

SUBJECT:	REGULATION OF INVESTIGATORY POWERS ACT 2000 UPDATE
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	BECKY SCOTT, LEGAL & DEMOCRATIC SERVICES MANAGER

1. Purpose of Report

- 1.1 To update members on the use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA) as required by the Guidance issued by the Office of Supervision of Surveillance

2. Executive Summary

- 2.1 Directed surveillance is essentially covert surveillance in places other than residential premises or private vehicles. Local authorities cannot conduct 'intrusive' surveillance (i.e. covert surveillance carried out in residential premises or private vehicles) under the RIPA framework.

A covert human intelligence source (CHIS) includes undercover officers, public informants and people who make test purchases.

The RIPA allows authorities to undertake that surveillance if so permitted by the Chief Executive, who is the Council's Authorised Officer and judicial approval is sought and obtained. The Council has policies in place to cover this process.

Such surveillance was previously used in investigations more regularly, in cases such as benefit fraud, however is now considered very rarely because officers now use more open techniques in their investigations.

- 2.2 The requirements in respect of RIPA include reporting to members on the use of the powers in surveillance activity in the Council, as set out in the Code of Practice for Covert Surveillance and Property Interference, on an annual basis. This report fulfils that duty.

3. Background

- 3.1 The Council has a Policy which cover implications for all staff who investigate suspected criminal offences and other breaches of regulations for which the Council is responsible.

The Policy includes the procedures for obtaining authorisations and together these explain:

- the purpose of the Act in relation to the Council's functions
- the circumstances which it applies to
- how to make sure that it is complied with

- functions of the Central Register
- process for authorisations
- details for authorisations
- Guidance on the use of Social Media in investigations

- 3.2 The RIPA Policy was approved by the Executive in June 2016, and having been reviewed, there is no proposal to amend it as it is still fit for purpose.
- 3.3 The Council may face a further inspection after the last one which occurred in January 2016. The outcomes of that inspection were limited however were implemented and in particular the need to keep awareness raised through training is an ongoing requirement.
- 3.4 One area highlighted during the inspection was the use of social media in investigations. Viewing public sites is classed as surveillance in this sense. As part of the RIPA policy there are procedures in place for staff and members to carry out any checks of social media for the purposes of investigations. If anyone wishes to view a social media site for the purpose of an investigation, this must be done via the communications team and legal services. There is a form which must be completed to ensure that officers do not inadvertently carry out covert surveillance in the course of their jobs. Staff have also been told not to use their own social media pages to view individual's data on publicly accessible social media sites as this could amount to Directed Surveillance under RIPA and we wish to avoid any unnecessary links to those being investigated.
- 3.5 Part of a recommendation from the Office of Supervision of Surveillance is that the Council's use of social media in investigations is reviewed and is interpreted as needing to be monitored. This is done by the Legal & Democratic Services Manager and there are no issues to report. There is a social media policy which is under development and when this is finalised and rolled out, there will be a link made with the RIPA requirements for use of social media.

4. Number of authorisations obtained

- 4.1 The Council has still not applied for, nor obtained any authorisations from the Magistrates Court for surveillance since 2009. This is mainly due to the fact that the Council's investigations are mostly pre-planned and overt.

5. Organisational Impacts

- 5.1 Finance
There are no finance implications in this report
- 5.2 Legal Implications
As outlined in the report
- 6.5 Equality, Diversity & Human Rights
There are no equality, diversity and human rights issues raised in this report.

7. Risk Implications

7.1 (i) Options Explored

n/a

7.2 (ii) Key risks associated with the preferred approach

n/a

8. Recommendation

8.1 That members note this report.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? None

List of Background Papers: None

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