

<u>KEY DECISION</u> <i>No</i>
<u>DATE FIRST PUBLISHED</u> N/A

REGULATION OF INVESTIGATORY POWERS (RIPA)
COUNCIL'S USE OF POWERS

WARDS AFFECTED

All

EXEMPT/CONFIDENTIAL ITEM

No

1. PROPOSED DECISION

1.1 To note the Council's use of its RIPA powers for the period July 2018 to February 2019.

2. JUSTIFICATION FOR THE DECISION

2.1 The Terms of Reference for the Audit and Governance Committee require it to:

- consider the reports of external audit and inspection agencies and monitor management action in response to the issues raised.

3. FACTS SUPPORTING THE PROPOSED DECISION

3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement agencies have the powers they need to conduct investigations effectively. The Council must have in place a system of authorising, recording and reviewing any surveillance that it carries out that is covered by the Act.

3.2 The Council is included within the RIPA framework with regard to the authorisation of both directed surveillance and of the use of covert human intelligence sources (CHIS). Since the introduction of the Protection of Freedoms Act in November 2012, the Council is now only able to authorise surveillance under RIPA if it is for the purpose of preventing or detecting crime or preventing disorder subject to the "serious offence test". These are criminal offences that attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.

3.3 Directed surveillance includes the covert surveillance of an individual in circumstances where private information about that individual may be obtained. A CHIS is a person who, pretending to be someone that they are not, builds up a relationship of trust with another person for the purpose of obtaining information as part of an investigation.

3.4 The latest Home Office Code of Practice on Covert Surveillance and Property Interference recommends elected members to consider internal reports on the Council’s use of RIPA powers on a “regular basis” to ensure that the Act is being used consistently with the Council’s Policy Guidelines. The Code reiterates that Members should not be involved in making decisions on specific RIPA authorisations.

3.5 The last report provided the figures up to June 2018. The information in the table below provides the number of authorisations granted by the Council during the quarters concerned.

<u>Quarter</u>	<u>Directed Surveillance</u>	<u>CHIS</u>	<u>Total</u>	<u>Purpose</u>	<u>Outcome</u>
Apr – Jun 2018	0	0	0	N/A	N/A
Jul – Sep 2018	0	0	0	N/A	N/A
Oct – Dec 2018	0	0	0	N/A	N/A
Jan – Feb 2019	0	0	0	N/A	N/A

* Correct at the time the report was written. Any update will be reported verbally at the meeting and in writing in the next quarterly report.

4. RISKS ASSOCIATED WITH THE PROPOSED DECISION

4.1 None.

5. OTHER IMPLICATIONS

5.1 None.

6. PREVIOUS APPROVAL/CONSULTATION

6.1 None.

7. ALTERNATIVE OPTIONS AND IMPLICATIONS THEREOF

7.1 None.

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