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| <b>Report To:</b>          | <b>CABINET</b>   | <b>Date:</b> | <b>21 JANUARY 2019</b> |
| <b>Heading:</b>            | <b>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) UPDATE</b> |              |                        |
| <b>Portfolio Holder:</b>   | <b>LEADER OF THE COUNCIL, COUNCILLOR JASON ZADROZNY</b>          |              |                        |
| <b>Ward/s:</b>             | <b>NOT APPLICABLE</b>  |              |                        |
| <b>Key Decision:</b>       | <b>NO</b>  |              |                        |
| <b>Subject to Call-In:</b> | <b>YES</b>   |              |                        |

### **Purpose of Report**

The report is to update Cabinet on the use of the Regulation of Investigatory Powers Act (RIPA) policy in the past 12 months and to note that some minor amendments are needed to the policy at this time.

### **Recommendation(s)**

**Cabinet is asked to:**

- 1. Note that minor updates have been made to the policy to take account of new job titles for Directors and Services Managers and to make minor corrections;**
- 2. Approve the amended Policy as attached to the report;**
- 3. Note that the Council has been authorised to carry out one covert surveillance operation pursuant to the RIPA powers in the past 12 months.**

### **Reasons for Recommendation(s)**

The current Code of Practice and Council Policy requires that Members are updated on RIPA authorisations on an annual basis. This report complies with that requirement.

The Policy should also be reviewed regularly to ensure it remains up to date and fit for purpose. The policy has been reviewed and minor amendments are required at this time to ensure job titles are up to date.

## **Alternative Options Considered**

*(with reasons why not adopted)*

The alternative is not to report to Members and not to make the minor policy changes. This alternative course of action could put the Authority at risk of challenge for breach of Policy and leave the Policy containing out of date information.

## **Detailed Information**

### **Regulation of Investigatory Powers Act 2000 – Annual Update**

#### **The Policy:**

The RIPA policy was significantly amended in 2013 following the inspection by the Office of the Surveillance Commissioners ["OSC"]. The RIPA policy was further amended in February 2017 and reviewed without the need to make amendments in January 2018.

Minor amendments are proposed to the current policy as set out in Appendix 1 to ensure the Policy is up to date and fit for purpose. The changes are to job titles and minor corrections and are not substantial.

#### **Update on the Use of RIPA:**

If the Council is required to carry out covert surveillance in the course of its enforcement work, it must comply with the Regulation of Investigatory Powers Act 2000 and related Codes of Practice.

The Council has a Policy in place which sets out a process for ensuring covert surveillance activity is carried out in accordance with the law. In accordance with the Policy and the Code of Practice, the Cabinet must receive an annual report.

In the past 12 months **one** covert surveillance operation has been authorised. The authorisation was granted on 20 December 2018 for a covert operation to prevent and detect crimes committed in public places in a residential area. Potential offences relate to drugs misuse, handling of stolen goods, underage drinking and public order offences. The authorisation will cease to have effect after a three month period unless renewed.

Members are asked to note the update and approve the amended policy attached to the report.

## **Implications**

#### **Corporate Plan:**

Ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

#### **Legal:**

All legal issues are outlined in the report and detailed in the policy.

**Finance:**

| <b>Budget Area</b>                          | <b>Implication</b> |
|---|--------------------|
| General Fund – Revenue Budget               | None               |
| General Fund – Capital Programme            | None               |
| Housing Revenue Account – Revenue Budget    | None               |
| Housing Revenue Account – Capital Programme | None               |

**Risk:**

| <b>Risk</b>   | <b>Mitigation</b>   |
|---|---|
| No risks associated with the recommendations in this report | The policy is in place to ensure the Council complies with the law. |

**Human Resources:**

It is recommended that all officers whose duties are linked to surveillance in any way are provided with adequate training (repeated/refreshed periodically) to ensure they fully understand the RIPA policy and how it applies to their work. Training is carried out on a rolling programme.

**Equalities:**

Implications are considered in the body of the policy, in particular in relation to Article 8 of the Human Rights Act.

**Other Implications:**

None identified.

**Background Papers**

None.

**Report Author and Contact Officer**

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