



## REPORT of DIRECTOR OF RESOURCES

---

to  
FINANCE AND CORPORATE SERVICES COMMITTEE  
29 JANUARY 2019

### REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY AND GUIDANCE ON THE USE OF COVERT SURVEILLANCE

#### 1. PURPOSE OF THE REPORT

- 1.1 To meet the statutory requirement to seek the Council's approval of a revised RIPA Policy.

#### 2. RECOMMENDATION

To the Council:

The revised Code of Practice on Covert Surveillance, attached at **APPENDIX 1**, be approved.

#### 3. SUMMARY OF KEY ISSUES

- 3.1 There may be occasions where the Council decides it is necessary to undertake surveillance to assist in the detection of crime and the prevention of fraud. In such circumstances, all actions will be in accordance with the Regulation of Investigatory Powers Act 2000 as amended by the Protection of Freedoms Act 2012. The act defines the criteria with which the Council must comply, and is supported by the Office of Surveillance Commissioners' Code of Practice on Covert Surveillance. The attached Policy (**APPENDIX 1**) is a revision of the previous policy to reflect the new corporate structure and reflects the requirements of this legislation and guidance.
- 3.2 In order to ensure it acts properly in such situations, the Council is required to:
- **Ensure relevant staff understand the scope of RIPA in relation to their work, and that training is provided to staff who will use the powers.** This is to ensure the procedures and safeguards are understood, and to minimise the risk of attempts to undertake investigation using methods incompatible with the requirements of RIPA. Training has been provided to relevant staff, and further training is being sought for new staff.
  - Ensure consideration is given to identifying the activities to which RIPA may apply. Consideration is given to this within the policy.
  - Develop a local policy on the use of RIPA. The attached policy supports this requirement. RIPA will only be used where it affords the most effective way

of gathering evidence, when it is in accordance with RIPA and has been subject to the appropriate authorisation, and where it is a proportionate response. Training includes the issues of necessity and proportionality.

- **Identify individual Officers who will be able to authorise use of the powers.** The Director of Resources, Director of Planning and Regulatory Services and Monitoring Officer are the nominated Officers.
- **Establish the procedures by which the powers will be authorised.** The framework is set out in the attached policy.

#### 4. CONCLUSION

- 4.1 The Council supports the statutory framework for surveillance as a means of safeguarding the legitimate interests of individuals, whilst ensuring there is proper investigation of cases. The adoption of the revised policy aids Council adherence to the Regulation of Investigatory Powers Act 2000 as amended by the Protection of Freedoms Act 2012.

#### 5. IMPACT ON CORPORATE GOALS

- 5.1 The RIPA policy supports adherence to legislation and accords with best practice, and is thus in line with the corporate goal of “Delivering good quality, cost effective and valued services”.

#### 6. IMPLICATIONS

- (i) **Impact on Customers** – Compliance with the statutory framework for surveillance safeguards the legitimate interests of individuals.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Emma Foy, Director of Resources, (Tel: 01621 875762).