

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Corporate Governance Committee

27th March 2015

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Manager

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

Purpose

1. To update on the use of RIPA powers in the last two quarters and to note the report by the Office of Surveillance Commissioners on the use of RIPA covert surveillance following an inspection in November 2014.

Recommendations

2. That Corporate Governance Committee:
 - (a) **NOTE** the information contained in the report about the council's use of surveillance powers in the period October 2014 to March 2015.
 - (b) **NOTE** the covering letter at Appendix A from the Office of the Surveillance Commissioner following an inspection on 4th November 2014 on the council's use of RIPA.
 - (c) **NOTE** the inspection report at Appendix B which makes one recommendation that a single inventory for technical equipment be put in place and that this recommendation has been accepted and complied with by the council.

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. The Committee comprehensively reviewed and updated the council's RIPA policy in September 2012, made further minor amendments as part of an annual review in September 2013, and made further amendments following a review in September 2014.
5. 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. Inspections are usually conducted with little or no notice and local authorities are subject to inspection every third year, with SCDC last being visited in 2011.
6. On 4th November Mr Andrew Mackian, a surveillance inspector, visited the council to inspect policies and procedures and meet the staff involved in implementing the policy. His report is attached as Appendix B. The report states that "*The RIPA Corporate Policy and Procedures is an excellent manual of instruction for both*

applicant and Authorising Officer". Mr Mackian also 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"*.

7. 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."*
8. 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"*.
9. 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

10. The inspection report made one recommendation that a central inventory of technical equipment which is used for covert purposes is compiled and that cross-referencing should take place when authorised use is made of the equipment between the inventory and authorisation. This has now been put in place.
11. The report also made reference to the need for refresher training for relevant officers, plans for which had been put on hold pending the publication of new OSC guidance and revised Codes of Practice in December 2014.
12. Since the Inspection joint training has taken place with East Cambridgeshire District Council on 19th January 2015 and a further in-house briefing of officers who were unable to attend the training on 24th February 2015.

The council's use of RIPA in Quarters 1 & 2 2014/15

13. The information in the table below outlines that there have been no RIPA authorisations granted by the council during the first and second quarter of the year 2014/15.

Quarter	Directed surveillance	CHIS	Total	Purpose
October - December 2014	0	0	0	n/a
January – March 2015	0	0	0	n/a

Implications

14. There are no significant implications that have needed to be taken into account in the writing of this report other than the legal implication that authorisation of surveillance activity gives that surveillance "lawful authority" for the purposes of the European Convention on Human Rights.

Effect on Strategic Aims

13. None identified.

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

None

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