

Regulation of Investigatory Powers Act Annual Report

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Wards affected:

PROPOSED DECISION

Members are asked to consider and approve the proposed amendments to the Council's RIPA Policy and Procedures highlighted in Appendix B and the present position with the use of RIPA.

Corporate Implications

The Regulation of Investigatory Powers Act 2000 ("RIPA") was designed to regulate the use of investigatory powers and to satisfy the requirements of the European Convention on Human Rights on its incorporation into UK law by the Human Rights Act 1998. RIPA regulates the use of a number of covert investigatory techniques, not all of which are available to local authorities. The three types of technique available to local authorities are: the acquisition and disclosure of communications data (such as telephone billing information or subscriber details); directed surveillance (covert surveillance of individuals in public places); and covert human intelligence sources ("CHIS")(such as the deployment of undercover officers). Local authorities sometimes need to use covert techniques in support of their statutory functions. They, not the police, are responsible for enforcing the law in areas such as: environmental crime, taxi cab regulation; underage sale of knives, alcohol, solvents and tobacco and the employment of minors. The communications data powers are primarily used by local authorities to target rogue traders (where a mobile phone number can be the only intelligence lead). Directed surveillance powers are used in benefit fraud cases, to tackle anti-social behaviour (in partnership with the police) and flytipping, while CHIS and directed surveillance are used in test purchase operations to investigate the sale of tobacco, alcohol and other age-restricted products.

Wycombe District Council uses the power under RIPA , the Regulation of Investigatory Powers Act 2000, to conduct authorised directed surveillance (DI) in connection with the conduct of criminal investigations. Although the Council is also permitted under RIPA to authorise the interception of communications data and the use of Covert Human Intelligence Sources it has not done so since RIPA came into force in 2000.

2. Executive Summary

The Council's compliance arrangements, for the use of covert surveillance under the Regulation of Investigatory Powers Act 2000 ("RIPA"), were inspected on 28th November 2016, by His Honour Brian Barker of the Office of Surveillance Commissioners. Although it was noted that hardly any use is

made of the statutory powers the inspection report was satisfied that positive initiatives are taken to minimise the vulnerabilities which would normally arise. Our training and policy documents were viewed favourably with a suggestion being made that further face to face training might be provided to relevant staff in 2017. In addition it is recommended that further guidance is provided to staff on the use of social networking sites and potential dangers of officers, while investigating, arriving in potential RIPA territory without sufficient

3. Background and Issues

There has been no covert surveillance carried out by Wycombe District Council since April 2014.

4. The Council's Policy and Procedures

The OSC inspection highlighted in our RIPA Policy and Procedures that a reader might benefit from references or hyperlinks to the 2014 Home Office and the OSC Procedures at the conclusion of section 4, 'General Information on RIPA'. This has been done at 4.9.

In addition the RIPA inspection cautions about the rise in general use of social media and the potential dangers of officers while investigating arriving into potential RIPA territory without sufficient realisation and that this justifies a heading of its own and somewhat more explanation. This has been incorporated at 6.15

Finally, the inspection notes that it is better to maintain the independent supervisory role for the Senior Responsible Officer not to authorise. Given the lack of use in recent times, it would be quite sufficient to retain the Chief Executive for any specialised and vulnerable matters, and the other three heads as Authorising Officers. Appendix A of the RIPA Policy and Procedures has been amended to remove the SRO as one of the Authorising Officers.

Background Papers

RIPA Policy and Procedures 2017

Appendix B