



Havering

L O N D O N B O R O U G H

GOVERNANCE COMMITTEE AGENDA

7.30 pm	Wednesday 9 January 2019	Committee Room 3A - Town Hall
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Members 11: Quorum 4

COUNCILLORS:

Conservative Group (5)

Robert Benham (Vice-Chair)
Michael White (Chairman)
Joshua Chapman
Roger Ramsey
Damian White

Residents' Group (2)

Ray Morgon
Barry Mugglestone

Upminster & Cranham Residents' Group

Clarence Barrett

Independent Residents' Group (1)

David Durant

Labour Group (1)

Keith Darvill

North Havering Residents Group (1)

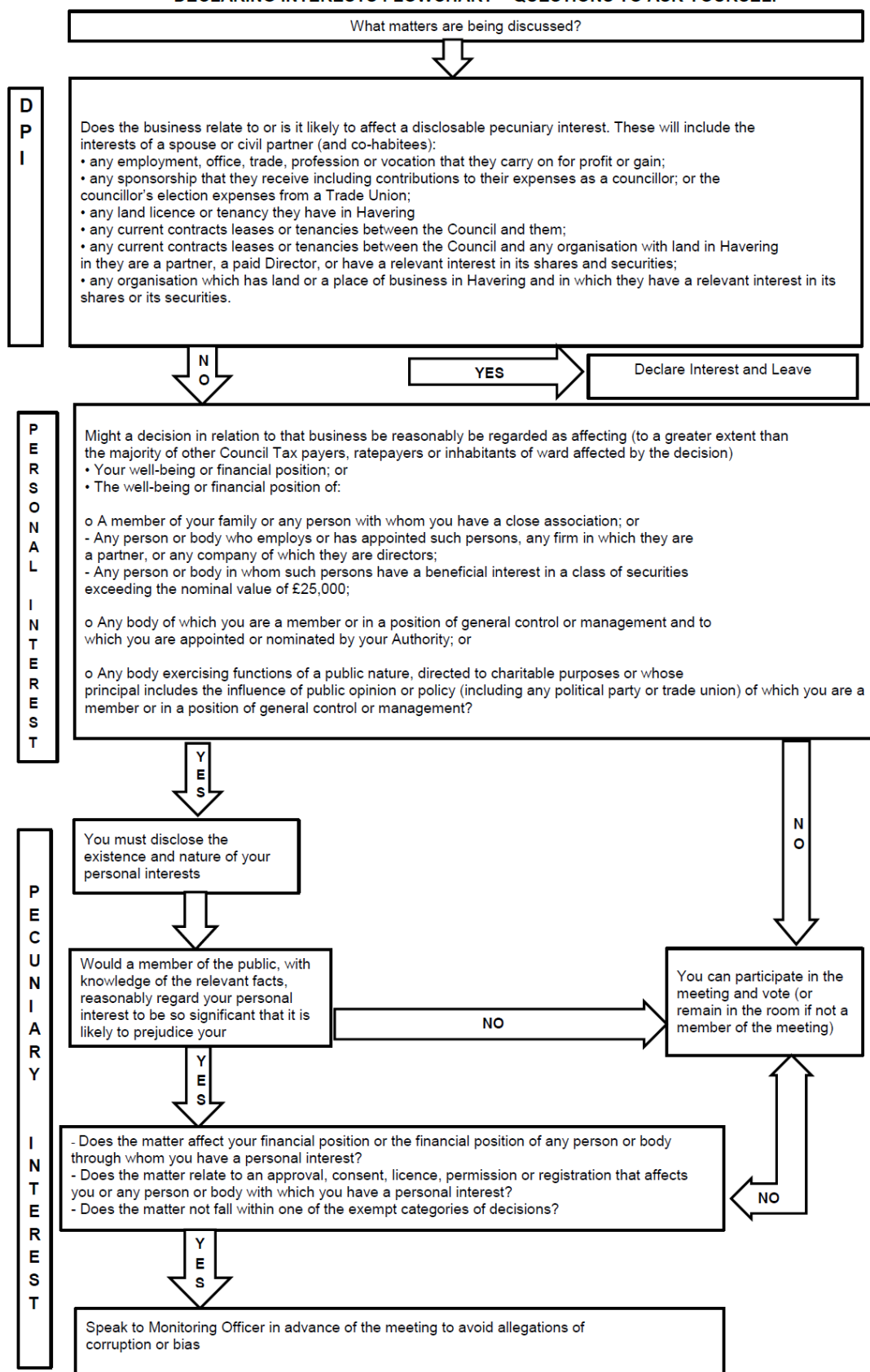
Darren Wise

For information about the meeting please contact:

Debra Marlow tel: 01708 433091

e-mail: debra.marlow@onesource.co.uk

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(If any) - receive

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in any item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 2)

To approve as a correct record the minutes of the Committee held on 7 November, 2018, and to authorise the Chairman to sign them.

5 COUNCIL PROCEDURE RULES (Pages 3 - 44)

6 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) UPDATE (Pages 45 - 88)

Andrew Beesley
Head of Democratic Services

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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Committee Room 3A - Town Hall
7 November 2018 (Times Not Specified)**

Present:

COUNCILLORS

Conservative Group Robert Benham (Vice-Chair), Michael White (Chairman), Joshua Chapman, Roger Ramsey and Jason Frost+

Residents' Group Ray Morgon and Barry Mugglestone

Upminster & Cranham Residents' Group John Tyler+

Independent Residents Group

Labour Group Keith Darvill

North Havering Residents Group Darren Wise

Apologies were received for the absence of Councillor David Durant. Councillor Jason Frost attended as a substitute for Councillor Damian White and Councillor John Tyler attended as a substitute for Councillor Clarence Barrett.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

9 DISCLOSURE OF INTERESTS

There were no declarations of interest.

10 MINUTES

The minutes of the Governance Committee meeting held on 18th July, 2018 were agreed as a correct record and signed by the Chairman.

11 APPOINTMENTS TO OTHER ORGANISATIONS, 2018/19

Consideration was given to the report detailing appointments to the Sight Action Havering Committee and the Romford Combined Charity.

The Governance Committee:

1. **APPOINTED** Councillor Christine Smith as the representative of the Sight Action Havering Committee for the next Municipal Year.
2. **APPOINTED** Wendy Brice-Thompson and Councillor Dilip Patel as Nominative Trustees for the Romford Combined Charity until 3 November, 2022.

12 MONITORING OFFICER - AMENDMENTS TO THE CONSTITUTION

The report was presented to the Committee by Debra Marlow, Principal Democratic services Officer. This detailed Monitoring Officers Amendments to the Constitution.

The Governance Committee:

1. **NOTED** the change in the Council Constitution, Part3.3.9 1(h):

from: Para: 3.9.1 (h) *“To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI).”*

to: Para: 3.9.1 (h) *“To increase the specified sums set out in delegations to staff in accordance with the Office of National Statistics Indexation.”*

Chairman

GOVERNANCE COMMITTEE

Subject Heading:	Revisions to Council Procedure Rules
SLT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Kathryn Robinson The Council's Monitoring Officer kathryn.robinson@onesource.co.uk
Policy context:	Council Constitution
Financial summary:	There are no direct financial implications arising from the report

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

SUMMARY

At its meeting in March 2018 Full Council resolved to review the operation of its meetings. It delegated responsibility for that review to the Governance Committee.

Governance Committee will be asked to recommend its preferred changes to the council meeting procedure rules, with the final decision resting with all members at a meeting of Full Council.

There are few legal or other requirements relating to the conduct and business of Full Council, and so while there are common themes and similar content in Council Procedure Rules across the London Boroughs and within other Principal Councils, the format is largely a matter of local choice for members to decide and accordingly this report does not set out any officer recommendations.

The proposals set out in this report for discussion by Governance Committee are those of the Administration after considering the views of all the Group Leaders. Group Leaders met individually with the Council Leader and the Monitoring Officer to share their thoughts on how meetings of Full Council should operate. There are any number of different ways in which the procedure rules can be altered, it is fair to say there were as many views on options as there are Group Leaders and there was no consensus that any particular aspect be changed.

The proposals put forward are those aimed at improving the efficient and effective conduct of business transacted at meetings of Full Council within the time available.

In addition to the substantive changes there are a number of minor amendments which seek to simplify the understanding and interpretation of the procedure rules, the result of which will assist in the smooth running of Full Council meetings.

RECOMMENDATIONS

- 1 To RECOMMEND to Council that, in the interests of good governance and the efficient and effective conduct of business:
 - (a) The number of ordinary meetings of Council be reduced from 7 to 6 so that the pattern of meetings be:
 - a. January
 - b. February (Council Tax and budget)
 - c. March
 - d. May (the Annual Meeting)
 - e. July
 - f. September
 - g. November
 - (b) The Leader's statement is to take place at the annual meeting (May), without any subsequent debate
 - (c) Consideration of Council questions (to remain at 15 allocated proportionately amongst opposition groups) will be limited to 45 minutes in duration.
 - (d) Consideration of motions will be limited to 75 minutes in duration (or such lesser time before the three hour meeting duration time permits).
 - (e) Any motions or amendments not finished in the time available, either for the duration of the meeting or in the time available for that item, will be dealt with by vote only.
 - (f) Rules of debate will be a single debate procedure in the following format (with the intermediate debate procedure being deleted):

- five minutes for a mover of a motion or an amendment or an amendment to a report
- three minutes for other speeches in any debate

Rights of reply (up to three minutes) may be exercised in the following order:

- The Leader of the Group by which any motion, recommendation or amendment was proposed or, if the mover is not a member of a Group, that Member.
 - Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.
 - The Leader of the Council
- (g) Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm whichever is earlier) provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without debate.
- (h) If there are motions or recommendations on the agenda that have not been dealt with (or withdrawn by the mover with the agreement of members) by 10.15 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

- 2 To RECOMMEND that any changes to the council procedure rules commence with the 2019 Annual Meeting of Full Council.
3. To RECOMMEND to Council that the Monitoring Officer be authorised to amend the Constitution in accordance with Appendix C

REPORT DETAIL

BACKGROUND

- 1 For the purposes of this report “Council” means the meeting presided over by the Mayor to which all Members are summoned. It is sometimes also referred to as “Full Council” in order to avoid confusion with other uses of the word “Council”. There are very few legal requirements and constraints on the formatting of Council meetings The Local Government Act 1972 (“the Act”) governs meetings of full Council. It requires that there be an Annual Meeting and such other meetings as are needed: in order to comply with the legislation relating to the budget and Council Tax, there must also be a meeting at which the Council Tax and budget for the following year are set. The arrangements also need to provide for certain reports and decisions to be

made where those decisions are reserved to Full Council, for example agreeing the Constitution.

- 3 It has become customary for the Council to hold six other meetings, termed “ordinary meetings”, in the course of the year at roughly two monthly intervals (August aside) and other meetings, termed “extraordinary meetings” are occasionally called.
- 4 Council meetings (other than the Council Tax/Budget meeting and the Annual Meeting) are generally divisible into four parts:
 - standard business (such as apologies, minutes and announcements)
 - consideration of reports and recommendations from Cabinet, Committees and statutory officers
 - dealing with Members’ Questions
 - debating motions

Meeting arrangements (the guillotine)

- 5 Council meetings customarily end at or about 10.30pm, the procedure being that once a meeting has lasted for three hours, from its starting time, unless some other arrangement is agreed at the meeting, the business then in hand will continue until finished and any other business then remaining will (unless withdrawn) be dealt with without debate and by vote only. Only very occasionally have Council meetings concluded in the time available, often to the frustration of those Members/Groups who have submitted items for debate only for such matters to go vote only or be carried over for consideration at the next Council meeting a couple of months later.

Members’ questions

- 6 Council questions has become a staple of Full Council meetings with many changes over the years concerning its operation. The Rules provide that questions must relate to the business of the Council.
- 7 For many years, a time restriction of 30 minutes was imposed which was considered adequate given the number of questions being submitted. However, the number of questions submitted was regularly in excess of 20 with the 30 minute time restriction considered insufficient for them all to be dealt with. The 30 minute time limitation was therefore removed and a maximum number of questions (15) introduced. Those questions are allocated proportionately to the size of opposition groups. In addition to the question included on the agenda papers, a supplementary question can also be posed at the meeting.

- 8 Consideration of the Council questions section of the agenda often exceeds 45 minutes.

Motions and debates

- 9 There is at present no restriction on the number of motions for debate which can be submitted at any one Council meeting and no time restriction for them to be debate. . Motions are accepted on a first-come first-served basis and there have been on average 4 motions submitted per council meeting over the past year (excluding Budget and Annual Council meetings).
- 10 In the time available at the meeting usually one, on occasion two motions are debated in full. It is rarely the case that all motions on the agenda are debated. Those remaining motions not debated are either dealt with by vote (owing to the close of the meeting) or carried over at the request of the mover to the subsequent meeting of Council some two months later.
- 11 The rules of debate permit movers of a motion to have a maximum of 10 minutes to speak with general debate limited to 5 minutes per Member. Rights of reply are afforded to the mover of motion, any members who have submitted amendments, to the Leader of the Opposition, and finally to the Leader of the Council (each having up to 5 minutes). It is a regular occurrence for debates on a motion to last up to 1 hour. Intermediate debate rules which reduce the time permitted for each speaker, are rarely employed.
- 12 Dealing with Members' Questions and debating motions are not statutory business but rather have developed on the basis of customary practice and are common place in other Councils.

Options for other approaches

- 13 Provided there are Annual and Council Tax/budget meetings and arrangements exist to ensure that all statutory and such non-statutory business as can only be discharged by the Council is dealt with, the frequency, length and content of Council meetings is a matter for Members to determine.
- 14 Arrangements for Council meetings vary greatly between Councils, although there are also many similarities. The Appendix 1 to this report sets out brief details of the arrangements made by a number of Councils.
- 15 There is scope to review the frequency of meetings. The June meeting of Council is an opportunity to consider business which would not otherwise have been considered at the Annual Meeting in May (ie. questions, motions, etc.) and to debate the Leader's speech. There is however a timetabled meeting of Council in July where such matters could be dealt with thereby reducing the overall number of meetings to 7 per year.

