

Report of:	Meeting	Date	Item no.
Senior Solicitor	Audit Committee	19 September 2017	7

## Compliance with the Regulation of Investigatory Powers Act 2000 (RIPA)

### 1. Purpose of report

- 1.1 To review the authority's use of RIPA since it was last considered at the Audit Committee in November 2016.
- 1.2 To perform the annual review of the council's policy.

### 2. Outcomes

- 2.1 Evidence that the council complies with current legislation.

### 3. Recommendations

- 3.1 Members are requested to note that there has been no use of the council's powers to conduct directed surveillance under the Regulation of Investigatory Powers Act 2000 or use a covert human intelligence source.
- 3.2 Members are requested to note that there has been no changes to the policy since its last review in November 2016. The policy can be found at;  
<http://intranet/services/RIPA/Pages/default.aspx>

### 4. Background

- 4.1 Local authorities can undertake surveillance and access communications data under the framework of the Regulation of Investigatory Powers Act 2000. These rules set high standards for all public authorities that use these powers to undertake a range of enforcement functions to ensure they can keep the public safe and bring criminals to justice, whilst protecting individuals' rights to privacy.
- 4.2 From 1 November 2012, the Protection of Freedoms Act 2012 (the Act) became effective. It introduced a more restrictive approach to the use of RIPA by local authorities by limiting the use of direct authorisations to serious crimes, i.e. those crimes punishable by a maximum custodial sentence of 6 months or more or those constituting an offence of selling

alcohol or tobacco to children. The application must also have judicial approval by a magistrate before an authorisation takes effect and the magistrate needs to be satisfied that there are reasonable grounds for believing that the requirements of RIPA are met.

## **5. Key Issues and proposals**

**5.1** The Code of Practice requires a number of best working practices to be adopted by all public authorities, including:

- An annual review of the authority's use of RIPA to ensure that it is being used consistently and in accordance with the council's policy; and
- An annual review of the policy ensuring that it remains fit for purpose.

**5.2** There is a requirement for the council to nominate a Senior Responsible Officer, who will be responsible for:

- The integrity of the RIPA process in place within the council to authorise surveillance and the covert use of human intelligence source (CHIS);
- Compliance with the legislation and codes of practise;
- Engagement with the Commissioners and inspectors when they conduct their inspections; and
- Overseeing the implementation of any post inspection action plan recommended by the Commissioner.

**5.3** There is also a requirement to have a Senior Responsible Officer who oversees the competence of authorising officers and the processes in use in the authority. Both of these roles are allocated to the Senior Solicitor.

**5.4** There has been no use of RIPA since the last report in November 2016.

**5.5** The Office of Surveillance Commissioners (OSC) oversees the use of covert surveillance by local authorities by carrying out three yearly inspections. The council's most recent inspection took place in November 2015. There are no outstanding recommendations following the review.

<b>Financial and legal implications</b>	
Finance	There are no direct financial implications associated with the changes. Training for staff, to ensure that they are kept up to date with good enforcement practices and revisions to RIPA, will be met from existing budgets.
Legal	The approval of the recommendation will ensure that the statutory requirements have been complied with.

### **Other risks / implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

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<b>List of background papers:</b>		
<b>name of document</b>	<b>date</b>	<b>where available for inspection</b>
None		

### **List of appendices**

None

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