

AUDIT AND GOVERNANCE COMMITTEE

01 JUNE 2017

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

REGULATION OF INVESTIGATORY POWERS ACT 2000

Purpose

The Council's Code of Practice for carrying out surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) specifies that quarterly reports will be taken to Audit & Governance Committee to demonstrate to elected members that the Council is complying with its own Code of Practice when using RIPA.

Recommendation

That Audit and Governance Committee endorse the quarterly RIPA monitoring report.

Executive Summary

The Office of the Surveillance Commissioner (OSC) conducted an inspection into the RIPA policy, procedures, documentation and training on 6 October 2014 utilised at the Council. The outcome of the inspection was reported to Council on 16 December 2014. The recommendations arising from the inspection have been implemented and reported back to the OSC. The policy at that time was updated in line with the recommendations of the Commissioner and has since been updated further on two occasions as a result of changes to legislation and the Codes of Practice published by the Home Office. Training took place in January 2015 for officers who previously had no RIPA training and for members with refresher training being delivered for those officers previously trained. Further training is being considered for the autumn of 2017. Training is also delivered through Netconsent.

At present the RIPA policy is up to date and reviewed to take account of changes in legislation and government guidance. The policy was submitted for approval and adoption by a separate report and the Council re-adopted the RIPA policy on 16 May 2017. The revised policy has been published and a questionnaire will be issued through Netconsent for all staff with training to take place later in the municipal year. The practice that quarterly reports on the use of RIPA powers be submitted to Audit & Governance Committee will continue.

Options Considered

Obligations arising under RIPA for the authority are statutory therefore the only option is compliance.

Resource Implications

Support for the RIPA obligations and functions are met from existing budget and existing staff resources.

Legal/Statutory and Risk Implications

The recording of applications, authorisations, renewals and cancellations of investigations using covert surveillance techniques or involving the acquisition of communications data is covered by the Regulation of Investigatory Powers Act 2000.

The Regulation of Investigatory Powers Act was introduced to regulate existing surveillance and investigation in order to meet the requirements of Article 8 of the Human Rights Act. Article 8 states: Everyone has the right for his private and family life. His home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the Country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

RIPA investigations can only be authorised by a local authority where it is investigating criminal offences which (1) attract a maximum custodial sentence of six months or more or (2) relate to the sale of alcohol or tobacco products to children.

There are no risk management or Health and Safety implications.

Sustainability Implications

The legislation requires the Authority to record and monitor all RIPA applications, keep the records up to date and report quarterly to a relevant Committee.

Background Information

The RIPA Code of Practice produced by the Home Office in April 2010 introduced the requirement to produce quarterly reports to elected members to demonstrate that the Council is using its RIPA powers appropriately and complying with its own Code of Practice when carrying out covert surveillance. This requirement relates to the use of directed surveillance and covert human intelligence sources (CHIS).

The table below shows the Council's use of directed surveillance in the current financial year to provide an indication of the level of use of covert surveillance at the Council. There have been no applications under RIPA in the period from 1 January 2017 to 31 March 2017.

The table outlines the number of times RIPA has been used for directed surveillance, the month of use, the service authorising the surveillance and a general description of the reasons for the surveillance. Where an investigation is ongoing at the end of a quarterly period it will not be reported until the authorisation has been cancelled. At the end of the fourth quarterly period for the financial period 2016/17 there were no outstanding authorisations.

There have been no authorisations for the use of CHIS.

Financial year 2016/17

Month	Service	Reason
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No applications

Background papers

None

"If Members would like further information or clarification prior to the meeting please contact Jane M Hackett Solicitor to the Council and Monitoring Officer on Ext.258"

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