- 16 In respect of Council questions, a time-limit of 45 minutes could be introduced with retention of the proportionality-based allocation of 15 questions to the opposition groups. Any remaining questions not addressed within the time available will be dealt with by way of written response circulated to all Members.
- 17 The introduction of a time limit for consideration of motions is a common theme amongst many local authorities. A **75** minute slot could be introduced with motions processed on the basis of first-come first-served as per the existing procedure and any motions or amendments not heard in the time available will be dealt with by vote only or withdrawn but only with the consent of Full Council. Deferred motions must be resubmitted for consideration at the following meeting of Full Council.
- 18 In order to facilitate the introduction of a time limit for consideration of motions, the rules of debate for Ordinary meetings of Council could be amended so that movers of a motion and any amendments have 5 minutes, with general debate moved to 3 minutes per Members. This is more in line with the intermediate debate process. Rights of reply could be limited to the Leader of the Group by which any motion or amendment was proposed and to the Leader of the Council.
- 19 The procedure rules in respect of the guillotine are complex and would benefit from simplification. It is suggested that meeting duration remain at three hours and that any business not transacted within that time is dealt with by vote only or deferred with the consent of Full Council (in the case of motions only).
- 20 To assist Members in assessing the impact of the changes outlined Appendix B sets out how the business of Council meetings would be dealt with in the time available before the meeting closes.
- 21 There are a number of other minor revisions which to seek to simplify understanding and the ability to interpret the procedure rules. It is not proposed to significantly alter the content, with amendments relating primarily to the order and language of the rules. A draft is attached as Appendix C.

IMPLICATIONS AND RISKS

Financial implications and risks:

The current cost of servicing full Council meetings is met from within existing resources. Any significant change in the make up, frequency or format of meetings may have a resource impact, which would need to be assessed following any decision.

Legal implications and risks:

The Council has a statutory obligation to meet in May for the Annual Meeting and in February to set the Council Tax and Budget. All other meetings are held at the Council's discretion (except where they are in response to a requisition for an extraordinary meeting).

The format and conduct of Council meetings is a matter within the Council's control subject to the administrative law principle of Wednesbury reasonableness.

Human Resources implications and risks:

There are no immediate HR implications arising from this report.

Equalities implications and risks:

There are no immediate equalities implications arising from this report.

BACKGROUND PAPERS

None

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APPENDIX A

The following table indicates the arrangements made by a number of local authorities for the format of their Council meetings.

The table is followed by some brief details of the Councils' agenda arrangements.

Local Authority	Frequency of Council Meetings	Members Questions & Time Allocated	Inclusion of refreshment break	Individual speech times	Motion limitations	Business remaining at guillotine
Barking & Dagenham	6 per annum	2 per Member. Those not dealt with by close of business receive written reply	No	2 minutes per Member. Total of 10 minutes per motion	10 minutes maximum per motion. No limitation on numbers	Business to be completed within 2 hours of the start of the meeting. Any remaining business carried over
Brent	6 per annum	Up to 9 questions. 1 minute to ask question, 2 minute maximum for reply	No	3 minutes for mover and general debate. 5 minutes for Leader right of reply	Maximum of 3 per meeting (1 each per political group)	Business to be completed within 3 hours (10pm). Unless otherwise directed by procedural motion all remaining items will go straight to the vote.
Bexley	5 per annum	2 questions per Member 15 Minutes allocated for Members questions (15 minutes also for public questions)	No	10 minutes for mover 5 minutes for general debate and replies (Leader only).	30 minute maximum for motions. No limitation on numbers. Motions not debated will be carried over.	11pm finish (3.5 hours in total). Any remaining business put to the vote
Enfield	8 per annum	20 questions, up to 30 minutes	No	5 minutes to the mover of a motion and to the first	Timed agenda for each	10:15pm finish (after 3.25 hour duration). Remaining items under

				opposition speaker in response, 3 minutes to the seconder and to other speakers, 2 minutes for right of replies	meeting agreed by Leader in consultation with opposition.	discussion will go to the vote. Any motions not debate can be carried over.
Islington	6 per annum	30 minutes. Maximum of 2 questions per Member	No	5 minutes for mover, anyone else speaking on the motion and the right of reply up to 3 minutes.	No more than 2 per Member	3 hour meeting duration. Any business not completed by 10:30pm goes to the vote
Southwark	5 per annum	30 minutes (15 minutes for Leader questions and 15 minute for others)	No	5 minutes for mover, general debate and right of reply up to 3 minutes	None	3 hours after the start of the meeting. Motions not dealt with go the vote. Any other items not dealt with (eg. reports) are given 15 minute extension, after which time such matters go to the vote.

ORDINARY MEETINGS (indicative timetable)

ITEM	SPEECH TIMES	ITEM LENGTH	REASON FOR CHANGE
<u>ADMINISTRATIVE ITEMS</u> Prayers Apologies for Absence Minutes Disclosures of Interest Announcements Petitions	N/A	Approx. 15 minutes	N/A
<u>COMMITTEE REPORTS & RECOMMENDATIONS</u> Governance O&S Cabinet Annual reports	Where amendments are received subject to the proposed rules of debate as set out in the report and below in 'motion' table	Approx. 15 minutes (ON AVERAGE but no specified time limit)	To ensure efficient use of time available for the meeting so that all business is transacted before the guillotine
<u>COUNCIL QUESTIONS</u>	Up to 15 questions allocated on proportionality. Supplementary questions only	45 Minutes	To improve efficiency. Council questions and answers are available in advance of the commencement of the meeting thereby enabling only the supplementary question to be posed.
<u>BREAK</u>		15 minutes (at mayor's discretion)	
<u>MOTIONS</u>	(1) Mover (motion or amendment)– 5 mins (2) General debate – 3 mins	Items duration maximum of 75 minutes, or such lesser time as the three hour meeting duration permits	To improve meeting efficiency. It is rarely the case that all motions are debated at meetings of Council. By

	(3) Replies – 3 mins		reducing debate times and imposing a time limit business will be transacted in a more efficient manner
<u>GUILLOTINE (10:15PM)</u>			Remaining business to be moved to the vote with meeting concluded by 10:30pm

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COUNCIL PROCEDURE RULES

Rule CONTENTS

1. Annual meeting of the Council
2. Ordinary meetings
3. Council Tax setting meeting
4. Extraordinary meetings
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chairman of meeting
8. Quorum
9. Duration of meeting and the guillotine
10. Questions by members
11. Motions
12. Procedural motions
13. Rules of debate
14. Petitions
15. Voting
16. Minutes
17. Exclusion of public
18. Members' conduct
19. Disturbance by the public
20. Suspension and amendment of Council Procedure Rules
21. Audio-Visual aids
22. Webcasting, Broadcasting and Recording of proceedings
23. Conferment of Awards for Eminent Service
24. Interpretation

1. ANNUAL MEETING OF THE COUNCIL

- 1.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will normally take place in May but may, if the Council so agrees, take place in March or April.
- 1.2 Other than in a year when there is an ordinary election of Councillors, an extraordinary meeting of the Council shall be held in accordance with Council Procedure Rule 4.3, commencing at 7:30pm, and the Annual meeting shall commence immediately following the conclusion of that extraordinary meeting. In the year of an election, there shall be no extraordinary meeting by Council Procedure Rule 2(d) shall apply.
- 1.3 The business of the Annual Meeting shall be to:
- (a) choose a Member to preside if the outgoing Mayor is not present and to receive apologies for absence;
 - (b) elect the Mayor of the Borough for the forthcoming municipal year and receive notice of the appointment of the Deputy Mayor;
 - (c) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
 - (d) receive any declarations of interest from members
 - (e) receive any announcements from the Mayor and/or Chief Executive;
 - (f) in a year when there is an ordinary election of Councillors, elect the Leader of the Council, and receive notice of the appointment of the Deputy Leader of the Council and the Members of the Cabinet
 - (g) appoint the Overview and Scrutiny Board or Sub-Committees and any such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions; appoint their Chairmen and Vice Chairmen; and appoint the following seven Champions:
 - (i) for Diversity
 - (ii) for the Historic Environment
 - (iii) for the Over Fifties
 - (iv) for Standards
 - (v) for the Voluntary Sector Compact
 - (vi) for Younger Persons
 - (vii) for Armed Forces veterans

- (h) To receive an annual statement by the Leader of the Council relating to any aspect of the Council policy or in respect of any issue affecting the Council or the borough.

- 1.4 The Initial, Revised and Final Agendas for the Annual Meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 1 appended to these Rules.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council at the last ordinary meeting of the preceding municipal year. Ordinary meetings will:

- (a) choose a Member to preside if the Mayor is absent and to receive apologies for absence;
- (b) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
- (c) receive any declarations of interest from members;
- (d) at the first ordinary meeting after the Annual Meeting immediately following an ordinary election of Councillors, consider whether to:
 - (i) confer on any former Member who has rendered eminent service to the Council the office of Honorary Alderman;
 - (ii) to present to any other Member a certificate of service; and
 - (iii) confer on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (e) receive any announcements from the Mayor, the Leader of the Council and/or the Chief Executive;
- (f) receive any petitions pursuant to rule 14;
- (g) receive and consider the following business, in the order indicated:
 - (i) recommendations from the Cabinet and the Council's committees;
 - (ii) reports of the Chief Executive, Monitoring Officer or Chief Finance Officer;
 - (iii) proposals from the Cabinet in relation to the Council's budget and policy framework;
 - (iv) reports of the Overview and Scrutiny Board and/or the Member Champions;
 - (v) any statutory or other plans submitted for the Council's approval;

- (vi) at the last ordinary meeting in the Municipal year, approve a programme of ordinary meetings of the Council for the following year;
- (vii) any motions relating to the appointment of Chairmen or Vice-Chairmen of Committees (which shall be submitted in accordance with Rule 11 following);
- (h) receive reports for the previous year from the Chairmen of the Overview and Scrutiny Committees, the Audit Committee and the Pensions Committee:
 - (i) except in the year when there are Borough Elections, at the first ordinary meeting in the Municipal Year; and
 - (ii) in the year when there are Borough Elections, at the last ordinary meeting before those elections;
- (i) at the annual meeting of each Municipal Year, receive reports for the previous year from the Member Champions;
- (j) consider questions from members submitted in accordance with Rule 10;
- (k) debate any petition exceeding the threshold of 3,500 signatories, and reach a decision on it, in accordance with the procedure set out in Rule 14
- (l) consider any motions submitted in accordance with the procedure set out in Rule 11; and
- (m) consider any other business specified in the summons to the meeting.

The Initial, Revised and Final Agendas for an ordinary meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 2 appended to these Rules.

3. COUNCIL TAX SETTING MEETING

At the meeting at which the Council Tax for any year is to be set, the order of business shall be:

- (a) to choose a Member to preside if the Mayor is absent and to receive any other apologies for absence;
- (b) to approve the minutes of the last ordinary meeting of the Council and of any subsequent extraordinary meeting that may have been held;
- (c) to receive any declarations of interest from members;
- (d) to receive any announcements by the Mayor and/or the Leader of the Council;

- (e) to consider proposals from the Cabinet in relation to the Council's budget and any reports of the Overview and Scrutiny Board in respect of those proposals;
- (f) to agree the Council's budget; and
- (g) to set the council tax.

The Initial, Revised and Final Agendas for the Council Tax setting meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 3 appended to these Rules.

4. EXTRAORDINARY MEETINGS

4.1 Calling extraordinary meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer;
- (d) pursuant to statute, any five members of the Council if they have signed a requisition presented to the Mayor and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The Mayor shall, at his absolute discretion, set the date and time for the extraordinary meeting (subject to the statutory right of the Members who have requisitioned a meeting to do so in the event that the Mayor fails to do so) for any time prior to the commencement of the next ordinary meeting of the Council (including the Annual Meeting and the meeting at which the Council Tax is set).

The timetable for extraordinary meetings and rules as to amendments etc., will be set by the Mayor (or by the proper officer, in the event of Members exercising their default right) when the meeting is convened.

4.2 Business

The extraordinary meeting will:

- (a) choose a Member to preside if the Mayor is absent and receive any other apologies for absence; and
- (b) consider the business specified in the summons for the meeting.

4.3 Conferment of Honorary Freedom

Immediately before the Annual Meeting of the council in any year other than when there is an ordinary election of Councillors, an extraordinary meeting shall be convened for the purpose of considering an nomination for the conferment of the Honorary Freedom of the Borough in accordance with Council Procedure Rule 23.

5. TIME AND PLACE OF MEETINGS

Meetings of the Council will be held at Havering Town Hall (or such other place that may be determined either by the Council generally or by the Mayor for a particular meeting) and begin at 7.30pm unless an earlier time is agreed in advance by the Council, or by the Mayor, and the change is notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Proper Officer will send a summons by post to every member of the Council or leave it at their usual place of residence; a Member may request the Proper Officer to make the summons, agenda and papers available by e-mail, electronic means (and the sending of which documents by electronic means on request shall be deemed to be due delivery). The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

The Proper Officer shall also circulate to Members, for their information, an Initial Agenda and a Revised Agenda before the Final Agenda is issued, but neither shall be regarded as defining the agenda for the meeting.

The Proper Officer may publish one or more supplementary agenda(s) after publication of the final agenda, where to do so is necessary in the interests of the proper conduct of the meeting.

7. CHAIRMAN OF MEETING

- (a) the person presiding at the meeting may exercise any power or duty of the Mayor in relation to the conduct of that meeting;
- (b) the ruling of the Mayor in relation to any aspect of the conduct of the meeting shall not be questioned;
- (c) whenever the Mayor rises during a debate, any member then speaking or standing shall be seated and the Council shall be silent.
- (d) the Mayor shall in addition to statutory and common law powers and any other powers herein, have power to govern the meeting, curtail any

debate, keep order, alter the order of business, amalgamate debates and in general organise the business of the meeting.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will be adjourned immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETINGS AND THE GUILLOTINE

9.1 Conclusion of ordinary and special meetings

Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm (whichever is earlier) and the Mayor shall declare the meeting closed

If there are motions or recommendations on the agenda that have not been dealt with by 10.15 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

9.2 Conclusion of the Annual Meeting and of the Council Tax Setting meeting

The Annual Meeting and the Council Tax Setting Meeting shall continue until all business has been dealt with, whereupon the Mayor will declare the meeting closed.

10. QUESTIONS BY MEMBERS

10.1 Questions on notice at full Council

Subject to Rule 10.2, a member of the Council may ask a question on any matter relating to the business of the Council:

- (a) The Leader of the Council
- (b) A member of the Cabinet
- (c) Any Committee Chairman who is a Member of the Council
- (d) A Champion

In the absence of one of the above listed in (a) to (d), the Chairman shall arrange for another Member to respond on their behalf.

10.2 Notice of questions

- (a) Members may only ask questions under Rule 10.1 if either:
 - (i) They have given 11 clear days' notice in writing to the Proper Officer signed by the Member or by the Group Leader on behalf of that Member.
 - (ii) the question relates to an urgent matter of which prior notice could not, in the circumstances, have been given and the Mayor accepts the question before the start of the meeting.
- (b) The Proper Officer shall refer to the Mayor any question that appears improper. If the Mayor agrees that the question is vexatious, scurrilous, frivolous or derogatory, is contrary to any provision of any Code, protocol, guideline or convention of the Council, does not relate to the business of the Council, or is otherwise improper or inappropriate it shall not be asked and the Chief Executive shall inform the questioner accordingly.

