

# Buckinghamshire & Milton Keynes Fire Authority



<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	19 February 2014
<b>OFFICER</b>	Jason Thelwell, Chief Operating Officer
<b>LEAD MEMBER</b>	Councillor Adrian Busby
<b>SUBJECT OF THE REPORT</b>	<b>Annual Report on Regulation of Investigatory Powers Act 2000 (RIPA)</b>
<b>EXECUTIVE SUMMARY</b>	<p>The statutory guidance relating to RIPA requires that the Authority:</p> <ol style="list-style-type: none"> <li>1. Receive an update at least annually of the use by the authority of surveillance and use of Covert Human Intelligent Sources (CHIS) (<b>Annex A</b>).</li> <li>2. Have the opportunity to review the CHIS and Surveillance policy annually (<b>Annex B</b>).</li> </ol> <p>This report satisfies these requirements and updates the Authority on RIPA activity over the past year.</p> <p>The Authority has had no requirement to use RIPA for enforcing the Regulatory Reform (Fire Safety) Order 2005 since the last report to the Authority; and it supplied a nil return to the Office of the Surveillance Commissioner for year 2012/2013.</p>
<b>ACTION</b>	Information.
<b>RECOMMENDATIONS</b>	<p>It is recommended that:</p> <ol style="list-style-type: none"> <li>1. The update report be noted.</li> <li>2. The CHIS and Surveillance policy be approved.</li> </ol>
<b>RISK MANAGEMENT</b>	Non compliance in these regulations would have an impact on the organisation as well as on any employees who fail to discharge their responsibilities correctly.
<b>FINANCIAL IMPLICATIONS</b>	None directly arising from the recommendations.
<b>LEGAL IMPLICATIONS</b>	On 1 November 2012 Sections 37 and 38 of the Protection of Freedoms Act 2012 and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 combined to amend RIPA in two

	<p>fundamental respects:</p> <p>1) It imposed a requirement for local authorities to get approval from a Magistrate for use of covert directed surveillance, covert human intelligence sources (CHIS) and access to communications data (e.g. billing and subscriber information); and</p> <p>2) local authorities became only permitted to use RIPA powers in respect of offences resulting in at least 6 months imprisonment or offences relating to the underage sale of alcohol or tobacco.</p> <p>Whilst applicable to Buckinghamshire and Milton Keynes councils, and to county brigades, standalone FRAs were omitted from these restrictions.</p>
<b>HEALTH AND SAFETY</b>	None.
<b>EQUALITY AND DIVERSITY</b>	None.
<b>USE OF RESOURCES</b>	Policy and enforcement officer time for training/awareness for staff.
<b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b>	<p>Since the last report (18 April 2012), the findings of the Surveillance Commissioner's Inspection have been reported to the Executive Committee (8 August 2012).</p> <p>Annual Report on Regulation of Investigatory Powers Act 2000. Fire Authority Meeting 18 April 2012, Item 8.</p> <p><a href="http://www.bucksfire.gov.uk/NR/rdonlyres/B15389B1-6432-415E-AAA7-1F8714EEFCCD/0/180412Agendaanditems.pdf">http://www.bucksfire.gov.uk/NR/rdonlyres/B15389B1-6432-415E-AAA7-1F8714EEFCCD/0/180412Agendaanditems.pdf</a></p> <p>Office of Surveillance Commissioner's Inspection Report (RIPA) Executive Committee 8 August 2012 Item 15.</p> <p><a href="http://www.bucksfire.gov.uk/NR/rdonlyres/895C0376-D5C7-489B-A8F3-D09F0997AF1E/0/080812Executive14to22.pdf">http://www.bucksfire.gov.uk/NR/rdonlyres/895C0376-D5C7-489B-A8F3-D09F0997AF1E/0/080812Executive14to22.pdf</a></p> <p>Covert Surveillance and Property Interference, Revised Code of Practice, Home Office, 2010.</p> <p><a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/code-of-practice-covert?view=Binary">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/code-of-practice-covert?view=Binary</a></p> <p>Covert Human Intelligence Sources, Code of Practice, Home Office, 2010.</p> <p><a href="https://www.gov.uk/government/publications/code-of-practice-for-the-use-of-human-intelligence-sources">https://www.gov.uk/government/publications/code-of-practice-for-the-use-of-human-intelligence-sources</a></p> <p>Regulation of Investigatory Powers (Directed</p>

	Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012. <a href="http://www.legislation.gov.uk/uksi/2012/1500/pdfs/uksi_20121500_en.pdf">http://www.legislation.gov.uk/uksi/2012/1500/pdfs/uksi_20121500_en.pdf</a>
<b>APPENDICES</b>	Annex A: Regulation of Investigatory Powers Act 2000 Update. Annex B: BMKFA CHIS and Surveillance Policy Note: 80-001-002.
<b>TIME REQUIRED</b>	5 minutes.
<b>REPORT ORIGINATOR AND CONTACT</b>	Andy Jones <a href="mailto:ajones@bucksfire.gov.uk">ajones@bucksfire.gov.uk</a> 01296 744482

## **Regulation of Investigatory Powers Act 2000 -Update**

### **Background:**

1. The Regulation of Investigatory Powers Act 2000 (known as RIPA) regulates a number of investigative procedures and these cover a range of subjects, including covert surveillance which are ways of investigating someone without alerting them to the fact that they are under investigation, this can be done by recording them by hidden camera for example.
2. In broad terms, RIPA requires that covert surveillance is authorised by an 'authorising officer' within the authority and RIPA also regulates the use of covert human intelligence sources (which is when someone is authorised by a public authority to establish or maintain a relationship in order to covertly obtain information and disclose it to the public authority).
3. Further to this RIPA also regulates the acquisition of communications data; this is when the authority obtains information about the times of calls and the location and identity of callers but not the content of the calls.

### **Use of RIPA within Buckinghamshire and Milton Keynes Fire Authority**

4. Buckinghamshire and Milton Keynes Fire Authority (BMKFA) is able to make use of these procedures during the course of investigations into alleged breaches of the Regulatory Reform (Fire Safety) Order 2005 and in relation to hoax or nuisance calls for emergency assistance.
5. However to date no investigative procedures covered under RIPA have been authorised or undertaken.
6. Where a public body acts in a manner that invades the privacy of an individual, which is likely to be the case if investigative procedures under RIPA are employed, it is for the public body to prove that the intrusion is lawful, necessary and proportionate.
7. In order to prove that due consideration has been given to the factors above, authorities who use powers under RIPA, must abide by clearly documented grounds for authorisation in respect of the specific investigative procedures:
8. To this end BMKFA has a RIPA policy which is reviewed each year and amended as necessary.
9. The following roles form an integral part of the authorisation procedure under RIPA and they are currently undertaken by the officers named in brackets:
  - Authorising Person (GM David Norris).
  - Single Point of Contact (SM Doug Gruchy).

10. These individuals have received formal training in relation to RIPA and they have accreditation which is issued by the Home Office, as a further safeguard the authority also has a Senior Responsible Person (SRO) and this role is currently undertaken by the Chief Operating Officer.
11. It is intended that the role of SRO will pass to the Director of Legal and Governance once the necessary training has been completed.
12. The SRO role under the relevant Codes of Practice is ensure:
  - the integrity of the process in place within the public authority for the management of Covert Human Intelligence Sources and Directed Surveillance
  - compliance with RIPA and with the Codes
  - engagement with the Office of Surveillance Commissioner's inspectors when they conduct their inspections, where applicable, and
  - where necessary, oversight of the implementation of post-inspection action plans approved by the Surveillance Commissioner.

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