

Part A

Report to: Audit Committee

Date of meeting: Thursday, 12 March 2020

Report author: Group 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.

1.2 The RIPA policy has been updated only to reflect changes in job title and in personnel as Authorised Officers

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.

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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 The RIPA Policy has been updated to reflect changes in job titles and changes in personnel within the Council as Authorised Officers. As the Council has a new Managing Director and Director and Head of Finance appropriate training will be given on their roles under this policy. The 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 Group Head of Democracy and Governance comments that there are no legal implication 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

Background papers

No papers were used in the preparation of this report.