10.3 Order of questions

The allocation of the total number of questions set by Rule 10.6 shall be as near as possible in accordance with the relative size of the opposition political groupings and number of members not attached to a group. The Chief Executive shall determine the allocation from time to time and shall notify the Governance Committee of the allocations.

Subject to the following provisions, questions shall be dealt with in order of receipt.

Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, such that:

- (a) round one shall comprise the first of the questions asked by any of the Members of each Group or by any unattached Member(s);
- (b) subsequent rounds shall comprise successive questions in such order until a Group or unattached member(s) have used their allocation of questions.
- (c) In the event that a Group does not use its full allocation of questions the remaining allocation shall be available for use by any other Group or unattached Member who has already submitting their agreed allocation of question on a first come, first serve basis.

Where appropriate in the public interest or to facilitate the business of the meeting, the Mayor may give priority to answering one or more questions.

10.4 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer shall be provided later to the questioner and included in the minutes of the meeting.

10.5 Supplementary question

- (a) A member asking a question may ask one supplementary question without notice, of the member to whom the principal question was asked. The supplementary question must arise directly out of the original question or the reply. . This is never used – but if it is to be taken out we might need to tell them
- (b) There shall be no discussion or debate on any question. Members must phrase supplementary questions appropriately and not seek to make a statement, introduce new business or initiate a debate on the matter.

10.6 Number of Questions

A maximum of 15 questions can be submitted for a Council meeting all of which together with any supplementary questions under rule 10.5 will receive an oral reply at the meeting. Any questions in excess of the maximum number that are submitted will be treated as a Member enquiry and receive a written response.

10.7 Time allowed for Questions

The time set aside for questions shall not exceed 45 minutes. Any questions which have not been put in the time available will be responded to in writing, circulated to all Members and included in the minutes of the meeting.

10.8 Absence of questioner

Where a member has given notice of a question but is absent from the meeting, the Group Leader (or another Member of the Group nominated by the Group Leader) may ask the question on the Member's behalf, otherwise the question shall be dealt with as if it had been put for written answer.

10.9 Alteration of question prior to publication of final agenda

A member asking a question, or the Leader of the Group on behalf of that member, may at any time prior to the publication of that question in the final agenda for the meeting require the Chief Executive to alter the wording of that

question in order to correct factual or typographical error. No alteration shall affect the sense of any such question, and where the Chief Executive doubts the propriety of such an alteration, the Mayor may agree that it shall not be accepted. The Mayor's ruling on the matter shall not be questioned.

10.10 Withdrawal of question

A question may be withdrawn at any time by the person who submitted the question or by the Leader of a member's Group (with that member's consent).

10.11 List of Questions

The agenda for each meeting shall include a list of the questions (indicating those for written answer) to be answered at that meeting.

The minutes of the meeting shall include:

- (a) the text of the question and answer of every question dealt with orally, in the order in which each was dealt with
- (b) a summary of any supplementary question and answer
- (c) the text of the question and answer of every question dealt with by written reply.

10.12 Questions about reports

A Member may question the Leader of the Council, a Cabinet Member, a Committee Chairman or a Member Champion, as appropriate, about the content of any report before Council. Questions:

- (a) About reports issued with the final agenda shall be submitted to the Proper Officer no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (b) About an urgent report may, with the consent of the Mayor, be asked without notice at the time the report is considered by Council.

10.13 Reports to Council and amendments

Reports of Cabinet, Committees or officers to Council to which an amendment is proposed shall be deemed subject to a motion "that the report be adopted and its recommendations carried into effect", which shall be moved and seconded by members of the Administration or the relevant committee chairman and vice-chairman; and be subject to the rules of debate as set out in Rule 13.4.

In these Rules, "motion" includes a deemed motion in respect of a report. The provisions of Rules 11.1 and 11.2 shall not apply to a deemed motion (except insofar as section 100B(4) of the Local Government Act 1972 applies to that motion).

Amendments to any reports before Council shall be submitted to the Proper Officer as follows:

- (a) To reports issued with the final agenda, no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (b) An amendment to an urgent report may be proposed without notice at any time before the debate on it is concluded,

11. MOTIONS OF WHICH NOTICE IS GIVEN

11.1 Subject to Rule 11.2 following and except for motions which can be moved without notice under Rule 12, written notice of every motion, signed either by at least two members or by the Leader or Secretary of a Group, must be delivered to the Proper Officer not later than 10 clear days before the date of the meeting. Notice of such motions will be available for public inspection

11.2 If a member satisfies the Mayor that:

- (a) there are special circumstances of sufficient urgency to require debate by the Council but due notice could not be included on the final agenda for the meeting as the issue in question arose after the deadline provided for in Rule 11.1 and
- (b) where applicable, those reasons are sufficient to permit admission of the motion on to the agenda in exercise of the power conferred by section 100B(4) of the Local Government Act 1972

The Mayor shall have power to agree that the motion be moved as an urgent motion at the meeting notwithstanding that due notice has not been given. If possible, the Proper Officer shall include any urgent motion on the Final Agenda for a meeting but if that is not possible, shall issue a Supplementary Agenda including it.

11.3 Scope

- (a) Motions must be relevant to a matter in which the Council has powers or duties or which affects the borough.
- (b) The Monitoring Officer may reject a Motion (or an amendment to a motion) if it:
 - (i) is not about a matter for which the local authority has a responsibility or which affects the borough;
 - (ii) is defamatory, derogatory, vexatious, scurrilous, frivolous or offensive
 - (iii) is substantially the same as a motion which has been put at a meeting of Full Council in the past six months;
 - (iv) requires the disclosure of confidential or exempt information;

- (v) seeks to pursue or further a complaint against a Councillor or an Officer of the Council, where other channels already exist for the determination of complaints
- (c) Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.
- (b) The Monitoring Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer prior to the meeting to clarify, correct, or make sense of the particular wording. The Monitoring Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.

11.4 Motion set out in agenda

Motions of which notice has been given will be listed on the agenda in the order in which notice was received and, subject to that, in the order in which the group submitting the motions expresses a preference.

11.5 Amendments to motions

- (a) Notice of amendment (other than to an urgent motion) must be signed by at least two members or by the Leader or Secretary of a Group and must be delivered to the Proper Officer at least 6 clear days before the date of the meeting.
- (b) An amendment to an urgent motion may be proposed and seconded without notice at any time before the debate on it is concluded.
- (c) An amendment shall not be debated unless it has been moved and seconded. The mover or seconder of an amendment may not move or second any other amendment on the same motion without the consent of the Mayor.
- (d) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

provided that the effect of (ii) to (iv) is not to negate the motion.
- (e) If there is any doubt about the effect of the carrying of any amendment upon the original motion, the Mayor may direct that it be read out (or displayed, if projection equipment is available) before accepting any

further amendments, or if there is none, before a vote is taken on the substantive motion.

11.6 Alteration of motion and/or amendment to a motion

- (a) The mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed, may at any time prior to the publication of that motion or amendment in the final agenda for the meeting require the Proper Officer to alter the wording of that motion or amendment in order to correct factual or typographical error or to improve clarity.
- (b) At a meeting, the mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed or has been moved, must seek the consent of the Council to alter that motion or amendment.
- (c) No alteration under this rule shall affect the sense of any such motion or amendment, and where the Proper Officer doubts the propriety of such an alteration, upon considering such doubts the Mayor may agree that it shall not be accepted. The Mayor's ruling on that matter shall be final.
- (d) The meeting's consent will be signified without discussion and be determined by vote only.
- (e) The Mayor may accept at the request of the relevant Group Leaders and the original proposers of the motion and amendment either prior to the meeting or at the meeting, an agreed composite motion which unites the motion and amendment into one and which is capable of being placed before the meeting as an agreed composite motion.

11.7 Withdrawal of motion or amendment

A motion or amendment issued with the final agenda may be withdrawn or amended via a procedural motion (12.1(g)) but only once the meeting has commenced and at any time before the agenda item is called. The withdrawal or amendment of a motion will require the consent of Full Council. No member may speak on the motion or amendment after the mover has withdrawn it.

11.8 Amendments to motions and reports at the Council Tax setting meeting

- (a) An amendment to a motion/report at the annual Council tax setting must be submitted to the Chief Executive no later than 6 clear days before the Council tax setting meeting, and must be such that the amendment would, if passed, in the view of the Chief Finance Officer enable a robust budget to be set.
- (b) Upon receipt of such amendment, the Chief Finance Officer shall consider whether it meets the "robust budget" test, and:

- (f) If it does meet the test, the Proper Officer shall include it on the agenda for the meeting.
- (g) If it does not meet the test but the Chief Finance Officer considers that, duly altered, it will do so, that officer shall consult the proposers and, if they accept the alteration(s), the Proper Officer shall include it, as altered, on the agenda for the meeting.
- (h) If it does not meet the test and the Chief Finance Officer considers that, whether or not altered, it will not do so, that officer shall refer the amendment to the Proper Officer who shall proceed with it as an improper amendment under Rule 11(3)(b).
- (c) As it is imperative that there is a level playing field, any new base information relating to or affecting Council tax that comes to light after the Cabinet has made its Council tax recommendations will be supplied to all Groups at the same time by the Chief Finance Officer.

11.9 Time allowed

The total time for consideration of any motions or amendments for ordinary meetings shall not exceed 75 minutes. Any motion or amendment on the agenda that is not reached shall be deemed moved and seconded and/or any debate in progress shall be ceased by the Mayor and be moved to the vote without discussion.

12. PROCEDURAL MOTIONS

12.1 Procedural motions

The following procedural motions may be moved and seconded at any time during the meeting, where appropriate before the conclusion of the business to which they relate, without notice and shall be voted on without discussion:

- (a) in relation to the accuracy of the minutes
- (b) to change the order of business in the agenda
- (c) to refer something to an appropriate body or individual;
- (d) to appoint a committee or member to a committee arising from an item on the summons for the meeting;
- (e) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (f) to apply to a motion (including a deemed motion relating to a report the vote only procedure (rule 13.6);

- (g) to withdraw a motion or amendment;
- (h) to clarify a motion or amendment;
- (i) to adjourn a debate to a time specified;
- (j) that the meeting continue beyond 10.30 p.m;
- (k) to suspend a particular council procedure rule in accordance with Rule 20
- (l) to exclude the public and press in accordance with s.100B of the Local Government Act 1972;
- (m) not to hear further a member named or to exclude them from the meeting under Rule 18;

12.2 Special procedural motions

A member who has not previously spoken in the debate may, at the conclusion of a speech of another member, move one of the following special procedural motions:

- (a) “That the question be put”, or
- (b) “That the Council proceed to the next business”, or
- (c) “That the Council adjourn”.

If the special procedural motion is seconded, it shall be put to the vote forthwith and, if it is carried, then:

- (i) in case (a): the rights of reply given by Rule 13.6 may be exercised. The motion before the meeting shall then be put to the vote, or
- (ii) in case (b): the motion then before the Council shall be regarded as lost and the Council shall proceed to the next item on the agenda (if any), or
- (iii) in case (c): the meeting shall stand adjourned to a date to be fixed in accordance with Rule 9.1 (c)

12.3 PREVIOUS DECISIONS AND MOTIONS

12.3.1 Motion to rescind a previous decision

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months shall not be moved unless the notice of motion is signed by at least 25 per cent of the members.

- (b) A motion to rescind may be included within a motion seeking to alter the previous decision in question and the two motions shall be treated as one matter for debate.

12.3.2 Motion similar to one previously rejected

- (a) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months shall not be moved unless the notice of motion or amendment is signed by at least 25 percent of members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- (b) This rule shall not apply to motions moved in respect of a report or recommendation of a committee but shall apply to amendments to such a recommendation.

13 RULES OF DEBATE

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed and may require it to be made available to all members. The text of such a motion may be displayed using the audio-visual display system within the Council Chamber.

13.3 Length of speeches

No speech may exceed the following time limits without consent of the Mayor.

- (a) five minutes for a mover of a motion or an amendment
- (b) three minutes for other speeches in any debate

Except that, at the meeting setting the council tax under rule 3, the speeches of any Group Leader (or of a member nominated to speak on behalf of a Group Leader) on any motion or amendment relating to the council tax shall not exceed twenty minutes.

At the close of each debate upon a motion or report, or after a motion "That the question be put" has been carried, rights of reply may be exercised in the following order:

- (a) The Leader of the Group by which any motion, recommendation or amendment was proposed (if not the Leader of the Council or the Leader of the Opposition), or, if the mover is not a member of a Group, that Member.

(b) Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.

(c) The Leader of the Council

In each case the appropriate Leader may nominate another member of their Group to reply on their behalf.

13.4 Vote only procedure

Where this procedure is invoked, the Mayor shall put the matter to a vote without debate. The motion and any amendment shall be deemed to have been moved and seconded, and shall be voted upon as if there are been a full debate of the matter.

13.5 Seconding a motion or amendment

No motion or amendment shall be debated or voted upon unless it has been seconded by a Member other than its proposer. A Member seconding a motion or amendment shall do so formally, without making a speech.

13.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) in exercise of a right of reply;
- (b) on a point of order;
- (c) by way of personal explanation;
- (d) by way of clarification; or
- (e) on a point of information.

13.7 Point of order (breach of council rules)

A member may raise a point of order at any time. The Mayor will hear this immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

13.8 Personal explanation (when a member is referred to)

A member may seek to make a personal explanation at any time during the course of another member's speech if he has been referred to by name or position, either immediately if the member speaking gives way or at the end of

the speech. A personal explanation may only relate to the statement made by the other member in their speech. The ruling of the Mayor on the admissibility of a personal explanation and the time allowed for any personal explanation will be final.

13.9 Clarification (of a member's own statement)

A member may seek leave from the Mayor to clarify a point made in an earlier speech by that member if it appears from comments made in a subsequent speech that the earlier speech by the member had been misunderstood. The ruling of the Mayor on the admissibility of a clarification and the time allowed for any clarification will be final.

13.10 Point of Information (a question to seek clarification on a factual statement by others)

A member may seek to make a point of information at any time but may not pursue it if the member speaking declines to give way. It shall be a simple question to clarify factual statements made during the course of a speech. It may not be a long or rhetorical question or become a cross-examination of the speaker. The ruling of the Mayor on the admissibility of, and the time allowed for, any point of information will be final.

14. PETITIONS

Petitions may be presented to the Mayor by members of the Council during an ordinary Council meeting as referred to in Rule 2, subject to notice being given to the Proper Officer of the intention to present a petition at least 6 clear days before the meeting.

There will be no debate on any petition under this rule but the member presenting the petition may make a brief statement on the content of the petitions.

