

<b>Report to</b>	Governance and Audit Committee
<b>Date of meeting</b>	27 <sup>th</sup> July 2022
<b>Lead Member / Officer</b>	Gary Williams, Head of Legal, HR and Democratic Services RIPA Senior Responsible Officer.
<b>Report author</b>	Lisa Jones, Legal Services Manager
<b>Title</b>	RIPA Annual Report

## 1. What is the report about?

This is the annual report to the 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?

The Committee receives all external regulatory reports.

## 3. What are the Recommendations?

That the Committee receives and acknowledges the report and provides any comments in respect of its contents and the attached policy document.

## 4. Report details

- 4.1. 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.
- 4.2. The level of RIPA activity, which relates only to 'covert' surveillance, rather than 'overt' surveillance, has reduced dramatically over the past ten years to the point now where little or no covert surveillance is taking place. 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 (a member of CET) 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.

- 4.3. Since the last Annual Report to the Committee there has been no covert surveillance activity conducted, and this is a trend that is the same throughout all local authorities. The Covid 19 pandemic will also have had an impact on any ability or necessity to carry out such activities.
- 4.4. The two main areas where the Council is more likely to require a RIPA authorisation is in respect of underage sales and fly tipping. However, the Council is required to consider other less intrusive means of preventing or combatting such activities such as signage or working transparently with publicans and off licences to ensure they are complying with their duties on alcohol sales.
- 4.5. The Investigatory Powers Commissioners' Office is the regulatory body responsible for oversight of investigatory powers by public authorities. The Council was last inspected by one of the Commissioner's Chief Inspectors, Graham Wright, in February and March 2021 and a copy of that Inspection Report was presented to members of this Committee in June 2021 and available for members on the Council's Committee section of the website.
- 4.6. The Home Office Covert Surveillance and Property Interference Code of Practice requires the Senior Responsible Officer for RIPA to provide Elected Members with an annual report on whether the Council's RIPA policy is fit for purpose and to report the level of covert surveillance activity. The inspection in 2021 confirmed that the Inspector has reviewed the Council's RIPA Policy and advised it provides very accurate, complete and practical advice and guidance to practitioners. The advice regarding use of covert online activity has been

added as a result of a recommendation made in the previous inspection. The Ripa policy is attached as Appendix 1.

4.7. Refresher training to Investigating Officers and Authorising Officers is an area that the Regulator is particularly keen on seeing implemented; this is best delivered in a face to face setting as there are practical scenarios which will be worked through and are better delivered in a face to face interactive session. Now the Council offices are accessible post Covid, a date in the Autumn is to be offered to any officers who need to be aware of the Council's Policy and Procedures and the human rights considerations in relation to privacy that the function requires. The Inspector has been sighted on the proposed slides and training materials and is satisfied that albeit delivered in house, are of the appropriate standard.

## **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 meet once a year to review the Policy or more often in the run up to an inspection and are supportive of the refresher training being delivered and supporting and encouraging officers to attend.

## **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.