

Regulatory and Audit Committee

Title:	Regulation of Investigatory Powers Act Covert Surveillance Annual Report
Date:	Thursday 4 April 2019
Author:	Jamie Hollis
Local members affected:	All areas

For press enquiries concerning this report, please contact the media office on 01296 382444

Summary

The purpose of the paper is to provide an annual report in relation to the Council's use of its powers under the Regulation of Investigatory Powers Act 2000, and to present an updated policy to the Committee for consideration.

Recommendation

The Committee is asked to:

- 1. Note the annual review of RIPA activity;**
- 2. Note the outcome and findings of the recent IPCO inspection; and**
- 3. Approve the revised Covert Surveillance Policy and Procedure.**

A: Background:

The County Council has a number of functions to undertake which involve the enforcement of laws and regulation. On occasion, officers may need to conduct investigations and, in exceptional circumstances, the Council has the power to make use of covert surveillance and similar activities.

The Regulation of Investigatory Powers Act 2000 (RIPA) and the Codes of Practice issued by the Home Office under section 71 of that Act regulate the way in which the County Council conducts surveillance for the purposes of law enforcement. The fundamental requirement of RIPA is that when the Council considers undertaking directed surveillance or using a covert human intelligence source it must only do so if a) the relevant criteria are satisfied, b) the activity has been authorised by an officer with appropriate powers, and c) Magistrates approval has been secured prior to any surveillance activity.

B: Review

The County Council's RIPA procedures and activity were inspected by the Investigatory Powers Commissioner's Office in January 2019. The findings of that inspection are contained within the IPCO letter attached at **Appendix A** to this report.

While the result of the inspection was positive, the Inspector made some recommendations for minor amendments to the Council's RIPA Policy. The recommended amendments, along with some general updates are identified in track-changes to the attached draft at **Appendix B** to this report.

The Council's policy requires a regular update of RIPA activity to be reported to the Regulatory and Audit Committee. The Council's use of RIPA powers continues to be very limited. The Council (via its shared service arrangement with Surrey County Council) authorised one instance of directed surveillance during the year 1 April 2018 – 31 March 2019. This case related to the detection of illegally imported animals. Ultimately the surveillance activity authorised was not as successful as hoped, and the necessary evidence was instead obtained by the Police.

The Council did not authorise any use of Covert Human Intelligence Sources during this period.

The Council submits an annual statement of its use of RIPA powers to the Investigatory Powers Commissioner's Office.

C: Resource implications

None

D: Legal implications

The Council must have an up to date legally compliant policy and procedures in place.

E: Other implications/issues

No other implications.

F: Feedback from consultation, Local Area Forums and Local Member views (if relevant)

Not applicable

Background Papers