15. VOTING

15.1 Majority

Subject to any statutory requirement otherwise (notice of which shall appear in the relevant agenda), all matters before Council shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

This rule shall not be suspended.

15.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

15.3 Recording of Votes

All votes shall be recorded.

15.4 Voting on appointments

If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Mayor shall exercise a casting vote.

16. MINUTES

16.1 Signing the minutes

- (a) The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only discussion of the minutes shall be as to their accuracy.
- (b) Any other matter arising from the minutes shall be discussed only if a motion relating to the matter is moved and seconded in accordance with Rule 11.

This rule shall not be suspended.

16.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Minutes of previous meetings shall be signed only at ordinary meetings (including the Annual Meeting and the Council Tax Setting Meeting).

This rule shall not be suspended.

16.3 Form of minutes

- (a) Subject to (b) following, Minutes will contain all motions and amendments in the exact form and order the Mayor put them.
- (b) For the purpose of ensuring the accuracy of minutes, the Proper Officer is authorised to adjust the text of the substantive motion as finally carried to reflect the sense of the meeting where, in consequence of more than one amendment being carried, the meaning is not otherwise clear.

17. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the provisions of section 100B of the Local Government Act 1972 or Rule 19 (Disturbance by Public).

18. MEMBERS' CONDUCT

18.1 Standing to speak

When a member speaks at full Council they must stand (unless prevented from doing so by illness or disability) and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order, clarification, a point of personal explanation or information.

18.2 Defamatory and unparliamentarily language

- (a) Although Members have qualified privilege in respect of defamation at Council meetings, they must not abuse that privilege so as to make personal attacks on individuals. Officers at Council meetings are not permitted to criticise a member's personal conduct, judgement or ability and Members for their part must not criticise an officer personally at any meeting. The Mayor will take this into account in conducting the meeting.
- (b) The use in debate of unparliamentarily language is prohibited and any use of it will be considered to be offensive under rule 18.3 below.

It is considered that "unparliamentarily language" is language which offends against the conventions of politeness such as insulting or abusive language and accusations of lying, being drunk or misrepresenting another's words.

18.3 Member not to be heard further

- (a) If a Member, disregarding any ruling of the Mayor, behaves in an improper or offensive manner or deliberately obstructs business, any other Member, including the Mayor, may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (b) If the motion is carried, the Member named in it shall immediately be seated and be silent for the remainder of the item then under discussion.

18.4 Member to leave the meeting

If the member continues to behave improperly after a motion under Rule 18.3 is carried, the Mayor may move either that the member leaves the meeting and/or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

This rule shall not be suspended.

19. DISTURBANCE BY THE PUBLIC

19.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

19.2 Clearance of part of meeting room

If there is a disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

19.3 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may issue a warning and if the disturbance continues adjourn the meeting for as long as he thinks necessary. Such action shall be at the Mayor's discretion and may be taken without putting the matter to the vote.

Rules 19.1 to 19.3 shall not be suspended.

20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

20.1 Suspension

(a) Except as noted in 20.2 below, all Council Rules of Procedure may be suspended for the duration of a meeting by motion without notice.

(b) The following Rules may not be suspended:

15.1 – question to determined by majority vote

16.1 - signing of minutes - procedure

16.2 – minutes to be signed only at ordinary meetings

18 - Members' conduct

19 - Disturbance by the public

20.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the Governance Committee.

21. AUDIO-VISUAL AIDS

A member, or person invited to address the Council may request the use of any audio-visual aids available within the Council Chamber (or other meeting place). Reasonable notice shall be given to the Chief Executive of the intended use of such facilities in order to ensure their availability when required and the availability of appropriate staff to prepare, or assist in the preparation of, such aids.

The Mayor may, however, direct that, in the circumstances of a particular meeting, such aids may not be used.

22. WEBCASTING, BROADCASTING AND RECORDING OF PROCEEDINGS

22.1 Webcasting

A webcast may be made of any meeting (or part thereof) of the Council (but not so as to permit the webcasting of any confidential or exempt information) but the Mayor is authorised to determine that a particular meeting, or part of a meeting, shall not be webcast.

22.2 Audio/ Visual Recording of Meetings

Anyone is welcome to record meetings of Council and its committees through any audio, visual or written methods they find appropriate providing they do not disturb the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography or intrusive camera equipment.

All those visually recording at the meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this all rights to record the meeting are removed.

23. CONFERMENT OF AWARDS FOR EMINENT SERVICE

23.1 Other than in a year in which there is an ordinary election of Councillors, Council shall consider at an extraordinary meeting held immediately before the Annual Meeting whether to confer on any person the Honorary Freedom of the borough, in recognition of their distinction or eminent services to the borough.

23.2 In a year in which there is an ordinary election of Councillors, Council shall consider at first ordinary meeting following the Annual Meeting

- (i) whether to confer upon on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (ii) whether to confer upon any former Councillor the office of Honorary Alderman, in recognition of their eminent services to the Council; or
- (iii) the presentation to any Member or former Member of a certificate in recognition of service to the Council.

- 23.3 Notwithstanding rules 23.1 and 23.2 above, the Council may by motion consider conferring Honorary Freedom or the office of Honorary Alderman on a qualifying person, or presenting a certificate to a Member, where in the circumstances it is inappropriate to await the next Annual Meeting or the meeting following it, as the case may be.
- 23.4 The mover and/or seconder of a motion to confer the Honorary Freedom or the office of Honorary Alderman shall set out, either in the text of the motion or in the course of speaking in support of it, details of the “eminent service”, or the reason for “distinction” for which the award is to be conferred, and it shall be passed if two thirds of those present and voting at the meeting vote in favour.

24. INTERPRETATION

For the purposes of the Council Procedure Rules:

- (a) the term “clear days” means a normal working day, excluding:
 - (i) the day on which a document is first made available
 - (ii) the day of the meeting
 - (iii) Saturday and Sunday
 - (iv) Public or bank holidays
 - (v) Other days when the Council’s offices are closed
- (b) “Proper Officer” shall include, if the Chief Executive is absent or unable to act, reference to any SLT Director or the Monitoring Officer who may from time to time be authorised to deputise for the Chief Executive for the purposes of these procedure rules
- (c) “Group” means any Group of members constituted under the statutory rules for political balance
- (d) “Group Leader” means the member notified to the Proper Officer as leader of a Group
- (e) “Deputy Group Leader” means “the other authorised representative” of the group
- (f) “Group Secretary” means the member notified to the Proper Officer as holding that office within the Group
- (g) “Leader of the Council” means the Member elected to hold that office
- (h) “Leader of the Opposition” means the Leader of the largest group not forming, or forming part of, the administration.
- (i) For the avoidance of doubt, it is declared that:
 - (i) any notice required to be given in writing may validly be given in writing on paper, by fax or by e-mail provided that the e-mail is

from an address recognisably that of the person giving notice or known to be associated with him or her.

- (ii) any document required to be served upon the Proper Officer or the Chief Executive may be handed to the Head of Democratic Services or a member of their staff.
- (iii) any document required to be served upon the Mayor may be handed to the Proper Officer, Chief Executive or the Head of Democratic Services or a member of their staff on behalf of the Mayor.
- (iv) any document handed to the Proper Officer, Chief Executive, Head of Democratic Services or staff member under (b) or (c) shall be deemed served upon the person to whom it is addressed.
- (v) where more than one signature is required, each may validly be given by the member(s) in question by notice in writing, by fax or by e-mail from a recognisable e-mail address or one known to be associated with him or her and different Members may use different means of signature.

APPENDIX

These timetables assume that the meeting of Council is held on a Wednesday. If a meeting is held on another day, the relevant timetable shall be adjusted accordingly.

1 Annual Meeting Timetable

		Day, week, and “clear days” before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	Last date for receipt of notices of motion relating to the business to be transacted at the Annual Meeting	Tuesday: two weeks before 10
3	Last date for receipt of nominations for the conferment of the Honorary Freedom of the borough	Tuesday: two weeks before 10
4	Publication of REVISED Agenda	Thursday: two weeks before 8
5	Last date for receipt of notice of amendment of any motion relating to business to be transacted at the Annual Meeting or report published with the Initial or Revised Agenda	Monday: one week before 6
6	Publication of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before 5
7	Last date for receipt of notice of amendment to any report published with the Final Agenda	Monday: same week 1

2 Ordinary Meeting Timetable

		Day, week, and “clear days” before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	Last date for receipt of questions	Monday: two week before 11
3	Last date for receipt of notices of motion	Tuesday: two weeks before 10
4	Last date for Mayor or Leader of the Council to give notice of arrangements for an address to the Council	Tuesday: two weeks before 10
5	Publication of REVISED Agenda	Thursday: two weeks before 8
6	Last date for receipt of notice of amendments to motions published in the Revised Agenda	Monday: one week before 6
7	Last date for receipt of notice of intention to present a petition	Monday: one week before 6
8	Issue of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before 5
9	Last date for receipt of notice of amendments to reports issued with the Final Agenda	Monday: same week 1

3 Council Tax Setting Meeting Timetable

		Day, week, and “clear days” before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	<i>Cabinet meeting at which budget recommendations will be determined</i>	<i>Wednesday: two weeks before 9</i>
3	Publication of REVISED Agenda	Thursday: two weeks before 8
4	Issue of FINAL AGENDA incorporating all agenda papers (but Supplementary Agenda(s) will be published)	Tuesday: one week before 5
5	Last date for receipt of any amendment to the Council Budget	Monday: one week before 6

GOVERNANCE COMMITTEE

Subject Heading:	Regulation of Investigatory Powers Act 2000 (RIPA) Update
SLT Lead:	
Report Author and contact details:	Kathryn Robinson, 01708 432242 Kathryn.robinson@onesource.co.uk
Policy context:	Governance
Financial summary:	None

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

This is the Committee’s Annual Regulation of Investigatory Powers Act 2000 (RIPA) update. Members are asked to consider and, recommend for approval, changes to the Council’s Policy and Procedures on RIPA. Members are also asked to note the revised delegation proposals and that there has been no use of the Council’s RIPA powers since the last update.

RECOMMENDATIONS

That members:

1. Recommend to the Lead Member that the proposed changes to the Council's Policy and Procedures on RIPA attached as **Appendix 1** be approved.
2. Note the revised delegation proposals.
3. Note the update on the Council's use of its RIPA powers.

REPORT DETAIL

A Changes to the Policy

1. Appended to this report as **Appendix 1** is the Council's Policy and Procedures on RIPA. The document explains the Council's use of 'covert surveillance techniques' when investigating serious criminal offences when relying on the powers made available to local authorities in Part II of RIPA. As the use of covert surveillance will affect an individual's privacy rights, compliance with RIPA ensures that the surveillance is necessary, proportionate and lawful. RIPA therefore protects the Council from legal claims and complaints and ensures that the evidence it relies upon in prosecutions is admissible.
2. 'Covert surveillance techniques' include static surveillance (e.g. taking up an observer post to monitor the activities and movements of those suspected of having committed criminal offences); mobile surveillance (e.g. following someone to see where they are going without their knowledge) and using hidden CCTV at a crime hotspot. It also extends to the use of undercover officers and informants.
3. The Policy also refers to accessing communications data, such as out-going phone calls and websites visited, held by telephone and internet service providers. However, only limited information about who sent the communication, when and how can be accessed but not the content i.e. what was said or written. This form of surveillance is regulated by a different part of RIPA and different procedures apply i.e. authorisations are granted by a national body which acts on behalf of local authorities.
4. As well as legislation, the Council's policies and procedures are guided by statutory codes of practice most recently re-issued by the Home Office in August 2018. The changes to the statutory codes of practice were technical in nature, focusing on procedural matters such as good information management.

The recent focus of the Code of Practice on the use of the internet and social media as a surveillance tool is already properly covered in the Council's Policy.

5. The use of RIPA powers by local authorities is tightly controlled. Initially, directed surveillance or the use of a CHIS has to be assessed in detail and authorised in writing internally by a senior officer only if necessary and proportionate. Subsequently, it has to be approved by a justice of the peace before the authorisation takes effect.
6. The Council is required to have policies and procedures in place and these, together with the Council's use of the powers in practice, is the subject of periodic inspection by the Investigatory Powers Commissioner's Office (IPCO). The IPCO replaced the Office of Surveillance Commissioners (OSC) which most recently inspected the Council in December 2016.
7. The Inspector was very positive about the conduct and knowledge of the officers interviewed and approved of the Council's policy and procedures. A small number of recommendations were made to improve the Council's procedures which were considered by this Committee last year.
8. More recently, a further detailed review of the Policy has been undertaken and the proposed minor changes are marked up in the appended Policy and procedure. The changes are mainly technical or presentational in nature and, more specifically:
 - refer to and reflect recent legislative changes and the revised statutory codes of practice;
 - refer to the IPCO (instead of the OSC);
 - elaborate on what RIPA does and does not do;
 - emphasise the enhanced safeguards and authorisation levels required when confidential information may be acquired;
 - designate the Council's Monitoring Officer as the Senior Responsible Officer (SRO) reflecting established practical arrangements; and
 - states that the SRO will report to the Leader, Lead Member and oneSource Management at least once a year (and not quarterly) to reflect the much reduced and very limited use by the Council of its RIPA powers.
9. Members are asked to recommend that these procedural changes be made by the Lead Member. Members are also asked to note that the Monitoring Officer will be seeking the delegated authority to make technical and minor changes to the Policy from time to time to ensure that it is quickly updated whenever changes are made to the law or the codes of practice. Lead Member approval will also be sought for the Monitoring Officer to be able to amend the Council's list of Authorising Officers as part of her oversight and quality control role as SRO and in response to service and staffing changes.

B Update on Council activity regarding RIPA

10. In common with most other local authorities, the use by the Council of its RIPA powers is much reduced and is very limited. In fact, since the Committee's previous review in June 2017, there have no applications for the use of directed surveillance or a CHIS.
11. Staff are kept aware of the requirements of RIPA, and advised of the need to secure legal compliance and to follow the Council's Policy and Procedures. The opportunity is also taken to report changes in the law, disseminate examples of good practice and to raise awareness about specific risks. For example, training for key staff was provided in January 2017 and further training was provided in March of this year. Officers will also be advised of the changes set out in this report and the information published on the Council's intranet will be updated too.

IMPLICATIONS AND RISKS

Financial implications and risks:

None in relation to this report

Legal implications and risks:

Included within this Committee's terms of reference is the responsibility to review the Council's use of RIPA and the Council's Policy and Procedures at least once a year and to make recommendations for changes. This gives effect to the statutory Codes of Practice most recently re-issued by the Home Office in August 2018.

Human Resources implications and risks:

None

Equalities implications and risks:

This annual update and the proposed changes to the Council's RIPA Policy and Procedures do not have any adverse impacts on persons sharing a protected characteristic for the purposes of the public sector equality duty set out in Section 149 of the Equality Act 2010.

