

Report To: Corporate Governance Committee

Date of Meeting: 5th June 2019

Lead Member / Officer: Gary Williams, Head of Legal HR and Democratic Services and SRO for RIPA

Report Author: Lisa Jones, Legal Services Manager and RIPA Co-Ordinator

Title: **RIPA Inspection by the IPCO and Annual RIPA Report**

1. What is the report about?

This is the annual report to the Corporate Governance Committee on the Council's use of its powers of surveillance under RIPA (Regulation of Investigatory Powers Act 2000) combined with the results of the RIPA inspection which takes place approximately every three years.

2. What is the reason for making this report?

The Council is required under the Home Office Code of Practice to make at least annual reports to members, on the Authorities' use of its powers under this regime. Corporate Governance committee receives any external inspection reports as provided within the Committee's terms of reference.

3. What are the Recommendations?

That Members receive the external report and note the contents of this report and the actions taken as recommended by the IPCO.

4. Report details

The Council for the first time experienced a 'desktop' audit; the new arrangements which have been put in place by the Investigatory Powers Commissioner's Office (previously known as the Office of Surveillance Commissioner) where an initial desktop inspection occurs and then a decision is made on whether a physical inspection shall result. The SRO is pleased to report that the Inspector was satisfied with the Council's approach to governing this area, over the last three years, completed his inspection on the basis of a desktop audit and importantly, that our applications and authorisations are of a good standard. A copy of the Inspection Report is attached as appendix 1.

Following the Inspectors' recommendations, the policy has been updated and is being translated at the time of writing this report.

At the last annual report the SRO for RIPA reported that training was to be provided in - house to investigating officers and authorising officers with practical case studies. This training did take place and the inspector has had sight of the training materials and was satisfied with the content. Since the inspection, one Solicitor in Legal Services has attended a specific legal training course on covert surveillance and social media; the intention now being that over the next 6 months the course materials produced in house will be amended to reflect this new learning.

As regards the annual update to this Committee, there has been no activity in the use of these powers since the last report to this Committee in the last 12 months; the IPCO inspection report covers a three year period and does refer to activity taken place during this time.

The Council has utilised these powers previously for fly tipping, environmental crimes, unlawful sales to underage persons such as alcohol or fireworks; animal welfare and so on. Applications are not made on the basis of 'fishing expeditions', the service will ordinarily be in receipt of evidence supporting the requirement for the surveillance in question.

The Council's RIPA working group has continued to meet as required, in particular where there are any changes to the Codes of Practice or Guidance issued by the Home Office or the Office of Surveillance Commissioners; to consider approaches to particular operations or areas where ripa could assist any enforcement issues and to feedback any comments from any Inspection or from members of this Committee.

The Working Group will meet following this feedback from the Committee.

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

The report provides members with details of an inspection on the governance of one of it's activities.

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

Costs are retained within existing resources and training is delivered in house save for a recent training session on use of social media, costing less than £200

7. What are the main conclusions of the Well-being Impact Assessment?

Not required

8. What consultations have been carried out with Scrutiny and others?

No consultation was required.

9. Chief Finance Officer Statement

Not required

10. What risks are there and is there anything we can do to reduce them?

In utilising it's powers under this regime, the Council can risk breaching an individual's right to a private and family life as set out in the European Convention on Human Rights. Any exercise of these powers, requires the Council to set out very

comprehensively, in an application to an Authorising Officer and then the Magistrates Court, those reasons and grounds for proceeding with the surveillance, which should address why it is proportionate to interfere with any human rights of an individual.

Regular training of officers who use these powers and close oversight by the Monitoring Officer of such activities reduce any risk involved. The Council is also inspected every three years by the Office of Surveillance Commissioners and the report is taken to this Committee once it is received.

11. Power to make the Decision

No decision is required.