

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

meeting date: 19 JANUARY 2021
title: INVESTIGATORY POWERS COMMISSIONER'S REPORT
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL

1. PURPOSE

1.1.1 To report to Committee the receipt of the Office of Surveillance Commissioners inspection report, the Council's usage of RIPA and seek approval of the revised RIPA policy.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To prevent and/or detect crime or disorder, whilst respecting individuals' rights under the European Convention on Human Rights (“**ECHR**”) and the Human Rights Act 1998 (“**HRA**”), and ensuring compliance with the Regulation of Investigatory Powers Act 2000 (“**RIPA**”).
- Community Objectives – None.
- Corporate Priorities – None.
- Other Considerations – None.

2. BACKGROUND

2.1 RIPA came into force on 25 September 2000; its aim is to strike a balance between protecting individuals' rights under Article 8 ECHR and the HRA and the need for investigatory powers to protect the interests of society as a whole. RIPA allows the Council to carry out directed surveillance and/or use covert human intelligence sources (“**CHIS**”) lawfully if it is authorised in accordance with the provisions of RIPA, it is necessary for the purpose of preventing or detecting crime or disorder, it is proportionate to the aims, which it seeks to achieve, and any authorisation receives judicial approval.

2.2 The Investigatory Powers Commissioner's Office carries out routine inspections of all public bodies to ensure their compliance with the requirements of RIPA. The Council was notified of an inspection in June this year and the Head of Legal and Democratic Services dealt with the inspection as Senior Responsible Officer for RIPA.

2.3 Committee has previously approved the reporting of the usage of RIPA to this Committee.

3. ISSUES

3.1 A redacted copy of the report received following the inspection is enclosed as **Appendix 1** to this report (“**Inspection Report**”).

3.2 The Inspector commented that the information provided demonstrates a level of compliance which removes the need for a physical inspection, but made a number of recommendations of areas for consideration in the report:

3.2.1 Whilst the Council has procedures in place to manage the flow, retention and destruction of data, the gathering of information whilst utilising covert powers requires a bespoke policy to address the safeguards within the codes of practice, robust management and regular review.

3.2.2 Further training should take place for requesting and authorising officers.

3.2.3 Specific reference should be made to paragraphs 3.10 to 3.17 of the Covert Surveillance and Property Interference revised Code of Practice 2018.

3.2.4 Auditable process for online research which does not meet the requirements of RIPA.

3.5 In response to these recommendations the Council has taken the following action:

3.5.1 Amended its RIPA policy to incorporate the recommendations set out in 3.2.4 above. A copy of this is contained at **Appendix 2**;

3.5.2 Arranged for further in-house training of requesting and authorising officers to take place at the beginning of March 2021, this will include training on the recommended auditable process for online research which does not meet the requirements of RIPA;

3.5.3 A bespoke policy, as recommended at 3.2.1 shall be developed with the relevant departments (following the training referred to above) and will be brought to Committee for approval thereafter.

3.6 As is noted in the Inspector's report the Council had not used its RIPA power since their last inspection and it has also not used them since the matter was last reported to Committee on 20 November 2019.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Resources have been expended in amending the policy and will be in providing RIPA training to the Chief Executive, and the Directors of the Council.
- Technical, Environmental and Legal – The Council will be better able to pursue legal action as necessary.
- Political – No implications identified.
- Reputation – The Council's response to the Inspection Report will demonstrate the Council's commitment to carrying out its responsibilities.

5. RECOMMENDED THAT COMMITTEE

5.1 Note the Inspector's recommendations.

5.2 Note the usage of RIPA during the period 20 November 2019 to date.

5.2 Approve the amended RIPA policy and recommend its adoption to full Council.

MAIR HILL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

Appendix 1 – Redacted Inspection Report

Appendix 2 – Amended RIPA Policy

For further information please ask for Mair Hill, on extension 4418.

REF: MJH/POLICYANDFINANCE/19 January 2020