Background Papers

None

**POLICY & PROCEDURES
on
COVERT SURVEILLANCE
and use of
COVERT HUMAN INTELLIGENCE SOURCES
under the
REGULATION OF INVESTIGATORY POWERS ACT 2000**

~~June~~ January 2019~~7~~

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NOTE:

This Document must be read in conjunction with the ~~Regulation of Investigatory Powers Act Codes of Practice on:~~

- ~~Revised~~ Code of Practice for Covert Surveillance and Property Interference, ~~August/December~~ 2018⁸⁴ ('CS CoP'), - (Intranet- *Regulation of Investigatory Powers Act 2000*)
- ~~Revised~~ Code of Practice for ~~Covert the Use of~~ Human Intelligence Sources, ~~August/December~~ 2018⁸⁴ ('CHIS CoP') - (Intranet- *Regulation of Investigatory Powers Act 2000*)
- Protection of Freedoms Act 2012 – changes to provisions of the Regulation of Investigatory Powers Act 2000 (RIPA) - (Intranet- *Regulation of Investigatory Powers Act 2000*)

And, in respect of CCTV,

- The Home Office Surveillance Camera Code of Practice, June 2013

Copies of ~~these~~ Documents, ~~the~~ Application Forms and ~~the~~ Codes of Practice are located on the Intranet/ (Intranet- *Regulation of Investigatory Powers Act 2000*)

LONDON BOROUGH OF HAVERING POLICY & PROCEDURES - REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)-

A. Background

The Human Rights Act requires the Council, and organisations working on its behalf, to have respect for the private and family life of citizens. However, in rare cases, it may be necessary for the Council to act covertly in ways that may interfere with an individual's rights.

The Regulation of Investigatory Powers Act 2000 ('RIPA') provides a mechanism for authorising covert surveillance and the use of "covert human intelligence sources" (CHIS). It aims to ensure that any interference with an individual's privacy is **necessary** and **proportionate**, and for the purpose of the protection of both the public interest and the human rights of individuals.

It is important to note that the legislation does not only affect directly employed Council staff. Where external agencies are working for the London Borough of Havering, carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so. Therefore, work carried out by agencies on the council's behalf should be properly authorised by one of the Council's designated [Authorising Officers](#).

If the correct procedures are not followed:

- evidence could be thrown out
- a complaint of maladministration could be made to the Ombudsman
- the Council could be the subject of an adverse report by the [Investigatory Powers Commissioner's Office \(IPCO\)](#)~~of the Surveillance Commissioners~~
- a claim could be made leading to the payment of **compensation** by the Council
- there could be adverse publicity which could have a serious impact on the Council's reputation

B. What RIPA does and doesn't do

RIPA does

- require [authorisation](#) of [directed surveillance](#)
- prohibit [intrusive surveillance](#)
- require [authorisation](#) of the conduct and use of a [CHIS](#),
- require safeguards for the use of CHIS.

RIPA does not make unlawful conduct which is otherwise lawful, and it does not prejudice any existing power to obtain information by any means not involving conduct that may be authorised under this Act. For example, it does not affect the Council's current powers to obtaining information via the DVLA, or to get information from the Land Registry as to the owner of property.

RIPA does provide valuable legal protection against claims and complaints and therefore **compliance with its requirements and these procedures are mandatory for all services and staff.**

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C Procedure

Officers should consider each of these points when starting and conducting an investigation.

1. Ensure complaint is recorded and kept up-to-date on recording system.
2. A full note of evidence must be maintained.
3. Ascertain whether the investigation being conducted is one that will or will not likely involve covert surveillance of any person or which may reveal confidential personal information about anyone. If covert surveillance is likely or intended to result in the acquisition of confidential or legally privileged information, the special rule applies (see below.
4. Ascertain whether a **Covert Human Intelligence Source (CHIS)** is necessary. Apply the special rule if the CHIS is under the age of 18 or is a vulnerable individual or when knowledge of legally privileged or confidential information is likely to be acquired. If the special rule is applied this must be the subject of prior consultation, with the Monitoring Officer or the -Deputy Monitoring Officer.
5. Before starting covert surveillance or using CHIS, obtain a number and written authorisation from the relevant officer(s) (see Flow Chart and Forms).
6. Surveillance during an investigation conducted by one of the above people must be authorised by another authorised person.
7. Authorising Officers must not grant or renew authorisations unless satisfied that the requirements are met (see Grounds for Authorisation).
8. An application for authorisation must be made on the relevant form. The forms are available from the intranet – search for 'RIPA'. The relevant forms are:

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Surveillance	CHIS
Authorisation to conduct Directed Surveillance	Authorisation to conduct CHIS
Authorisation to renew Directed Surveillance	Authorisation to renew CHIS
Authorisation to cancel Directed Surveillance	Authorisation to cancel CHIS
Review of Directed Surveillance Authority	Review of Conduct and Use of a CHIS

9. Urgent cases There is now no power to grant urgent oral authorisations. Written authorisation from a Justice of the Peace ~~magistrate~~ is required using the standard procedure.
10. Officers should ensure that the officer granting the authorisation regularly reviews it. Officers should cancel authorisation where surveillance is no longer necessary or proportionate to the investigation in progress.

11. Authorising Officers should ensure that authorisations are renewed and/or cancelled before they expire.
12. The officer responsible for authorisation of the investigation must immediately inform the Public Protection Manager as the Co-ordinating Officer by e-mail of the grant, renewal or cancellation of all authorisations
13. Authorising Officer must ensure that all materials are secured and originals sent to the Public Protection Manager (as the Co-ordinating Officer), and disposal of expired material is timely. Officers are responsible for continuously maintaining RIPA standards.

The following time limits apply to an authorisation:

<u>Type of authorisation</u>	<u>Expiry Period</u>
Covert directed surveillance	A maximum of 3 months, reviewed regularly, and timely cancellation when appropriate
CHIS	A maximum of 12 months (44 months if CHIS is under 18), reviewed regularly, and timely cancellation when appropriate

D Types of Surveillance

“**Surveillance**” includes

- monitoring, observing, listening to persons, their movements, conversations, other activities or communications
- recording anything monitored, observed or listened to in the course of surveillance
- surveillance, by or with, assistance of a surveillance device.

Surveillance can be [overt](#) or [covert](#).

Overt Surveillance

Most of the surveillance carried out by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about council business openly (e.g. a market inspector walking through Romford Market). An immediate response may be appropriate in certain instances e.g. if an occurrence is witnessed action could follow to see what if anything takes place. Similarly, surveillance will be overt if the subject is aware it will happen (e.g. where a noisemaker is warned that noise will be recorded if the noise continues, or where a licence is issued subject to conditions and the licensee is told that officers may visit without identifying themselves to check that the conditions are being met).

Covert Surveillance

Surveillance is Covert Surveillance if, and only if, it is carried out in a manner calculated to ensure that persons subject to the surveillance are unaware it is taking place. (Section 26(9)(a) of RIPA.)

RIPA regulates two types of covert surveillance ([Directed Surveillance](#) and [Intrusive Surveillance](#)) and the use of [Covert Human Intelligence Sources](#) (CHISs):

Directed Surveillance

Directed Surveillance is surveillance which

- is [covert surveillance](#); and
- is not [intrusive surveillance](#) (see definition below) – **the Council must not carry out intrusive surveillance.**
- is not carried out as an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable e.g. spotting something suspicious and continuing to observe it; [CS CoP [32.323](#)] and
- it is undertaken for the purpose of a **specific investigation** or operation in a manner **likely to obtain private information** about an individual (whether or not that person is specifically targeted for purposes of an investigation). [CS CoP 2.4 [and 3.1](#)];

Private information in relation to a person includes any information relating to his/her private or family life. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. RIPA does not apply in situations involving the general monitoring and use of town centre CCTV. These cameras are overt and so cannot generally be used for covert monitoring.

Prolonged surveillance targeted on a single person may very well result in the obtaining of private information. Similarly, although overt town centres CCTV cameras do not normally require authorisation, if the camera is tasked for a specific operation, which involves prolonged surveillance on a particular individual, authorisation may well be required. The way a person runs their business may also reveal information about his or her private life.

Council Officers can carry out “Directed Surveillance” IF, AND ONLY IF, the RIPA authorisation procedures are followed.

Intrusive Surveillance

- is covert
- relates to residential premises and private vehicles; and
- involves the presence of an individual on the premises or in the vehicle; or is carried out by a surveillance device. if a surveillance device is not on the premises or in the vehicle it is not intrusive, unless it consistently provides information of the same quality as if it was on the premises or in the vehicle
- or relates to premises used for the purpose of legal consultations
- can be carried out only by police and other law enforcement agencies

Council Officers must not carry out intrusive surveillance.

Examples of different types of Surveillance

Surveillance will fall into one of four categories:

Type of Surveillance	Examples
Overt	<ul style="list-style-type: none">• Uniform Police Officer on patrol.• Signposted Town Centre CCTV Cameras (in normal use)• Recording noise coming from premises after the occupier has been warned that this will occur if the noise persists.• Most test purchases (where the officer behaves no differently from a normal member of the public).
<u>Covert</u> , but may not require authorisation	Hidden CCTV camera focused on a railway bridge which has just been cleared of graffiti, where it is expected that taggers will target the bridge. However if collateral information is likely to be obtained then RIPA authorisation is necessary.
<u>Directed</u> – requires a RIPA authorisation.	<ul style="list-style-type: none">• Officers follow an individual over the course of the day, to establish whether he is working when claiming benefit• Test purchases where the officer has a hidden camera recording information which might include information about the private life of a small shop-owner, e.g. the way they run their business.
<u>Intrusive</u> - Council cannot do.	Planting a listening device (bug) in a person's home or in their private motorcar.

Directed and Intrusive Surveillance is subject to the Revised Code of Practice for Covert Surveillance and Property Interference-, August~~December~~ 2018⁴ issued under s 71 of RIPA.

The Protection of Freedoms Act 2012 introduced new requirements concerning the use of directed surveillance. **Local authorities can now only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or nicotine products like tobacco. A local authority may not authorise the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which may include, for example, littering, dog control and fly-posting.**

However, RIPA does not prevent the Council from conducting other investigations, even if covert surveillance techniques are used.

If RIPA does not apply, the Council must follow procedures similar to RIPA and ensure that any surveillance pursues a legitimate aim and is necessary, proportionate and

[justifiable in all the circumstances of the case. This will ensure compliance with data protection legislation and the Human Rights Act 1998, in particular, Article 8.](#)

Covert surveillance of Social Networking Sites (SNS) and On-line Accounts

Reference should be made to paragraph 288 of the OSC Procedures and Guidance 2016.

The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation.

Care must be taken to understand how the SNS being used works. –Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

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Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages *for* example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

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The RIPA regime was introduced before the rise of electronic media such as Twitter and Facebook where individuals voluntarily put lots of personal information ‘on-line’ with varying degrees of public accessibility. Such sites can be a very useful source of research for an investigator. The applicability of RIPA to such information sources is a developing area, but currently the Council will follow the following rules:

- a) Casual or occasional checking of an individual’s on-line account which is open to all is regarded as akin to walking past a person’s house or shop and does not need authorisation under RIPA.
- b) Targeted, on-going checking of an ‘open’ account is effectively the electronic equivalent of carrying out physical surveillance of an individual. While currently there isn’t a definitive legal ruling on the issue, in order to prevent possible challenge to any evidence gained in this manner, a RIPA authorisation should be obtained.
- c) Accessing an individual’s account by becoming that person’s ‘friend’, even if there is no intention to have additional contact, requires a RIPA authorisation.
- d) Any access of an account which will involve an on-going dialogue with the targeted individual is forming a relationship with the individual and requires a CHIS authorisation.

Children and Young People’s Services

For cases of suspected abuse, directed covert surveillance, may be an appropriate adjunct to ordinary social care practice including family visits. Where it is suspected that abuse amounting to a crime is being carried out, and where no other means can be

found to confirm the position, a Multi-Agency Strategy Meeting should be convened, and the decision to recommend covert surveillance should be considered against the tests above, formally recorded, and then passed to an authorising officer in the local authority or the police.

For school admissions, covert surveillance is almost certainly not an option because of the need to identify a criminal offence with a possible 6 month custodial sentence and questions about the proportionately of such actions. Information can be acquired from parents and carers to demonstrate residence through overt means, such as the production of utility bills, health registrations, mortgage or rent documentation, Council tax records, and membership of libraries, churches, or other local organisations. In cases where a family has broken up, the main residence of the child should be confirmed by court documents.

**E. Conduct and Use of a Covert Human Intelligence Sources (CHIS)
(e.g. informers, undercover agents)**

Who is a CHIS?

Under the 2000 Act, a person is a CHIS if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c);
- b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

A relationship is established or maintained for a covert purpose if and only if it is conducted in manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

The provisions of RIPA are not intended to apply in circumstances where members of the public volunteer information to the council as part of their normal civic duties, or to contact numbers set up to receive information.

Use of a CHIS

The Council is extremely unlikely to deploy a CHIS and any officer contemplating such a step should consult the Monitoring Officer or Deputy Monitoring Officer within Legal Services.

What must be authorised

The Conduct or Use of CHIS requires [authorisation](#).

- **Conduct** of a CHIS = Establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining and passing on information.
- **Use** of a CHIS = Actions inducing, asking or assisting a person to act as a CHIS.

The Council can use a CHIS IF, AND ONLY IF, RIPA procedures are followed.

Juvenile Source

Special safeguards apply to the use or conduct of juvenile sources (~~those~~ under 18 ~~years old~~). On no occasion can a child under 16 years of age be authorised to give information against his or her parents [see CHIS CoP 4.24]. Only the Chief Executive or, ~~(in his/her absence)~~ ~~the person acting as the Head of Paid Service~~ ~~Director of Legal and Governance~~ can authorise the use of Juvenile Sources. The duration of the authorisation is ~~four~~ ~~one~~ months only.

Vulnerable individuals

A Vulnerable Individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation. A vulnerable individual should only be authorised to act as a source in the most exceptional circumstances. The Chief Executive or, ~~(in his/her absence)~~ ~~the person acting as the Head of Paid Service~~ ~~and the Director of Legal and Governance~~ are the only persons who can authorise the use of a vulnerable person as a CHIS.

Test Purchases

Carrying out test purchases will not normally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information, and therefore the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop to obtain information about the sellers suppliers of an illegal product (e.g. ~~illegally imported wild meat~~) is likely to require authorisation as a [CHIS](#). Similarly, using hidden recording devices to record what is going on in the shop (e.g. a hidden CCTV Camera) may require [authorisation](#) as [directed surveillance](#). A combined authorisation can be provided if a CHIS is carrying out directed surveillance.

