

Report to	Corporate Governance and Audit Committee
Date of meeting	18 th November 2020
Lead Member / Officer	Gary Williams, Head of Legal HR and Democratic Services and SRO for RIPA
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Title	Annual RIPA report

1. What is the report about?

- 1.1. This is the annual report to the Corporate Governance and Audit Committee on the Council's use of its powers of surveillance under RIPA (Regulation of Investigatory Powers Act 2000)

2. What is the reason for making this report?

- 2.1. The Council is required under the Home Office Code of Practice to make at least annual reports to members, on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000.

3. What are the Recommendations?

- 3.1. That Members receive and note the contents of this report

4. Report details

- 4.1. The Council has the power to undertake certain surveillance activities where it considers that these are necessary and proportionate for the prevention and detection of crime or for the prevention of disorder. These activities include obtaining access to communications data, directed surveillance and the use of a covert human intelligence source. These activities are defined in more detail

in the Council's Corporate Policy and Procedures which are attached as Appendix 1 to this report.

- 4.2. The use of these powers is heavily regulated. A formal application for authorisation of the use of directed surveillance must be made by the investigating officer to one of the officers designated as an authorising officer. The only officers who may authorise surveillance are the CEO, the Corporate Directors, the s151 Officer and the Monitoring officer.
- 4.3. Where an authorisation is granted by one of those officers, an application must then be made to the Magistrate's Court for judicial approval of the use of that authorisation.
- 4.4. The Home Office has published and maintained Codes of Practice regarding the use of these powers which local authorities are obliged to follow. The Codes of Practice require that a report is made at least annually to elected members on the operation of its powers in this field.
- 4.5. There have been no applications for authorisation of surveillance activity in the period covered by this report which is the period from the date of the last annual report on 5th June 2019 and the writing of this report.

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

- 5.1. No decision is required.

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

- 6.1. Costs are retained within existing resources and training is delivered in house.

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

- 7.1. No assessment is required for this report

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

- 8.1. No consultation is required.

9. Chief Finance Officer Statement

9.1.

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

10.1. In utilising its 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 of such inspection is brought to this Committee once it is received.

11. Power to make the decision

- No decision is required.