



Strategic Management Team Lead Officer	Karen Brimacombe, Chief Executive
Author	Karen Brimacombe
Telephone	01306 879101
Email	Karen.brimacombe@molevalley.gov.uk
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Subject	Authorisations made under the Regulation of Investigatory Powers Act 2000 (RIPA)
RECOMMENDATION	
<p>That the Committee notes the use of the powers, and any authorisations made for directed covert surveillance, under the Regulation of Investigatory Powers Act 2000, together with the outcome of an inspection of the Council’s policy and procedures by the Investigatory Powers Commissioner’s Office (IPCO).</p>	

EXECUTIVE SUMMARY
<p>This report provides an update on the use of the powers and the number of authorisations granted under the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA). It also provides an update on the Council’s policy and procedures following an inspection by the IPCO.</p>

Corporate Priorities
<p>Appropriate usage of the Regulation of Investigatory Powers Act 2000 could assist in achieving a number of key objectives, particularly those contributing to –</p> <ul style="list-style-type: none"> • Community Wellbeing Priority – CW5 – “Tackle environmental and community anti-social behaviour by working with partners to deliver ... effective enforcement” • Environment Priority – ENV 5 – “work with other agencies to lessen the impact of environmental pollution...”

BACKGROUND

- 3.1 From time to time the Council needs to carry out surveillance or investigatory work in order to fulfil its statutory duties and powers. The Regulation of Investigatory Powers Act 2000 regulates the way in which public authorities can carry out covert surveillance on a statutory basis without breaching the Human Rights Act 1998. If an officer wishes to carry out covert surveillance they can do so in two ways – either by directed surveillance or where they establish or maintain a personal or other relationship with a person for the purposes of making enquiries about another person or persons (i.e. an informant).
- 3.2 To comply with RIPA, Covert Surveillance must be authorised by officers who have been designated by the Council, and also by a Justice of the Peace. Authorisations can only be sought for criminal offences punishable by a maximum term of at least 6 month’s imprisonment (or for an offence which is related to underage sales of alcohol or tobacco).
- 3.3 Surveillance should only be undertaken as a last resort. Each application for authorisation has to be fully evaluated and several factors have to be considered including proportionality to the suspected offence that is being committed, the amount of other supporting evidence that has been gathered to substantiate an allegation, whether any other alternative means of investigation are available to the investigator, whether any third parties are likely to be included in the surveillance and also the length of time and cost, by way of resources each surveillance operation is going to take. Given this, it would be unusual for a District Council such as MVDC to seek a significant number of authorisations. Indeed, since the time of the last report to Scrutiny Committee, in July 2016, it has not been necessary to seek any authorisations for directed surveillance.

The Executive Head of Service (People and Projects), or in their absence the Chief Executive, acts as the Senior Responsible Officer for overseeing RIPA. The following officers are designated to authorise surveillance: the Fraud and Investigation Manager, the Benefits Manager and the Principal Solicitor.

4.0 Training

In addition to periodical meetings with relevant officers to discuss changes to the legislation and the Council’s policy, and providing updates on the Intranet and to Business Managers, relevant staff attend external training courses.

5.0 Periodical Inspections

An inspection of the Council’s policy and procedures was carried out, on 8 March 2019, by the IPCO. The previous inspection had taken place in 2016. The IPCO found that the recommendations of the previous Inspector had been fully discharged. The Inspector made the following comments by way of conclusion following his inspection:

“As a second-tier authority with no Trading Standards department, it is not surprising that MVDC has not utilised its RIPA powers for a number of years.

However, should the need arise in the face of emerging threats, the Council appears well placed to exercise those powers in an informed and compliant manner with an experienced and knowledgeable team of authorising officers. There is a single recommendation from this inspection relating to minor revisions of the RIPA policy document.”

The minor revisions recommended by the Inspector have been incorporated within the MVDC Policy. In addition, the policy has been updated to include reference to changes in legislation relating to access to communications data. As the policy is operational it has been considered and agreed by the Council’s Corporate Governance Board which is chaired by the Chief Executive.

Legal Implications – The Council’s RIPA authorisations are made in accordance with statutory requirements.

Financial Implications - This report is for information purposes only.

CORPORATE IMPLICATIONS

Monitoring Officer Commentary – The Monitoring Officer confirms that all relevant legal implications have been taken into consideration.

S151 Officer Commentary – The S.151 Officer confirms that there are no direct financial implications arising from this report.

Risk Implications – By implementing the recommendations of the IPCO report the Council can be reassured that robust practices and procedures are in place regarding RIPA.

Sustainability Issues – There are no implications.

Equalities Implications – None arising from this report.

BACKGROUND PAPERS

None