

PART A

Report to: Audit Committee
Date of meeting: 15 March 2018
Report of: Head of Democracy and Governance
Title: Regulation of Investigatory Powers

1.0 Summary

- 1.1 To note that in the last year the Council has not had recourse to using the Regulation of Investigatory Powers Act (RIPA) and that the only amendment to be made to the RIPA Policy is the removal of the Bob Watson as an Authorising Officer as he is leaving.

2.0 Risks

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(Treat, tolerate, terminate, transfer)</i>	Risk Rating (the combination of severity and likelihood)
Officers fail to apply for RIPA authorisation as required by the Act	The evidence collected using directed surveillance will be inadmissible and could result in a failure to convict	Officers are trained in RIPA	Treat	2

3.0 Recommendations

- 3.1 The Committee notes that no RIPA authorisations have been made in this last financial year.

- 3.2 That the Council is due to have its four yearly RIPA inspection by the Office of the Surveillance Commissioners in 2018.

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4.0 **Detailed proposal**

- 4.1 This Committee oversees the Councils use of RIPA. Since the restrictions imposed on councils use of RIPA by the Protection of Freedoms Act, which limited the ability to undertake directed surveillance to offences where the penalty was six months or more imprisonment or selling alcohol or tobacco to children, and the need to get approval from a magistrate where it was applicable, the Council now rarely uses the powers.
- 4.2 In fact the Council has not applied for a RIPA approval to the Magistrates court since 2016. The Council has also not applied for any communication data approvals via NAFN
- 4.3 The Office of the Surveillance Commissioners (OSC) oversees the operation of RIPA and inspects bodies who are entitled to use it every four years. The Council has been notified that we are to be inspected this year. In recognition of the fact that councils now rarely use the powers the OSC is to undertake a desk top inspection rather than sending out an inspector. In addition to seeking information about our use of RIPA they also ask about how we control our Town Centre CCTV.
- 4.4 There are no major changes to our Policy other than removing Bob Watson as an authorising officer as he is leaving.

5.0 **Implications**

5.1 **Financial**

- 5.1.1 The Shared Director of Finance comments that there are no financial implications in this report

5.2 **Legal Issues (Monitoring Officer)**

- 5.2.1 The Head of Democracy and Governance comments that there are no legal implications in this report

5.3 Equalities/Human Rights

- 5.3.1 It is a requirement of considering any application for authorisation under RIPA to have regard to the human rights of those likely to be the subject of the surveillance as well as any one indirectly affected and any collateral intrusion.

Background Papers

No papers were used in the preparation of this report.

File Reference

None