Noise

Persons who complain about excessive noise, and are asked to keep a noise diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information, and therefore does not require authorisation.

However, if the Council serves notice on the owner/occupier of the premises and the source of the noise is a third party, authorisation under RIPA may be required. The investigation may (i) be covert in relation to that third party and (ii) may reveal private information about them.

F. Authorisation

[Directed surveillance](#) and the use of a [CHIS](#) can ~~be~~ carried out only if authorised, and only within the terms of the authorisation. [Appendix A](#) provides a flow chart of process from application to record management.

Authorising Officers:

Authorisations can only be given by Authorising Officers, listed in [Appendix B](#).

Only the Chief Executive or, (in his/her absence) the person acting as the Head of Paid Service can authorise covert surveillance if legally privileged or confidential information is likely to be acquired or when a juvenile or vulnerable person is to be used as a source.

Authorisation under RIPA is quite separate from delegated authority to act under the Council's Scheme of Delegation and internal directorate Schemes of Management. **RIPA authorisations are for specific investigations only and must be cancelled once the specific surveillance is complete or applied to be reviewed when about to expire if the investigation is continuing.**

The Authorising Officer should not just "sign off" an authorisation, but must give **personal consideration** to the **necessity** and **proportionality** of the proposed action and any **collateral intrusion** which may result, and must personally ensure that the surveillance is reviewed and cancelled.

Application Forms:

Applications for authorisation should be made using standard RIPA forms. Forms seek to ensure that criteria for RIPA are fully considered.

London Borough of Havering currently uses the following Home Office forms (available from the Intranet / RIPA)

- Application for Authority for Directed Surveillance
- Application for Renewal of Directed Surveillance Authority
- Cancellation of Directed Surveillance
- Review of Directed Surveillance Authority
- Application for Authority for Conduct and Use of a CHIS
- Application for Renewal of Conduct and Use of a CHIS Authority

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- Cancellation of Conduct and Use of a CHIS
- Review of Conduct and Use of a CHIS
- JP approval form

Grounds for Authorisation

See also section 28(3) of the RIPA Act 2000

[Directed Surveillance](#), or the [Conduct](#) and [Use](#) of a [CHIS](#) can be authorised by the Council **only** on the following grounds:

- For the **prevention or detection of crime**,

Before seeking authorisation, the applicant is to contact the Public Protection Manager as Co ordinating Officer (x2771) for a Unique Reference Number (URN). Certain information will be required at this stage to be input onto a corporate log of RIPA activities

Assessing the Application Form.

When considering whether to authorise surveillance an Authorising Officer must

- Consider the relevant Code of Practice
- Ensure that the exact nature of the surveillance is fully described so that the Authorising Officer is fully aware of what he/she is being asked to authorise.
- Satisfy him/herself that the authorisation is **necessary** in the circumstances of the particular case on the grounds of the prevention or detection of crime, and also
- Satisfy him/herself that the surveillance is **proportionate** to what it seeks to achieve [CS CoP ~~43.63~~ – 43.7]. In assessing whether or not the proposed surveillance is proportionate, the Authorising Officer will consider other appropriate means of gathering information. In the case of the CHIS, authorisations, (see also CHIS CoP 3.2 – 3.5).
 - Proportionate involves **balancing** the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms.
 - The activity will not be proportionate if it is **excessive** in the circumstances of the case.
 - The activity will not be proportionate if the information which is sought could reasonably be **obtained by other less intrusive means**. e.g. if the evidence could have been gathered through other methods of investigation, such as unannounced inspections, then these less intrusive and non-covert methods should have been exhausted first.
 - **Proportionate also involves balancing the Human Rights of the subject of the surveillance against the seriousness of the offence under investigation.**

If there is an alternative practicable means of carrying out the surveillance, which is less intrusive, then the surveillance is neither necessary nor proportionate and should not be authorised.

- Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (**Collateral Intrusion**). Measures must be

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taken wherever practicable to avoid collateral intrusion [see CS CoP ~~34.118~~ – ~~43.164~~].

- Set a date for review of the authorisation
- Ensure that the Public Protection Manager is sent the top copy of the authorisation for filing centrally.

Additional Factors when Authorising a CHIS

In addition, when authorising the conduct or use of a CHIS the Authorising Officer must be

- be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved and
- be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS;
- consider the likely degree of intrusion of all those potentially affected.
- consider any adverse impact on community confidence that may result from the use or conduct or the information obtained.
- ensure **records** contain statutory particulars and are not available except on a need to know basis.

Urgent Authorisations

Until April 2013 it was possible in exceptional circumstances to give urgent authorisations orally. This practice is now prohibited by changes introduced by the Protection of Freedoms Act 2012. All authorisations (~~grants and renewals~~) have to be made in writing by a ~~magistrate~~Justice of the Peace after completion of the Council's internal process. The Magistrates Court has provisions for contacting an out-of-hours duty magistrate – details are held at Romford Police Station.

Immediate Responses

There are certain events situations which require an immediate response where it would be impracticable to obtain an authorisation. Such surveillance is not deemed to be directed surveillance for the purposes of ~~RIPA the 2000 Act~~. An example would be Council officers needing to covertly observe an activity that they come across during their routine duties.

Duration

The authorisation period for Directed Surveillance is 3 Months and 12 Months for a CHIS (except for a CHIS for a juvenile which is ~~44~~ months~~s~~).

Review and Cancellation

The Authorising Officer must review authorisations frequently, and must cancel an authorisation promptly if he/she become satisfied that the surveillance is no longer required or appropriate. An authorisation must be cancelled in all cases, it cannot be left to expire at the end of the authorisation period. When cancelling the authorisation the Authorising Officer is required to consider whether the surveillance was effective,

necessary, and met its objectives. Cancellations must be made using the cancellation form [CS CoP ~~5.227-30~~ – ~~5.2432~~].

Renewals

Authorisations can be renewed in writing when the authorisation period expires. The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date, and any collateral intrusion that has occurred.

The renewal will begin on the day when the authorisation would have expired and will last for a further 3 months [CS CoP ~~5.187-27~~ – ~~29~~]. Renewals can no longer be renewed orally in urgent cases and have to be approved by a Justice of the Peace.

G Record maintenance

The Council must keep a detailed record of all authorisations, renewals, and cancellations [CS CoP Chapter 8]

Records maintained by Requesting Officer and Centrally

The following documents must be securely retained by the Requesting Officer and originals sent to the Public Protection Manager as the Co Ordinating Officer for recording centrally:

- A copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the Authorising Officer; Reviews can be undertaken earlier in order to gain an understanding of what is working in practice.
- A record of the result of each review of the authorisation;
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- The date and time when any instruction was given by the Authorising Officer.
- The date and time when any instruction was given by the Authorising Officer.
- A copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace.
- The Council shall retain records for a period of at least three years (and usually for up to five years) from the ending of the authorisation [CS CoP 8.2 & 8.5]. The Investigatory Powers Commissioner's Office (IPCO) of the Surveillance Commissioners (OSC) can review the council's policies and procedures, and individual authorisations. IPCOOSC usually provide notice before an inspection, but can arrive unannounced.

Copies of authorisations, renewals and cancellations are discoverable in legal proceedings. If proper records are not maintained, evidence gathered may be inadmissible.

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H. Single Point of Contact (SPOC)

As of 5 January 2004, access to communication data to further investigatory work (in areas like trading standards, environmental health, benefits fraud and planning functions) fell under the RIPA 2000. Each Authority is required to establish a SPOC to interface with the many communication service providers (Telecoms, Internet and Postal companies) who hold this data.

The Council's SPOC is the Public Protection Manager, in collaboration with the National Anti-Fraud Network (NAFN).

I. Oversight

In accordance with recommended best practice, the Council has appointed its Monitoring Officer and Deputy Director of Legal & Governance Kathryn Robinson Daniel Fenwick (daniel.fenwick@onesource.co.uk Kathryn.robinson@onesource.co.uk) as the Senior Responsible Officer for the purposes of RIPA. This officer is responsible for,

- the integrity of the process in place within the Council to authorise directed and intrusive surveillance and interference with property;
- compliance with Part II of the 2000 Act, ~~Part III of the 1997 Act~~
- and with the relevant codes;
- reporting any errors in complying with the requirements of RIPA to the IPCO (in accordance with section 235(6) of the Investigatory Powers Act 2016) as soon as reasonably practicable, and no later than ten working days;
- engagement with the Commissioners and inspectors when they conduct their inspections;
- where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner and
- ensuring that all *authorising officers* are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of Surveillance Commissioners

The Senior Responsible Officer will:

- Report to the Council's Governance Committee at least once a year on the use of RIPA and reviewing the Council's policy
- Report to the Leader and the Lead Member and oneSource Management (on use under functions delegated to oneSource) ~~on~~ at least ~~once a year~~ quarterly basis to ensure that it is being used consistently with ~~this e-local authority's~~ policy and these procedures and that the policy and procedures remains ~~s~~ fit for purpose.

J. Training

- Training is required and mandatory for all Council ~~Authoris~~ ing ers Officers and staff involved with any aspect of investigation and surveillance.
- Home office accredited training is mandatory for the Council's SPOCs

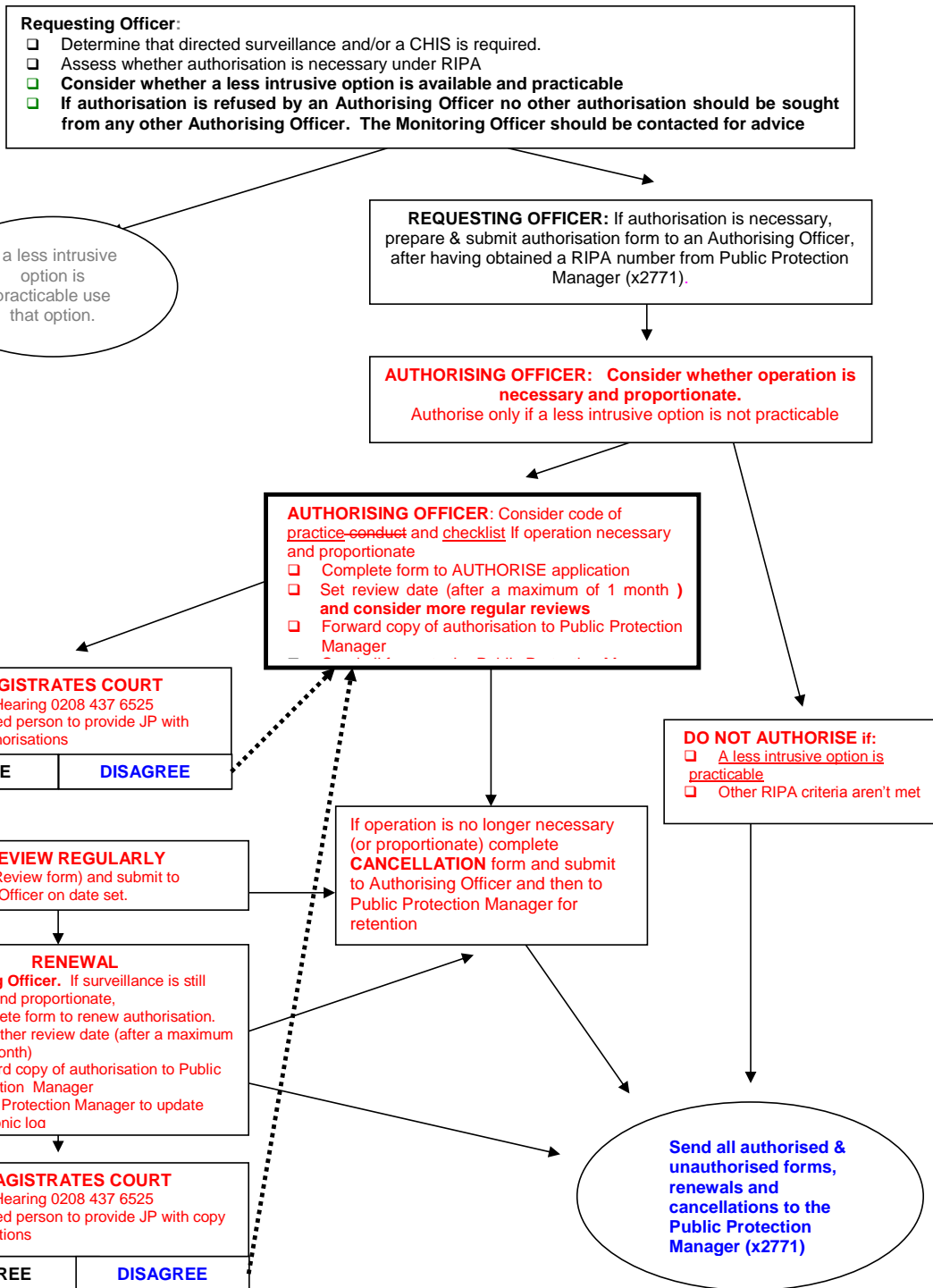
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- It is also the responsibility of managers to ensure that appropriate staff receive the appropriate training and guidance on RIPA ~~Act 2000~~.

Further information and Application Forms are available on the Intranet - search for 'RIPA'.

Appendix A Flow chart of RIPA process



Appendix B Authorising Officers

Authorising officers are listed below. The Monitoring Officer will keep this list under review and will amend it in response to any staffing or service changes. must be “an assistant chief officer or investigations manager”. The Aauthorising officers should not be directly involved in the investigation. **Only the Chief Executive or the Director of Legal and Governance can authorise the use of a vulnerable person or child as a CHIS.**

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Council-wide authorisers

~~1. Special Rule for CHIS Chief Executive and in his/her absence Director of Legal and Governance Use of a child under 18 or a Vulnerable Person to be a CHIS.~~

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~~• Operations where confidential information may be obtained. Confidential information includes matters subject to legal privilege, confidential personal information or confidential journalistic material. This includes information relating to the physical or mental health or to spiritual counselling or assistance given or to be given to a person. (CS CoP, Chapter 4). The Chief Executive (as Head of Paid Service) is the only person who can authorise such surveillance.~~

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12. Authorising ~~e~~officers for Directed Surveillance and CHIS are:

a. Chief Executive (for all applications)

~~b. Director of Legal & Governance~~

~~b~~e. Assistant Director of Environment **(subject to the special rule (see below), for all applications)**

~~c.~~

~~f.~~ Managing Director, Director of Finance and Head of Assurance for oneSource (subject to the special rule (see below), for , in so far applications, relating to oneSource Services only)

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2. Special rule

If directed surveillance is *likely* or *intended* to result in the acquisition of confidential or legally privileged information, **only the Chief Executive** or, (in his/her absence) the person acting as the Head of Paid Service can authorise it.

If the acquisition of confidential or legally privileged information is *intended*, it should only be authorised if there are **exceptional and compelling circumstances** justifying it.

