

Report To:	CABINET	Date:	20 FEBRUARY 2017
Heading:	REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) UPDATE		
Portfolio Holder:	CLLR CHERYL BUTLER - LEADER OF THE COUNCIL		
Ward/s:	N/A		
Key Decision:	NO		
Subject To Call-In:	YES		

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 approve the amendments needed to the policy.

Recommendation(s)

Cabinet to approve and accept the proposed amendments to the Policy;

Cabinet to delegate responsibility to the Assistance Chief Executive for all minor amendments to the Policy;

Cabinet to note that the Council has not authorised any covert surveillance 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 proposed amendments to the policy comply with that requirement

Alternative Options Considered (With Reasons Why Not Adopted)

The alternative is not to approve the proposed amendments to the policy which could put the Authority at risk of challenge.

Detailed Information

Regulation Of Investigatory Powers Act 2000 – Annual Update

The Policy:

1. The RIPA policy was amended in 2013 following the inspection by the Office of the Surveillance Commissioners [“OSC”].
2. There are some further amendments necessary to ensure the policy is compliant with legislation and associated guidance.
3. The policy is attached at appendix 1 and the proposed amendments have been tracked for ease of reference.
4. Whilst the Chief Commissioner from the OSC is yet to approve the amended policy, the Inspector has made some comments which have been incorporated into the policy with an indication that he will be praising the Council’s policy in general terms. In light of this it is unlikely a further inspection will be necessary.

Update on the Use of RIPA:

1. In the past 12 months **no** covert surveillance has been authorised.
2. 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.
3. 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.
4. Members are asked to note the update.

Implications

Corporate Plan:

Ashfield District Council is an enabler of local leadership in Ashfield.

Ensuring our people, structures, systems, processes and practices are ‘fit for purpose

Legal:

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

Finance:

The recommendations in the report have no direct financial implications

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Human Resources / Equality and Diversity:

HR - 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 by the Shared Legal Service.

Equality & Diversity - 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

Reason(s) for Urgency (if applicable):

N/A

Background Papers

NONE

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