

REPORT TO CABINET

22 JANUARY 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES AND 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 2000 (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 Investigatory Powers Commissioner's Office (IPCO) and the Home Office.
- 3.3 Local authorities are subject to regular inspections from the IPCO, the most recent Council inspection having taken place successfully in May 2017. During the inspection the Council was praised for the oversight and administration and a single recommendation was issued in relation to training.

4. Current situation / proposal

- 4.1 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.
- 4.2 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. There have been no authorisations for RIPA since April 2014. It is clear that the general policy is that it should not be used unless absolutely necessary.
- 4.3 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.

4.4 Overall responsibility for the use of RIPA lies with the Monitoring Officer who acts as the Senior Responsible Officer. The list of designated posts nominated as Authorising Officers to authorise surveillance activity within the Council (appendix 1 of the policy attached as **Appendix A**) 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. Well-being of Future Generations (Wales) Act 2015 Assessment

6.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

7. Equality Impact Assessment

7.1 There are no equality implications arising from this report.

8. Financial Implications

8.1 There are no financial implications.

9. Recommendation

9.1 Cabinet is recommended to note the report and approve the revised policy attached as **Appendix A** and the amended list of Authorised Officers.

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Background Documents

None.