

<b>Report To:</b>	<b>CABINET</b>
<b>Date:</b>	<b>21 JUNE 2022</b>
<b>Heading:</b>	<b>REGULATION OF INVESTIGATORY POWERS ACT 2000 AND INVESTIGATORY POWERS COMMISSIONER'S OFFICE INSPECTION UPDATE</b>
<b>Executive Lead Member:</b>	<b>COUNCILLOR JASON ZADROZNY, LEADER OF THE COUNCIL</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**

This report is to update Cabinet on the use of the Council's Regulation of Investigatory Powers Act (RIPA) policy in the past 12 months and to provide an update following an inspection by the Investigatory Powers Commissioner's Officer regarding the Council's arrangements for complying with this legislation.

### **Recommendation(s)**

**Cabinet is asked to:**

- 1. Note that the Council has not applied for an authorisation to carry out Directed Surveillance in the past 12 months pursuant to the RIPA powers.**
- 2. Note the outcome of the Investigatory Powers Commissioner's Office (IPCO) inspection on 9 March 2022, in particular that the Council has demonstrated a good level of compliance; and**
- 3. Approve the action plan attached at Appendix 1.**

### **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 and an observation of the Inspector.

## **Alternative Options Considered**

There are no alternative options. Failure to approve the recommendations would put the Council at risk of challenge for breach of policy and ignore a specific recommendation from the Inspector.

## **Detailed Information**

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

If the Council is required to carry out covert surveillance in the course of its enforcement work, it must comply with the RIPA 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. The RIPA policy was amended in November 2019 following the last Investigatory Powers Commissioner's Office (IPCO) inspection.

In accordance with the Policy and the Codes of Practice, the Cabinet must receive an annual report regarding the use of RIPA powers. In the past 12 months **no** covert surveillance authorisations have been applied for.

The last time a RIPA authorisation was sought and approved by the Magistrates' Court was on 20 December 2018. The authorisation was cancelled on 19 March 2019. There was no enforcement action taken as a direct result of this covert surveillance operation.

Members are asked to note the update.

### **Investigatory Powers Commissioner's Officer (IPCO) Inspection**

On 9 March 2022 the Council underwent a virtual inspection regarding its arrangements for complying with the Regulation of Investigatory Powers Act 2000.

The IPCO Inspector met with the Council's Senior Responsible Officer (SRO), Ruth Dennis, Director of Legal and Governance (Monitoring Officer), and Antonio Taylor, Community Safety Manager in his capacity as responsible officer for strategic and operational management of CCTV. The Inspector had requested sight of documentation in advance of the inspection meeting (such as the relevant Council policies) and further information was supplied for clarification purposes after the meeting.

The Inspector concluded that the Council has demonstrated a good level of compliance in general. Several observations were highlighted to enable the Council to improve its existing processes and to also bring the Council back in line with its obligations following interruptions due to COVID which diverted resources to other priorities. The observations have been developed into an Action Plan which is attached as **Appendix 1**.

Revisions to the RIPA Policy in accordance with the recommendations of the Inspector will be presented to a future Cabinet meeting.

## **Implications**

### **Corporate Plan:**

Safer and Stronger: the Council's Vision by 2023 is to ensure the foundations for a good quality of life are in place; reducing crime and anti-social behaviour

### **Legal:**

When carrying out covert surveillance in the course of its enforcement work, the Council must comply with the RIPA legislation and related Codes of Practice. [RLD 20/05/2022]

### **Finance:** [PH 23/05/22].

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	No financial implications arising from this report.
General Fund – Capital Programme	No financial implications arising from this report.
Housing Revenue Account – Revenue Budget	No financial implications arising from this report.
Housing Revenue Account – Capital Programme	No financial implications arising from this report.

### **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 and the Inspector has confirmed that the Council's arrangements are fit for purpose.

### **Human Resources:**

It is recommended that all officers whose duties are linked to surveillance are provided with adequate training to be refreshed periodically to ensure they fully understand the RIPA policy and how it applies to their work. Training will be refreshed and carried out on a rolling programme to be made available on the intranet as set out in the Action Plan at Appendix 1.

### **Environmental/Sustainability:**

There are no Environmental/Sustainability implications.

### **Equalities:**

Implications are considered in the policy, particularly in relation to article 8 of the Human Rights Act.

### **Other Implications:**

None.

### **Reason(s) for Urgency**

Not applicable

### **Reason(s) for Exemption**

Not applicable

### **Background Papers**

Not applicable

### **Report Author and Contact Officer**

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