If a **juvenile or vulnerable person** is to be used as a CHIS, **only the Chief Executive** or, (in his/her absence) the person acting as the Head of Paid Service can authorise it.

If knowledge of **legally privileged or confidential information** is *likely* to be acquired if a CHIS is used, **only the Chief Executive** or, (in his/her absence) the person acting as the Head of Paid Service can authorise it.

A CHIS should never be deployed for deliberately acquiring legally privileged information.

Great care must be taken, and enhanced safeguards must be applied, to the handling, minimising access, storage, retention and destruction of confidential or legally privileged information in accordance with human rights and data protection legislation.

:

Prior consultation, with the Monitoring Officer or the Deputy Monitoring Officer is required if the special rule applies.

Confidential information includes medical records, confidential journalistic material and confidential discussions between Members of Parliament and their constituents.

14. Legally privileged information includes confidential communications between a lawyer and his/her client for the purpose of obtaining and the giving of legal advice or communications for the purpose of actual or contemplated legal proceedings.

3. Designated officers authorised to represent the Council in a Magistrates' Court are:

- a. Chief Executive
- b. Director of Legal & Governance
- c. Assistant Director of Environment
- d. Trading Standards Manager, Public Protection
- e. Public Protection Manager
- f. Food Safety Divisional Manager, Public Protection
- g. Licensing and Health & Safety Divisional Manager, Public Protection
- h. Trading Standards Specialists
- i. Metrology Partnership Manager, Public Protection
- j. Enforcement Team Leader
- k. Projects & Compliance Manager

Additionally any solicitor holding a Practising Certificate working for the Council can appear on its behalf on an application to the Magistrates Court.

4. The Public Protection Manager is the RIPA Coordinating Officer.

5. Interim Officers on temporary or permanent employment and in positions with RIPA responsibilities **must** undertake RIPA training before executing RIPA approvals.

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**POLICY & PROCEDURES
on
COVERT SURVEILLANCE
and use of
COVERT HUMAN INTELLIGENCE SOURCES
under the
REGULATION OF INVESTIGATORY POWERS ACT 2000**

January 2019

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NOTE:

This Document must be read in conjunction with the:

- Revised Code of Practice for Covert Surveillance and Property Interference, August 2018 ('CS CoP'), - (Intranet- *Regulation of Investigatory Powers Act 2000*)
- Revised Code of Practice for Covert Human Intelligence Sources, August 2018 ('CHIS CoP') - (Intranet- *Regulation of Investigatory Powers Act 2000*)
- Protection of Freedoms Act 2012 – changes to provisions of the Regulation of Investigatory Powers Act 2000 (RIPA) - (Intranet- *Regulation of Investigatory Powers Act 2000*)

And, in respect of CCTV,

- The Home Office Surveillance Camera Code of Practice, June 2013

Copies of this Document, the Application Forms and the Codes of Practice are located on the Intranet/ (Intranet- *Regulation of Investigatory Powers Act 2000*)

LONDON BOROUGH OF HAVERING POLICY & PROCEDURES - REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)-

A. Background

The Human Rights Act requires the Council, and organisations working on its behalf, to have respect for the private and family life of citizens. However, in rare cases, it may be necessary for the Council to act covertly in ways that may interfere with an individual's rights.

The Regulation of Investigatory Powers Act 2000 ('RIPA') provides a mechanism for authorising covert surveillance and the use of "covert human intelligence sources" (CHIS). It aims to ensure that any interference with an individual's privacy is **necessary** and **proportionate**, and for the purpose of the protection of both the public interest and the human rights of individuals.

It is important to note that the legislation does not only affect directly employed Council staff. Where external agencies are working for the London Borough of Havering, carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so. Therefore, work carried out by agencies on the council's behalf should be properly authorised by one of the Council's designated [Authorising Officers](#).

If the correct procedures are not followed:

- **evidence could be thrown out**
- **a complaint of maladministration could be made to the Ombudsman**
- **the Council could be the subject of an adverse report by the Investigatory Powers Commissioner's Office (IPCO)**
- **a claim could be made leading to the payment of **compensation** by the Council**
- **there could be adverse publicity which could have a serious impact on the Council's reputation**

B. What RIPA does and doesn't do

RIPA does

- require [authorisation](#) of [directed surveillance](#)
- prohibit [intrusive surveillance](#)
- require [authorisation](#) of the conduct and use of a [CHIS](#),
- require safeguards for the use of CHIS.

RIPA does not make unlawful conduct which is otherwise lawful, and it does not prejudice any existing power to obtain information by any means not involving conduct that may be authorised under this Act. For example, it does not affect the Council's current powers to obtaining information via the DVLA, or to get information from the Land Registry as to the owner of property.

RIPA does provide valuable legal protection against claims and complaints and therefore **compliance with its requirements and these procedures are mandatory for all services and staff.**

C Procedure

Officers should consider each of these points when starting and conducting an investigation.

1. Ensure complaint is recorded and kept up-to-date on recording system.
2. A full note of evidence must be maintained.
3. Ascertain whether the investigation being conducted is one that will or will not likely involve covert surveillance of any person or which may reveal confidential personal information about anyone. If covert surveillance is likely or intended to result in the acquisition of confidential or legally privileged information, the special rule applies (see below).
4. Ascertain whether a **Covert Human Intelligence Source (CHIS)** is necessary. Apply the [special rule](#) if the CHIS is under the age of 18 or is a vulnerable individual or when knowledge of legally privileged or confidential information is likely to be acquired. If the special rule is applied this must be the subject of prior consultation, with the Monitoring Officer or the Deputy Monitoring Officer.
5. Before starting covert surveillance or using CHIS, obtain a number and written [authorisation](#) from the relevant officer(s) (see [Flow Chart](#) and [Forms](#)).
6. Surveillance during an investigation conducted by one of the above people must be authorised by another authorised person.
7. Authorising Officers must not grant or renew authorisations unless satisfied that the requirements are met (see [Grounds for Authorisation](#)).
8. An application for authorisation must be made on the relevant [form](#). The forms are available from [the intranet – search for 'RIPA'](#). The relevant forms are:

<u>Surveillance</u>	<u>CHIS</u>
Authorisation to conduct Directed Surveillance	Authorisation to conduct CHIS
Authorisation to renew Directed Surveillance	Authorisation to renew CHIS
Authorisation to cancel Directed Surveillance	Authorisation to cancel CHIS
Review of Directed Surveillance Authority	Review of Conduct and Use of a CHIS

9. [Urgent cases](#) There is now no power to grant urgent oral authorisations. Written authorisation from a Justice of the Peace is required using the standard procedure.
10. Officers should ensure that the officer granting the authorisation regularly reviews it. Officers should cancel authorisation where surveillance is no longer necessary or proportionate to the investigation in progress.

11. Authorising Officers should ensure that authorisations are renewed and/or cancelled before they expire.
12. The officer responsible for authorisation of the investigation must immediately inform the Public Protection Manager as the Co-ordinating Officer by e-mail of the grant, renewal or cancellation of all authorisations
13. Authorising Officer must ensure that all materials are secured and originals sent to the Public Protection Manager (as the Co-ordinating Officer), and disposal of expired material is timely. Officers are responsible for continuously maintaining RIPA standards.

The following time limits apply to an authorisation:

<u>Type of authorisation</u>	<u>Expiry Period</u>
Covert directed surveillance	A maximum of 3 months, reviewed regularly, and timely cancellation when appropriate
CHIS	A maximum of 12 months (4 months if CHIS is under 18), reviewed regularly, and timely cancellation when appropriate

D Types of Surveillance

“**Surveillance**” includes

- monitoring, observing, listening to persons, their movements, conversations, other activities or communications
- recording anything monitored, observed or listened to in the course of surveillance
- surveillance, by or with, assistance of a surveillance device.

Surveillance can be [overt](#) or [covert](#).

Overt Surveillance

Most of the surveillance carried out by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about council business openly (e.g. a market inspector walking through Romford Market). An immediate response may be appropriate in certain instances e.g. if an occurrence is witnessed action could follow to see what if anything takes place. Similarly, surveillance will be overt if the subject is aware it will happen (e.g. where a noisemaker is warned that noise will be recorded if the noise continues, or where a licence is issued subject to conditions and the licensee is told that officers may visit without identifying themselves to check that the conditions are being met).

Covert Surveillance

Surveillance is Covert Surveillance if, and only if, it is carried out in a manner calculated to ensure that persons subject to the surveillance are unaware it is taking place. (Section 26(9)(a) of RIPA.)

RIPA regulates two types of covert surveillance ([Directed Surveillance](#) and [Intrusive Surveillance](#)) and the use of [Covert Human Intelligence Sources](#) (CHISs):

Directed Surveillance

Directed Surveillance is surveillance which

- is [covert surveillance](#); and
- is not [intrusive surveillance](#) (see definition below) – **the Council must not carry out intrusive surveillance.**
- is not carried out as an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable e.g. spotting something suspicious and continuing to observe it; [CS CoP 3.32] and
- it is undertaken for the purpose of a **specific investigation** or operation in a manner **likely to obtain private information** about an individual (whether or not that person is specifically targeted for purposes of an investigation). [CS CoP 2.4 and 3.1];

Private information in relation to a person includes any information relating to his/her private or family life. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. RIPA does not apply in situations involving the general monitoring and use of town centre CCTV. These cameras are overt and so cannot generally be used for covert monitoring.

Prolonged surveillance targeted on a single person may very well result in the obtaining of private information. Similarly, although overt town centres CCTV cameras do not normally require authorisation, if the camera is tasked for a specific operation, which involves prolonged surveillance on a particular individual, authorisation may well be required. The way a person runs their business may also reveal information about his or her private life.

Council Officers can carry out “Directed Surveillance” IF, AND ONLY IF, the RIPA authorisation procedures are followed.

Intrusive Surveillance

- is covert
- relates to residential premises and private vehicles; and
- involves the presence of an individual on the premises or in the vehicle; or is carried out by a surveillance device. If a surveillance device is not on the premises or in the vehicle it is not intrusive, unless it consistently provides information of the same quality as if it was on the premises or in the vehicle
- or relates to premises used for the purpose of legal consultations
- can be carried out only by police and other law enforcement agencies

Council Officers must not carry out intrusive surveillance.

Examples of different types of Surveillance

Surveillance will fall into one of four categories:

Type of Surveillance	Examples
Overt	<ul style="list-style-type: none">• Uniform Police Officer on patrol.• Signposted Town Centre CCTV Cameras (in normal use)• Recording noise coming from premises after the occupier has been warned that this will occur if the noise persists.• Most test purchases (where the officer behaves no differently from a normal member of the public).
<u>Covert</u> , but may not require authorisation	Hidden CCTV camera focused on a railway bridge which has just been cleared of graffiti, where it is expected that taggers will target the bridge. However if collateral information is likely to be obtained then RIPA authorisation is necessary.
<u>Directed</u> – requires a RIPA authorisation.	<ul style="list-style-type: none">• Officers follow an individual over the course of the day, to establish whether he is working when claiming benefit• Test purchases where the officer has a hidden camera recording information which might include information about the private life of a small shop-owner, e.g. the way they run their business.
<u>Intrusive</u> - Council cannot do.	Planting a listening device (bug) in a person's home or in their private motorcar.

Directed and Intrusive Surveillance is subject to the Revised Code of Practice for Covert Surveillance and Property Interference, August 2018 issued under s 71 of RIPA.

The Protection of Freedoms Act 2012 introduced new requirements concerning the use of directed surveillance. **Local authorities can now only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or nicotine products like tobacco. A local authority may not authorise the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which may include, for example, littering, dog control and fly-posting.**

However, RIPA does *not* prevent the Council from conducting other investigations, even if covert surveillance techniques are used.

If RIPA does not apply, the Council must follow procedures similar to RIPA and ensure that any surveillance pursues a legitimate aim and is necessary, proportionate and

justifiable in all the circumstances of the case. This will ensure compliance with data protection legislation and the Human Rights Act 1998, in particular, Article 8.

Covert surveillance of Social Networking Sites (SNS) and On-line Accounts

Reference should be made to paragraph 288 of the OSC Procedures and Guidance 2016.

The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation.

Care must be taken to understand how the SNS being used works. Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages **for** example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. **Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.**

The RIPA regime was introduced before the rise of electronic media such as Twitter and Facebook where individuals voluntarily put lots of personal information ‘on-line’ with varying degrees of public accessibility. Such sites can be a very useful source of research for an investigator. The applicability of RIPA to such information sources is a developing area, but currently the Council will follow the following rules:

- a) Casual or occasional checking of an individual’s on-line account which is open to all is regarded as akin to walking past a person’s house or shop and does not need authorisation under RIPA.
- b) Targeted, on-going checking of an ‘open’ account is effectively the electronic equivalent of carrying out physical surveillance of an individual. While currently there isn’t a definitive legal ruling on the issue, in order to prevent possible challenge to any evidence gained in this manner, a RIPA authorisation should be obtained.
- c) Accessing an individual’s account by becoming that person’s ‘friend’, even if there is no intention to have additional contact, requires a RIPA authorisation.
- d) Any access of an account which will involve an on-going dialogue with the targeted individual is forming a relationship with the individual and requires a CHIS authorisation.

Children and Young People’s Services

For cases of suspected abuse, directed covert surveillance, may be an appropriate adjunct to ordinary social care practice including family visits. Where it is suspected that abuse amounting to a crime is being carried out, and where no other means can be

found to confirm the position, a Multi-Agency Strategy Meeting should be convened, and the decision to recommend covert surveillance should be considered against the tests above, formally recorded, and then passed to an authorising officer in the local authority or the police.

For school admissions, covert surveillance is almost certainly not an option because of the need to identify a criminal offence with a possible 6 month custodial sentence and questions about the proportionately of such actions. Information can be acquired from parents and carers to demonstrate residence through overt means, such as the production of utility bills, health registrations, mortgage or rent documentation, Council tax records, and membership of libraries, churches, or other local organisations. In cases where a family has broken up, the main residence of the child should be confirmed by court documents.

**E. Conduct and Use of a Covert Human Intelligence Sources (CHIS)
(e.g. informers, undercover agents)**

Who is a CHIS?

Under the 2000 Act, a person is a CHIS if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c);
- b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

A relationship is established or maintained for a covert purpose if and only if it is conducted in manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

The provisions of RIPA are not intended to apply in circumstances where members of the public volunteer information to the council as part of their normal civic duties, or to contact numbers set up to receive information.

Use of a CHIS

The Council is extremely unlikely to deploy a CHIS and any officer contemplating such a step should consult the Monitoring Officer or Deputy Monitoring Officer within Legal Services.

What must be authorised

The Conduct or Use of CHIS requires [authorisation](#).

