

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Review of RIPA Policy

Meeting/Date: Corporate Governance Committee - 13 June 2018

Executive Portfolio: Executive Councillor for Strategic Resources

Report by: Corporate Fraud Manager

Ward(s) affected: All

Executive Summary:

The Regulation of Investigatory Powers Act 2000 (RIPA) sets out how local authorities should conduct covert surveillance for the purpose of investigating criminal offences.

Huntingdonshire District Council's RIPA policy has been updated to meet current legislation and changes to the codes of practice and takes account of recommendations that came out of a recent inspection carried out by the Investigatory Powers Commissioner's Office (IPCO).

This report gives an overview on how HDC ensures that it meets the legislative and administrative requirements of the RIPA process.

Recommendation(s):

The Corporate Governance Committee is invited to comment on the Council's revised RIPA policy.

1. PURPOSE OF THE REPORT

- 1.1 The previous HDC RIPA policy was approved by the Corporate Governance Panel in July 2013. It was resolved at that meeting that “the Head of Legal and Democratic Services be authorised to make any amendments to the policy in future after consultation with the Chairman of the Corporate Governance Panel and subject to the matter being reported to the next meeting of the Corporate Governance Panel”.
- 1.2 The amendments made to the policy have been authorised by the Head of Legal Services. However, due to the timing of the review, consultation with the Chair of the Committee was not possible and so the matter is being reported to the Corporate Governance Committee (CGC) at the earliest possible opportunity.

2. BACKGROUND

- 2.1 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a legal framework for covert surveillance activities by public authorities (including local authorities). This was overseen by the Office of Surveillance Commissioners (OSC). However, from 1 September 2017 oversight is provided by the Investigatory Powers Commissioner's Office (IPCO) which has been set up as an independent inspection regime to monitor Investigatory Powers which relate to covert activity currently under RIPA. The use of surveillance (both overt and covert) to provide information is a valuable resource for the protection of the public and the maintenance of law and order. To discharge their responsibilities local authorities and law enforcement agencies use unaided surveillance and surveillance devices. RIPA and the codes of practice provide a legal framework and procedure to authorise the use of covert surveillance.
- 2.2 Following an inspection and subsequent report by His Honour Norman Jones QC, the Assistant Commissioner of the Investigatory Powers Commissioner's Office, a number of recommendations were put forward which have now been implemented.
- 2.3 HDC's RIPA policy sets out the latest legal and agreed procedure for applying, authorising and monitoring of all applications made under this legislation. The review also gave an opportunity to ensure that the roles of individual officers in administering the policy reflect the current establishment.
- 2.4 The policy sets out a requirement that details of surveillance activity undertaken by HDC will be reported to the CGC on an annual basis. This will be included in the Fraud Team's Annual Fraud Report.

3. ANALYSIS

- 3.1 In 2017-18, surveillance under RIPA was used on one occasion by our Communities Department. This was for a fly tipping matter whereby a camera was set up at a location that had previously been targeted. The camera was in place for three months but no further incidents were recorded during this period.

4. KEY IMPACTS / RISKS

- 4.1 If the current policy is not up to date to reflect changes in legislation and codes of practice, the Council could be at risk of acting illegally. It is therefore important an up to date policy is maintained that staff can refer to.

5. WHAT ACTIONS WILL BE TAKEN

- 5.1 Refresher training for both Applicants and Authorising Officers has already been undertaken and completed. The necessary amendments to the policy have been made following consultation with the Head of 3C Legal and an outside consultant who is accredited by the Home Office on RIPA matters. There is one more piece of training for some officers to undertake which has been arranged for the forthcoming months.

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES

- 6.1 Strategic priority - Becoming a more efficient and effective Council.

7. REASONS FOR THE RECOMMENDED DECISIONS

- 7.1 It is required that any changes to the Council's RIPA policy are reported to the Corporate Governance Committee.

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