

Audit, Governance & Standards Committee

27 September 2018

REGULATION OF INVESTIGATORY POWERS ACT – REVIEW OF ACTIVITY

Report of Corporate Director (Monitoring Officer)

All Wards
Key Decision = N

1.0 Purpose of Report

- 1.1 The Council, like many public authorities, is governed by the Regulation of Investigatory Powers Act 2000 (RIPA). The Act ensures that public authorities comply with their obligations under the Human Rights Act when undertaking investigations which may interfere with the rights of individuals. The Act introduces safeguards on activities such as surveillance undertaken by public bodies.
- 1.2 Since 2012 the Audit, Governance and Standards Committee has been responsible for RIPA matters. This involves the Committee receiving quarterly reports on any activities which have been authorised under RIPA.

2.0 Decisions Sought

- 2.1 Members are asked to note that no RIPA activity was undertaken by the Council during the period 1 July 2018 – 30 August 2018.

3.0 Link to Corporate Priorities

- 3.1 Corporate Management.

4.0 Introduction & Background

- 4.1 Although RIPA covers a number of activities undertaken by investigatory bodies (e.g., phone tapping by the Security Services and Police) its principle use in respect of Local Authorities relates to:-
- covert surveillance; and
 - covert human intelligence sources.
- 4.2 Covert surveillance covers the monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained. RIPA is most relevant to the Council's activities in effecting enforcement procedures such as the investigation and prosecution of offences. This would not normally include the initial investigation of contraventions such as planning enforcement or noise investigations, but would

normally involve the later stages where criminal activity was a possibility. Although this could technically include breaches of Planning Enforcement Notices, breaches of Environmental Health Notices, fraud, etc., the Council's use of the powers has been very limited in recent years. For example, the Council has not used authorisations under the Act in the last five years.

- 4.3 From 1 November 2012 amendments to legislation meant that the Council could only use RIPA for directed surveillance for potential criminal activity with a possible penalty of at least six months imprisonment. This means that the Council can no longer use the procedure for low-level offences such as littering, dog control and fly-tipping. For serious offences the Council needs approval from a magistrate before it can use directed surveillance.
- 4.4 Covert human intelligence sources relate to the use of a third party to gather information. For example, this could be an informer or someone used to undertake test purchases. This is not an activity that the Council engages in at all.
- 4.5 The only area in which the Council very occasionally involves itself where RIPA might be relevant is covert surveillance. It is necessary for the Council therefore to follow the legislation and the requirements of Government Codes of Practice. Most of the requirements of the Code are dealt with at an Officer level. However, Members are expected to approve a Policy on RIPA and to have some involvement in the monitoring of how the Council implements RIPA requirements.

5.0 Monitoring of RIPA Activity

- 5.1 Codes of Practice on RIPA recommend that quarterly reports are made to Members on RIPA activity. Consideration of such reports has been delegated to the Audit and Governance Committee. This report therefore constitutes one of those reports and is intended to cover the period 1 July 2018 – 30 August 2018. There was no activity undertaken by the Council which had RIPA implications and therefore it is recommended that the Committee note the position.

6.0 Recommendations

- 6.1 That it be noted that no RIPA activity was undertaken by the Council from 1 July 2018 – 30 August 2018.

7.0 Corporate Implications

Scrutiny Consultation	None
Community Engagement	None
Environment & Sustainability	None
Financial Implications	None
Legal Implications	None
Risk Implications	None
Human Resource Implications	None
Equalities Implications	None
Health & Safety Implications	None

8.0 Further Information

8.1 Background Papers – None.

8.2 File Reference – None

8.3 Appendices – None

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