

Report to	Governance and Audit Committee
Date of meeting	9 th June 2021
Lead Member / Officer	Gary Williams, Head of Legal, HR and Democratic Services RIPA Senior Responsible Officer.
Report author	Lisa Jones, Legal Services Manager
Title	RIPA Inspection 2021

1. What is the report about?

The Council is inspected by the Investigatory Powers Commissioner's Office (IPCO) approximately once every three years in relation to its activities carried out under the Regulation of Investigatory Powers Act 2000.

2. What is the reason for making this report?

The Committee receives all external regulatory reports.

3. What are the Recommendations?

That the Committee receives and acknowledges the report and provides comments on the recommendations contained therein.

4. Report details

- 4.1. The Council was inspected by one of the Commissioner's Inspectors, Graham Wright in February and March 2021. A copy of the desktop report is attached as Appendix 1. The findings confirmed that no physical inspection was required.
- 4.2. The Committee is familiar with the Annual Report on RIPA that is brought to Members where a summary of activity and governance arrangements around this area is provided to Members.

- 4.3. The level of RIPA activity, which relates only to 'covert' surveillance, rather than 'overt' surveillance, has reduced dramatically over the past ten years. The Council will utilise its RIPA powers only as a very last resort and this means where all other means of gathering the evidence has been considered and explored. In the event of a RIPA application being taken forward there are legal hurdles in which to overcome before the surveillance can take place which includes a detailed application form completed by the applicant, a face to face meeting with one of the Council's Authorising Officers, and then attendance for formal approval from the Magistrates Court. Irrespective of the process, one of the reasons for a reduction in this activity is that the Council has other transparent methods in place in a world where public bodies share more data than they may have done previously as a way of combatting fraud and crime.
- 4.4. Over the past inspection period, there has been no covert surveillance activity conducted, and this is a trend that is the same throughout all local authorities.
- 4.5. The two main areas where the Council is more likely to require a RIPA authorisation is in respect of underage sales and fly tipping.
- 4.6. In respect of the Inspectors' recommendations all actions emanating from the inspection in 2018 have been completed to the Commissioners' satisfaction.
- 4.7. The findings also highlighted a reminder of the need to continue with officer training, for new staff and existing, which has been heeded with a date set in September 2021 to deliver this in house. The Inspector was provided with the training materials and the RIPA working group is updating the practical scenarios and to reflect how RIPA can impact any surveillance on social media or marketplace sites. Legal colleagues have met with the Interim Head of Children's Services and agreed that some awareness training is to be delivered to the management team.
- 4.8. The Data Assurance observations followed a communication from the IPCO in September 2020 in respect of ensuring that the following details were made available to the Inspector when they visited, namely safeguarding data policies, retention and disposal schedules, access to any systems used to store data, and reviewing any systems used to store the 'product' of any investigation, with corresponding destruction time periods.

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

This area of practice supports cleaner and safer places to live and visit and the Councils environmental ambitions and priorities. Fraudulent activity, which can impact on Councils' revenue and budgets, may necessitate taking surveillance action.

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

The costs are met within existing resources, including the training events, as this is prepared and delivered to our in house standards, in a bespoke manner based on Heads of Service requirements.

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

A well being impact assessment is not required for this report and decision.

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

The Council's RIPA working group have been consulted and sighted on the report and are progressing with the recommendations.

9. Chief Finance Officer Statement

Not required.

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

A Council that has a robust policy and supporting governance framework around the policy is less likely to fall foul of RIPA and the right to respect for one's private and family life.

Evidence gathered in a compliant manner can be used in court proceedings and may not be relied upon if not obtained lawfully. It is therefore essential that council staff follow advice and policy in this area.

11. Power to make the decision

Regulation of Investigatory Powers Act 2000 and related Codes of Practice.