

Part A

Report to: Audit Committee

Date of meeting: Thursday, 14 March 2019

Report author: Head of Democracy and Governance

Title: Annual Ripa Report

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) for Directed Surveillance and that following amendments to legislation the RIPA policy has been updated

1.2 That following the IPCO inspection carried out in March and received in May and reported to this committee in July 2018 training for Authorising Officers was undertaken jointly with Three Rivers District Council in September and November 2018.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (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.

Further information:

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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.
- 4.3 As reported to committee in July 2018 the council had a RIPA inspection by the IPCO in March. Following that inspection it was recommended that refresher training for Authorised Officers was undertaken. This was done jointly with Three Rivers in September and November 2018.
- 4.4 There have also been some changes to the RIPA legislation and therefore the RIPA policy has been updated to reflect those changes. A copy of the RIPA policy is attached as Appendix 1

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 and Data Protection**

- 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.

Appendices

Appendix 1 RIPA policy February 2019

Background papers

No papers were used in the preparation of this report.

