



# Havering

L O N D O N   B O R O U G H

## GOVERNANCE COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Wednesday 28 June 2017</b>	<b>Town Hall, Main Road, Romford</b>
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Members 13: Quorum 5

### COUNCILLORS:

**Conservative Group  
( 5 )**

Meg Davis (Chairman)  
Melvin Wallace (Vice-Chair)  
Roger Ramsey  
Damian White  
Osman Dervish

**Residents' Group  
( 3 )**

Ray Morgon  
Barbara Matthews  
Barry Mugglestone

**East Havering  
Residents' Group 2**

**Clarence Barrett  
Darren Wise**

**UKIP Group  
1**

Lawrence Webb

**Independent  
Residents' Group  
( 1 )**

David Durant

**Labour Group  
( 1 )**

Keith Darvill

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## **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 8 March 2017, and to authorise the Chairman to sign them.

### **5 APPOINTMENTS TO OTHER ORGANISATIONS, 2017/18** (Pages 3 - 14)

### **6 REGULATION OF INVESTIGATORY POWERS ACT (RIPA) UPDATE** (Pages 15 - 36)

**Andrew Beesley**  
**Head of Democratic Services**

**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Town Hall, Main Road, Romford  
8 March 2017 (7.30 - 7.45 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group** Meg Davis (Chairman), Melvin Wallace (Vice-Chair),  
Damian White, Osman Dervish and +Joshua Chapman

**Residents' Group** Ray Morgon, Barbara Matthews and  
Barry Mugglestone

**Labour Group** Keith Darvill

**Independent Residents  
Group**

Apologies were received for the absence of Councillors David Durant and Roger Ramsey.

+ Substitute Member: Councillor Joshua Chapman (for Roger Ramsey)

All decisions were taken with no votes against.

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

**24 MINUTES**

The minutes of the meeting of the Committee held on 11th January 2017 were agreed as a correct record and signed by the Chairman.

**25 APPOINTMENTS TO OTHER ORGANISATIONS, 2016/17**

The report before the Committee informed it that the Hornchurch Housing Trust had

In the first – the Romford Combined Charity - the Committee was invited to reappoint Councillor Joshua Chapman as a nominative trustee. There were no other nominees.

In the second – Citizens Advice Havering – there Committee was invited to appoint up to two nominative trustees to the Board. Nominations were received and seconded for the appointment of Councillors Viddy Persaud and Ray Morgon.

The Committee RESOLVED:

1. To re-appoint Councillor Joshua Chapman as a nominative trustee of the Romford Combined Charity.
2. To appoint Councillors Viddy Persaud and Ray Morgon as nominative trustees of Citizens Advice Havering.

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**Chairman**



## GOVERNANCE COMMITTEE

28 June 2017

**Subject Heading:**

**APPOINTMENTS TO OTHER  
ORGANISATIONS, 2017/18**

**SLT Lead:**

**Andrew Blake-Herbert  
Chief Executive**

**Report Author and contact details:**

Jacqui Barr  
Senior Democratic Services Support  
Officer  
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01708 432439

**Policy context:**

The Council appoints Members and others to serve on a variety of other bodies

**Financial summary:**

There are no significant financial implications.

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

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

<b>SUMMARY</b>
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The Council makes appointments to a large number of other organisations, some statutory, others voluntary.

Since the new executive governance arrangements came into force, responsibility for making some appointments has passed from this Committee to the Leader of the Council but the Constitution provides that it is for this Committee to make recommendations to the Leader.

## RECOMMENDATIONS

That:

- 1 (a) The Committee determine appointments to the organisations referred to in this report for the period until the meeting that deals with appointments for the municipal year, 2017/18 (or such other period as may be relevant in any specific case).
- (b) Where the appointment is executive, the Committee **RECOMMEND** to the Leader that the appointment be made.
- 2 Where the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a particular meeting and the constitutional arrangements of the body in question so permit, that representative may mandate the Chair of the meeting to exercise a proxy vote.
- 3 The Council's voting rights at the General Assembly of the Local Government Association be exercised by Councillor Roger Ramsey (4 votes) and Councillor Ray Morgon (1 vote) (or their respective nominees in the event either is unable to vote in person).