- **Conduct** of a CHIS = Establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining and passing on information.
- **Use** of a CHIS = Actions inducing, asking or assisting a person to act as a CHIS.

The Council can use a CHIS IF, AND ONLY IF, RIPA procedures are followed.

Juvenile Source

Special safeguards apply to the use or conduct of juvenile sources (those under 18 years old). On no occasion can a child under 16 years of age be authorised to give information against his or her parents [see CHIS CoP 4.2]. Only the Chief Executive or, (in his/her absence) the person acting as the Head of Paid Service can authorise the use of Juvenile Sources. The duration of the authorisation is **four** months only.

Vulnerable individuals

A Vulnerable Individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation. A vulnerable individual should only be authorised to act as a source in the most exceptional circumstances. The Chief Executive or, (in his/her absence) the person acting as the Head of Paid Service are the only persons who can authorise the use of a vulnerable person as a CHIS.

Test Purchases

Carrying out test purchases will not normally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information, and therefore the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop to obtain information about the sellers suppliers of an illegal product (e.g. illegally imported wild meat) is likely to require authorisation as a [CHIS](#). Similarly, using hidden recording devices to record what is going on in the shop (e.g. a hidden CCTV Camera) may require [authorisation](#) as [directed surveillance](#). A combined authorisation can be provided if a CHIS is carrying out directed surveillance.

Noise

Persons who complain about excessive noise, and are asked to keep a noise diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship

for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information, and therefore does not require authorisation.

However, if the Council serves notice on the owner/occupier of the premises and the source of the noise is a third party, authorisation under RIPA may be required. The investigation may (i) be covert in relation to that third party and (ii) may reveal private information about them.

F. Authorisation

[Directed surveillance](#) and the use of a [CHIS](#) can be carried out only if authorised, and only within the terms of the authorisation. [Appendix A](#) provides a flow chart of process from application to record management.

Authorising Officers:

Authorisations can only be given by Authorising Officers, listed in [Appendix B](#).

Only the Chief Executive or, (in his/her absence) the person acting as the Head of Paid Service can authorise covert surveillance if **legally privileged or confidential information** is likely to be acquired or when a **juvenile or vulnerable person** is to be used as a source.

Authorisation under RIPA is quite separate from delegated authority to act under the Council's Scheme of Delegation and internal directorate Schemes of Management. **RIPA authorisations are for specific investigations only and must be cancelled once the specific surveillance is complete or applied to be reviewed when about to expire if the investigation is continuing.**

The Authorising Officer should not just "sign off" an authorisation, but must give **personal consideration** to the **necessity** and **proportionality** of the proposed action and any **collateral intrusion** which may result, and must personally ensure that the surveillance is reviewed and cancelled.

Application Forms:

Applications for authorisation should be made using standard RIPA forms. Forms seek to ensure that criteria for RIPA are fully considered.

London Borough of Havering currently uses the following Home Office forms (available from the Intranet / RIPA)

- Application for Authority for Directed Surveillance
- Application for Renewal of Directed Surveillance Authority
- Cancellation of Directed Surveillance
- Review of Directed Surveillance Authority
- Application for Authority for Conduct and Use of a CHIS
- Application for Renewal of Conduct and Use of a CHIS Authority
- Cancellation of Conduct and Use of a CHIS

- Review of Conduct and Use of a CHIS
- JP approval form

Grounds for Authorisation

See also section 28(3) of the RIPA Act 2000

[Directed Surveillance](#), or the [Conduct](#) and [Use](#) of a [CHIS](#) can be authorised by the Council **only** on the following grounds:

- For the **prevention or detection of crime**

Before seeking authorisation, the applicant is to contact the Public Protection Manager as Co ordinating Officer (x2771) for a Unique Reference Number (URN). Certain information will be required at this stage to be input onto a corporate log of RIPA activities

Assessing the Application Form.

When considering whether to authorise surveillance an Authorising Officer must

- Consider the relevant Code of Practice
- Ensure that the exact nature of the surveillance is fully described so that the Authorising Officer is fully aware of what he/she is being asked to authorise.
- Satisfy him/herself that the authorisation is **necessary** in the circumstances of the particular case on the grounds of the prevention or detection of crime, and also
- Satisfy him/herself that the surveillance is **proportionate** to what it seeks to achieve [CS CoP 4.6 – 4.7]. In assessing whether or not the proposed surveillance is proportionate, the Authorising Officer will consider other appropriate means of gathering information. In the case of the CHIS, authorisations, (see also CHIS CoP 3.2 – 3.5).
 - Proportionate involves **balancing** the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms.
 - The activity will not be proportionate if it is **excessive** in the circumstances of the case.
 - The activity will not be proportionate if the information which is sought could reasonably be **obtained by other less intrusive means**. e.g. if the evidence could have been gathered through other methods of investigation, such as unannounced inspections, then these less intrusive and non-covert methods should have been exhausted first.
 - **Proportionate also involves balancing the Human Rights of the subject of the surveillance against the seriousness of the offence under investigation.**

If there is an alternative practicable means of carrying out the surveillance, which is less intrusive, then the surveillance is neither necessary nor proportionate and should not be authorised.

- Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (**Collateral Intrusion**). Measures must be taken wherever practicable to avoid collateral intrusion [see CS CoP 4.11 – 4.16].
- Set a date for review of the authorisation
- Ensure that the Public Protection Manager is sent the top copy of the authorisation for filing centrally.

Additional Factors when Authorising a CHIS

In addition, when authorising the conduct or use of a CHIS the Authorising Officer must be

- be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved and
- be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS;
- consider the likely degree of intrusion of all those potentially affected.
- consider any adverse impact on community confidence that may result from the use or conduct or the information obtained.
- ensure **records** contain statutory particulars and are not available except on a need to know basis.

Urgent Authorisations

Until April 2013 it was possible in exceptional circumstances to give urgent authorisations orally. This practice is now prohibited by changes introduced by the Protection of Freedoms Act 2012. All authorisations (grants and renewals) have to be made in writing by a Justice of the Peace after completion of the Council's internal process. The Magistrates Court has provisions for contacting an out-of-hours duty magistrate – details are held at Romford Police Station.

Immediate Responses

There are certain events situations which require an immediate response where it would be impracticable to obtain an authorisation. Such surveillance is not deemed to be directed surveillance for the purposes of RIPA. An example would be Council officers needing to covertly observe an activity that they come across during their routine duties.

Duration

The authorisation period for Directed Surveillance is 3 Months and 12 Months for a CHIS (except for a CHIS for a juvenile which is 4 months).

Review and Cancellation

The Authorising Officer must review authorisations frequently, and must cancel an authorisation promptly if he/she become satisfied that the surveillance is no longer required or appropriate. An authorisation must be cancelled in all cases, it cannot be left to expire at the end of the authorisation period. When cancelling the authorisation

the Authorising Officer is required to consider whether the surveillance was effective, necessary, and met its objectives. Cancellations must be made using the cancellation form [CS CoP 5.22 – 5.24].

Renewals

Authorisations can be renewed in writing when the authorisation period expires. The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date, and any collateral intrusion that has occurred.

The renewal will begin on the day when the authorisation would have expired and will last for a further 3 months [CS CoP 5.18]. Renewals can no longer be renewed orally in urgent cases and have to be approved by a Justice of the Peace.

G Record maintenance

The Council must keep a detailed record of all authorisations, renewals, and cancellations [CS CoP Chapter 8]

Records maintained by Requesting Officer and Centrally

The following documents must be securely retained by the Requesting Officer and originals sent to the Public Protection Manager as the Co Ordinating Officer for recording centrally:

- A copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the Authorising Officer; Reviews can be undertaken earlier in order to gain an understanding of what is working in practice.
- A record of the result of each review of the authorisation;
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- The date and time when any instruction was given by the Authorising Officer.
- The date and time when any instruction was given by the Authorising Officer.
- A copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace.
- The Council shall retain records for a period of at least three years (and usually for up to five years) from the ending of the authorisation [CS CoP 8.2 & 8.5]. The Investigatory Powers Commissioner's Office (IPCO) can review the council's policies and procedures, and individual authorisations. IPCO usually provide notice before an inspection, but can arrive unannounced.

Copies of authorisations, renewals and cancellations are discoverable in legal proceedings. If proper records are not maintained, evidence gathered may be inadmissible.

H. Single Point of Contact (SPOC)

As of 5 January 2004, access to communication data to further investigatory work (in areas like trading standards, environmental health, benefits fraud and planning functions) fell under the RIPA 2000. Each Authority is required to establish a SPOC to interface with the many communication service providers (Telecoms, Internet and Postal companies) who hold this data.

The Council's SPOC is the Public Protection Manager, in collaboration with the National Anti-Fraud Network (NAFN).

I. Oversight

In accordance with recommended best practice, the Council has appointed its Monitoring Officer and Deputy Director of Legal & Governance as the Senior Responsible Officer for the purposes of RIPA. This officer is responsible for,

- the integrity of the process in place within the Council to authorise directed and intrusive surveillance and interference with property;
- compliance with Part II of the 2000 Act,
- and with the relevant codes;
- reporting any errors in complying with the requirements of RIPA to the IPCO (in accordance with section 235(6) of the Investigatory Powers Act 2016) as soon as reasonably practicable, and no later than ten working days;
- engagement with the Commissioners and inspectors when they conduct their inspections;
- where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner and
- ensuring that all *authorising officers* are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of Surveillance Commissioners

The Senior Responsible Officer will:

- Report to the Council's Governance Committee at least once a year on the use of RIPA and reviewing the Council's policy
- Report to the Leader and the Lead Member and oneSource Management (on use under functions delegated to oneSource) at least once a year to ensure that it is being used consistently with this policy and these procedures and that the policy and procedures remain fit for purpose.

J. Training

- Training is required and mandatory for all Council Authorising Officers and staff involved with any aspect of investigation and surveillance.
- Home office accredited training is mandatory for the Council's SPOCs

- It is also the responsibility of managers to ensure that appropriate staff receive the appropriate training and guidance on RIPA.

Further information and Application Forms are available on the Intranet - search for 'RIPA'.

Appendix A Flow chart of RIPA process

Requesting Officer:

- ☐ Determine that directed surveillance and/or a CHIS is required.
- ☐ Assess whether authorisation is necessary under RIPA
- ☒ **Consider whether a less intrusive option is available and practicable**
- ☒ **If authorisation is refused by an Authorising Officer no other authorisation should be sought from any other Authorising Officer. The Monitoring Officer should be contacted for advice**

If a less intrusive option is practicable use that option.

REQUESTING OFFICER: If authorisation is necessary, prepare & submit authorisation form to an Authorising Officer, after having obtained a RIPA number from Public Protection Manager (x2771).

AUTHORISING OFFICER: Consider whether operation is necessary and proportionate.
Authorise only if a less intrusive option is not practicable

AUTHORISING OFFICER: Consider code of practice and checklist If operation necessary and proportionate

- ☐ Complete form to AUTHORISE application
- ☐ Set review date (after a maximum of 1 month) **and consider more regular reviews**
- ☐ Forward copy of authorisation to Public Protection Manager

MAGISTRATES COURT

- Arrange Hearing 0208 437 6525
- Designated person to provide JP with copy Authorisations

AGREE

DISAGREE

REVIEW REGULARLY

(Complete Review form) and submit to Authorising Officer on date set.

RENEWAL

- Authorising Officer.** If surveillance is still necessary and proportionate,
- ☐ Complete form to renew authorisation.
 - ☐ Set further review date (after a maximum of 1 month)
 - ☐ Forward copy of authorisation to Public Protection Manager
 - ☐ Public Protection Manager to update electronic log

MAGISTRATES COURT

- Arrange Hearing 0208 437 6525
- Designated person to provide JP with copy Authorisations

AGREE

DISAGREE

If operation is no longer necessary (or proportionate) complete **CANCELLATION** form and submit to Authorising Officer and then to Public Protection Manager for retention

DO NOT AUTHORISE if:

- ☐ A less intrusive option is practicable
- ☐ Other RIPA criteria aren't met

Send all authorised & unauthorised forms, renewals and cancellations to the Public Protection Manager (x2771)

Appendix B Authorising Officers

Authorising officers are listed below. The Monitoring Officer will keep this list under review and will amend it in response to any staffing or service changes. Authorising officers should not be directly involved in the investigation.

1. Authorising officers for Directed Surveillance and CHIS are:

- a. Chief Executive (for **all** applications)
- b. Assistant Director of Environment (**subject to the special rule (see below)**, for **all** applications)
- c. Managing Director, Director of Finance and Head of Assurance for oneSource (**subject to the special rule (see below)**, for **applications relating to oneSource Services only**)

2. Special rule

If directed surveillance is *likely* or *intended* to result in the acquisition of confidential or legally privileged information, **only the Chief Executive** or, (in his/her absence) the person acting as the Head of Paid Service can authorise it..

If the acquisition of confidential or legally privileged information is *intended*, it should only be authorised if there are **exceptional and compelling circumstances** justifying it.

If a **juvenile or vulnerable person** is to be used as a CHIS, **only the Chief Executive** or, (in his/her absence) the person acting as the Head of Paid Service can authorise it.

If knowledge of **legally privileged or confidential information** is *likely* to be acquired if a CHIS is used, **only the Chief Executive** or, (in his/her absence) the person acting as the Head of Paid Service can authorise it.

A CHIS should never be deployed for deliberately acquiring legally privileged information.

Great care must be taken, and enhanced safeguards must be applied, to the handling, minimising access, storage, retention and destruction of confidential or legally privileged information in accordance with human rights and data protection legislation.

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Prior consultation, with the Monitoring Officer or the Deputy Monitoring Officer is required if the special rule applies.

Confidential information includes medical records, confidential journalistic material and confidential discussions between Members of Parliament and their constituents.

Legally privileged information includes confidential communications between a lawyer and his/her client for the purpose of obtaining and the giving of legal advice or communications for the purpose of actual or contemplated legal proceedings.

3. Designated officers authorised to represent the Council in a Magistrates' Court are:

- a. Chief Executive
- b. Director of Legal & Governance
- c. Assistant Director of Environment
- d. Trading Standards Manager, Public Protection
- e. Public Protection Manager
- f. Food Safety Divisional Manager, Public Protection
- g. Licensing and Health & Safety Divisional Manager, Public Protection
- h. Trading Standards Specialists
- i. Metrology Partnership Manager, Public Protection
- j. Enforcement Team Leader
- k. Projects & Compliance Manager

Additionally any solicitor holding a Practising Certificate working for the Council can appear on its behalf on an application to the Magistrates Court.

- 4. The Public Protection Manager is the RIPA Coordinating Officer.
- 5. Interim Officers on temporary or permanent employment and in positions with RIPA responsibilities **must** undertake RIPA training before executing RIPA approvals.

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