

NAME OF COMMITTEE	Overview & Scrutiny Committee
DATE	14 October 2014
REPORT TITLE	Regulation of Investigatory Powers Act (RIPA) Policy and update on the use of RIPA
Report of	Monitoring Officer
WARDS AFFECTED	All

Summary of report:

- to review the Council's Regulation of Investigatory Powers Act (RIPA) Policy and
- to update the Committee on the use of the Regulation of Investigatory Powers Act 2000 by the Council

in accordance with Home Office Guidance 'Covert Surveillance and Property Interference' Code of Practice.

Financial implications:

There are no financial implications to this report.

RECOMMENDATIONS:**To recommend to Council that:**

1. the amended RIPA Policy is approved and delegated authority is granted to the Monitoring Officer to make any necessary legislative or best practice changes to the Policy
2. the four Service Leads are appointed as RIPA Authorising Officers following their appointment
3. the Monitoring Officer appoints one of the legal team to be the RIPA Co-ordinating Officer
4. The Committee notes that there have been no RIPA Authorisations in the last quarter.

Officer contact:

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1. BACKGROUND

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) was designed to regulate the use of investigatory powers and its effect is that formal authorisation must be obtained before carrying out certain surveillance, monitoring and other evidence gathering activities.
- 1.2 RIPA requires the Council to have in place procedures to ensure that when required, surveillance is seen as necessary and is properly authorised. These are set out in the Policy attached to this report.
- 1.3 The Act also requires the Chief Surveillance Commission to keep under review the use of RIPA by Councils and this is carried out by inspectors from the Office of the Surveillance Commissioner (OSC).
- 1.4 Mr Mackian from the OSC carried out an inspection on 7 August 2014 to ensure that the Council is complying with the Act and its Policy.

2. RIPA POLICY

- 2.1 The Council's current RIPA Policy is attached at Appendix A. The recent inspection by the OSC Inspector confirmed that the Policy is a very clear and comprehensive and requires only minor amendments to reflect the impact of the Protection from Freedoms Act 2012 which states that RIPA authorisations must now be authorised by a Justice of the Peace. This means that any authorisations under RIPA for covert surveillance will only be effective once an Order approving the surveillance has been granted by a JP. Accordingly amendments have been made to pages 13, 15 and 16 of the attached Policy. Council has previously approved designated officers who can apply for these orders.
- 2.2 The Authorising Officers set out in the Annex to the Policy will need updating following the appointment of the four Service Leads later this year.

3. RIPA CO-ORDINATING OFFICER

- 3.1 The OSC Inspector also recommended that an officer from the Legal Team be appointed with immediate effect as a RIPA Coordinating Officer with specific compliance oversight responsibilities. The role will include maintaining the central record of authorisations and collating original applications and authorisations, reviews, renewals and cancellations; oversight of RIPA documentation and training and awareness.

4. UPDATE ON USE OF RIPA

- 4.1 No authorisations have been applied for or granted in the last quarter.

5. LEGAL IMPLICATIONS

- 5.1 The Home Office Guidance 'Covert Surveillance and Property Interference' Code of Practice requires that Members should review the Council's use of RIPA and set the policy at least once a year. Members should also consider reports on the use of RIPA quarterly to ensure that it has been used consistently with the Council's policy and that the policy remains fit for purpose.

5.2 The Overview & Scrutiny Committee is responsible for an overview of the Council's use of RIPA.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications to this report.

7. RISK MANAGEMENT

7.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

8. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Considerations of equality and human rights:	These are considered in each individual application and authorisation
Biodiversity considerations:	Not applicable
Sustainability considerations:	Not applicable
Crime and disorder implications:	These are considered in each individual application and authorisation
Background papers:	None
Appendices attached:	Appendix A: Regulation of Investigatory Powers Act 2000 Policy

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1.	To ensure that the policy is used consistently and that it remains fit for purpose.	Reporting to Scrutiny raises awareness of the use of RIPA and ensures a consistent application of the policy	5	2	10	↔	Ensure that the Policy is up to date with the law and best practice guidance and that it is being used only where necessary and proportionate.	RIPA Senior Responsible Officer

Direction of travel symbols ↓ ↑ ↔