

**Report To:** Corporate Governance Committee

**Date of Meeting:** 27<sup>th</sup> July 2015

**Lead Member / Officer:** Gary Williams, Monitoring Officer/  
Head of Legal, HR and  
Democratic Services and the RIPA  
Senior Responsible Officer.

**Report Author:** Lisa Jones, Deputy Monitoring  
Officer/Solicitor.

**Title:** Regulation of Investigatory  
Powers and Procedures.

### **1. What is the report about?**

To provide the Committee with a copy of the recent inspection report following the visit to the Council by the Office of Surveillance Commissioners on the 21<sup>st</sup> May 2015. The report is attached at Appendix 1.

### **2. What is the reason for making this report?**

The Council is required under the Home Office Code of Practice to make regular (at least annually) reports to members on the use of such powers under RIPA and the Corporate Governance Committee receives all external inspection reports.

### **3. What are the Recommendations?**

That the Corporate Governance Committee:-

- (1) note the contents of the report and provide the Ripa Senior Responsible Officer with comments on the governance or continuous improvement they consider necessary to ensure a compliant framework.
- (2) Endorse the work of the Councils 'Ripa Working Group' in respect of provision of training and keeping the Council's Ripa Policy and Procedures document up to date and available to all officers involved in exercising these powers.

#### **4. Report details.**

There has been very little activity in the use of these particular powers, only one application was received at Legal, HR and Democratic Services since the last inspection on the 14<sup>th</sup> June 2012.

This may be due in part to other advanced methods of obtaining evidence being developed such as 'data matching' and information sharing.

Legal, HR and Democratic Services hold the RIPA Central Record and are responsible for the carrying out of managerial oversight of the applications and conducting quality assurance checks on the standards of the applications.

Currently all members of CET are named Authorising Officers on applications from Investigating Officers; and that any surveillance of employees, where there is allegations of criminal offences, should be considered and authorised by the Monitoring Officer, who is also the Senior Responsible Officer under the legislation.

All members of CET (save for the recently appointed s.151 Officer) have received bespoke ripa training to equip them in their role as 'Authorising Officers'.

The majority of 'Investigating Officers' have also received in house training and the Monitoring Officer and his deputy are running a refresher session on the 17<sup>th</sup> July 2015. The training materials have been updated to reflect the recent 2014 Codes of Practice issued by the Home Office and to also include a 'juvenile test purchase' and the use of social media/facebook in carrying out directed surveillance, as part of the practical exercises for delegates on the 17<sup>th</sup> July 2015. At the time of writing this session is yet to be delivered, but the SRO will feedback verbally to the Committee the outcome and attendance levels and any other relevant issues that may arise as a result.

The RIPA Policy and Procedures document has been updated to reflect those recommendations made in paragraph 11 of the report.

#### **5. How does the decision contribute to the Corporate Priorities?**

Improved practices will contribute to the priority of becoming a high performing Council.

#### **6. What will it cost and how will it affect other services?**

There are no implications on other services as a result of this report. The training will be provided in-house by Legal Services therefore the cost will be in Officer time, in attending these courses.

## **7. What consultations have been carried out?**

The Councils Ripa Working Group have been fully involved in the inspection process and in overseeing the updating of the policy document.

## **8. Chief Finance Officer Statement**

Not required.

## **9. What risks are there and is there anything we can do to reduce them?**

There is a greater risk in not improving application standards and ensuring our Officers are equipped to make lawful decisions which are compliant with the Human Rights Act and the Data Protection Act.

## **10. Power to make the Decision**

The Regulation of Investigatory Powers Act 2000 and s.111 Local Government Act 1972.