoring Officer  
Telephone: (01223) 457194