

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

4 OCTOBER 2016

REPORT OF THE MONITORING OFFICER

REGULATION OF INVESTIGATORY POWERS ACT 2000

1. Purpose of Report

- 1.1 The report provides details of the current policy under the Regulation and Investigatory Powers Act (RIPA).

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 There are no direct links to the Corporate Improvement Plan and Corporate Priorities.

3. Background

- 3.1 RIPA provides a framework for certain public bodies, including local authorities to use covert surveillance to gather information about individuals without their knowledge for the purposes of undertaking statutory functions in connection with the prevention and detection of crime.
- 3.2 RIPA activity and authorisations are governed by Codes of Practice and Guidance issued by the Office for Surveillance Commissioners (OSC) and the Home Office.
- 3.3 Local authorities are subject to regular inspections from the OSC, the most recent Council inspection having taken place successfully on 13th May 2014.
- 3.4 Members are required to review the use of RIPA and set the policy at least once a year. Elected Members cannot be involved in decisions on specific authorisations, but have oversight of the process.

4. Current situation / proposal

- 4.1 The Council has always been very sparing in its use of RIPA. It is only used in cases where it is important to obtain information to support potential criminal proceedings, and only where that information cannot be obtained by any other means. Since the report to Cabinet on 29 April 2014 approving the current policy, there have only been four authorisations. All four authorisations were to obtain evidence to support allegations of benefit fraud. Benefit fraud is a serious offence for which offenders can be imprisoned. Local RIPA authorisations (i.e from the Council) no longer need to be sought for benefit investigations as evidence gathering activities are now co-ordinated through the Department of Work and Pensions therefore the total number of RIPA authorisations is significantly reduced.

4.2 Other reasons likely to account for the reduction in the number of authorisations being sought are:

- a reduction in the number of incidents requiring investigation, and
- increased awareness of the scope of RIPA and the alternatives to covert surveillance as a result of training delivered to all investigating and authorising officers during and since 2010.

4.3 In December 2014 some key changes were made to the Code of Practice for Covert Surveillance and Property Interference, and the Covert Human Intelligence Sources Code of Practice. Where necessary these revisions have been incorporated into the current policy attached as **Appendix A**.

4.4 Overall responsibility for the use of RIPA lies with the Corporate Director Operational and Partnership Services who acts as the Senior Responsible Officer. The list of designated posts nominated to authorise surveillance activity in the Council (appendix 1 of the policy) has been reviewed and updated.

5. Effect upon Policy Framework & Procedure Rules

5.1 There is no impact on the policy framework and procedure rules.

6. Equality Impact Assessment

6.1 There are no equality implications arising from this report.

7. Financial Implications

7.1 There are no financial implications.

8. Recommendation

8.1 Cabinet is recommended to note the report and approve the revised policy attached as Appendix A.

Contact Officer: P A Jolley
Corporate Director – Operational & Partnership Services

Telephone: (01656) 643106
E-mail: Andrew.Jolley@bridgend.gov.uk

Postal Address Level 2,
Civic Offices,
Angel Street,
Bridgend,
CF31 4WB

Background Documents

None.