

 Executive 31 October 2018		Agenda Item No. 7
Title	Regulation of Investigatory Powers Act policy	
For further information about this report please contact	Andrea Wyatt ext 6831	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Executive 8 th June 2011	
Background Papers	RIPA Policy	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes
Equality Impact Assessment Undertaken	No
This is a legislative requirement	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	09/10/2018	Bill Hunt
Head of Service	09/10/2018	Mike Snow
CMT	09/10/2018	
Section 151 Officer	09/10/2018	Mike Snow
Monitoring Officer	09/10/2018	Andrew Jones
Finance	09/10/2018	Mike Snow
Portfolio Holder(s)	10/10/2018	Peter Whiting
Consultation & Community Engagement		
Insert details of any consultation undertaken or proposed to be undertaken with regard to this report.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The Regulation of Investigatory Powers Act 2000, (RIPA) provides the circumstances in which a local authority may use surveillance techniques in order to prevent and detect crime. Each local authority should have a policy in place, which sets out the circumstances in which these powers may be used and the procedure to be followed.

2. **Recommendation**

- 2.1 That Executive note that a RIPA inspection was recently undertaken by the Investigatory Powers Commissioners Office.
- 2.1 That Executive agree the amended RIPA policy.

3. **Reasons for the Recommendation**

- 3.1 The Investigatory Powers Commission (IPCO) are responsible for providing independent oversight of the use of investigatory powers by public bodies which are undertaken under the RIPA and are responsible for undertaking inspections to ensure compliance.
- 3.2 A desktop RIPA inspection was recently undertaken by the IPCO, who were satisfied that the Council demonstrated a level of compliance removing the need for a physical, on-site inspection.
- 3.3 Paragraph 4.47 of The Home Office revised code of practice, published in August 2018, recommends that "Elected members of a local authority should review the authority's use of the 1997 Act and the 2000 Act and set the policy at least once a year. They should also consider internal reports on use of the 1997 Act and the 2000 Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose".
- 3.4 It should be noted that RIPA has not been used for a number of years, however it remains that the Council does have certain powers which may be used should it be necessary.
- 3.5 The policy has been updated to incorporate legislative changes and to provide more specific details in respect of the Court process for the approval of RIPA requests by a Justice of the Peace. Appendix 1 has also been added to the policy, which covers the use of social media and sets out the circumstances when a RIPA authorisation would be required. It will be necessary for members to review and agree the policy annually in the future.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
The policy will help to ensure employees within the Council do not breach Article 8 of the Human Rights Act.	N/A	N/A
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Ensuring that there is an approved policy in place will help to ensure staff comply with legislation when undertaking their duties.	N/A	RIPA provides the Council with certain powers which could be useful in the prevention and detection of crime, therefore protecting the Council's financial resources.

4.2 **Supporting Strategies**

None

4.3 **Changes to Existing Policies**

None

5. **Budgetary Framework**

5.1 There are no budgetary implications relating to the approval of the policy.

6. **Risks**

6.1 Failure to comply with RIPA legislation could result in a breach of The Human Rights Act.

7. **Alternative Option(s) considered**

7.1 There are no alternative options.