## REPORT DETAIL

- 1.1 The Committee is authorised to make all appointments to other organisations (other than executive appointments, which are made by the Leader). Appointments are for the period expiring at the first meeting of this Committee in the municipal year 2017/18 (probably during the last week of May 2018), except where otherwise specifically provided.
- 1.2 **Appendix 1** Executive appointments. **The Committee is asked to review the appointments and to make recommendations to the Leader.**
- 1.3 **Appendix 2** lists the appointments made by office-held and by individual member, but are not executive. **The Committee is asked to review these appointments and either confirm them or agree what changes are to be made.**
- 1.4 Appointments that do not require review or renewal for the present are shown in italics. **The Committee is asked to note these appointments.**

**2. Exercise of voting rights:**

- 2.1 In some cases, the constitution of an organisation permits the casting of proxy votes if the appointed representative is unable to attend a meeting.
- 2.2 In order to avoid a possible loss of influence, it is the Council's usual practice to agree that, where the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a particular meeting and the constitutional arrangements of the body in question so permit, that representative may mandate the Chair of the meeting to exercise a proxy vote.
- 2.3 **The Committee is asked to agree to that practice continuing for the coming year.**
- 2.4 The Council is entitled to 5 votes in the General Assembly of the Local Government Association. Previously, the Leaders of the Council and of the Opposition were allocated 4 votes and 1 vote each respectively.
- 2.5 **The Committee is asked to confirm that this arrangement should continue.**

**3. Lee Valley Park Regional Authority**

- 3.1 In accordance with the provisions of Section 2 (4) (a) of the Local Government Reorganisation (Miscellaneous Provision) Order 1986 (S.I 1986 No 1), it is necessary for eight members to be appointed to the Lee Valley Regional Park Authority by the non- riparian Councils for a term of four years from 1 July 2017.
- 3.2 **This appointment is made by London Councils directly and the Committee is asked to make a nomination only**

**4. Executive Officer Appointments**

- 4.1 Havering's representative on the Board of CEME was Tom Dobrashian, Head of Economic Development.
- 4.2 Now that Mr Dobrashian has left the Council, **the Committee is asked to confirm** that he should be replaced by Steve Moore, Director of Neighbourhoods, as the Council's representative on the Board of CEME.

**5. Hornchurch Housing Trust**

- 5.1 The Council appoints a number of nominative trustees to the Trust for four year terms of office expiring in sequence over each four year period.
- 5.2 Councillor John Wood has resigned from the Trust and a vacancy has arisen for the term of office expiring in February 2019.
- 5.3 Jeremy Munday is a Chartered Accountant and has professional experience in both Financial and HR management as well as in running small businesses. The Hornchurch Housing Trust would like to propose that Mr Munday replaces Councillor Wood, as they believe he would prove a useful addition to the Board.

**6. Organisations No Longer Requiring Appointment**

During the course of the year, several organisations either ceased to operate or no longer require the Committee to make appointments. These are IESE Ltd, The Joint Overview & Scrutiny East London Solutions Committee and the Upminster Windmill Preservation Trust.

**IMPLICATIONS AND RISKS**

**Equalities and Social Inclusion Implications and Risks**

There are no specific implications or risks. Appointments should be made with the Council's equalities policies in mind.

**Legal, Finance and Environmental Implications and Risks**

These appointments are administrative and have no direct legal, financial or environmental implications or risks. In some cases, membership of an organisation is dependent upon the Council paying a subscription: where relevant, the subscription will be met from within an appropriate budget provision.

**BACKGROUND PAPERS**

None .



# APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2017/18

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
<b>CEME (Centre for Engineering &amp; Manufacturing Excellence) - 1</b>	Vacancy	
<b>East London Waste Authority - 2</b>	Councillor Steven Kelly and Cabinet Member for Environment & Community Safety	
<b>East London Waste Authority Board (officer)</b>	Steve Moore- Director of Neighbourhoods	
<b>Greater London Enterprise Limited -1</b>	Leader of the Council	
<b>IESE Ltd</b>	Councillor Michael White	
<b>London Councils</b> (Leaders' Committee)	Representative (1): Leader of the Council Deputy: (1) Deputy Leader of the Council	
Transport & Environment Committee	Representative (1): Deputy Cabinet Member assisting Cabinet Member for Environment and Community Safety	
	Deputies (up to 4): 1. Cabinet Member for Environment and Community Safety 2. Cabinet Member for Culture & Community Engagement	

**Appointments to other organisations, 2017/18**

Grants Committee	Representative (1): Cabinet Member for Culture & Community Engagement  Deputy (up to 4): 1. Cabinet Member for Environment and Community Safety 2. Cabinet Member for Housing
Pensions CIV (Sectorial Joint Committee)	Representative (1): Chairman of Pensions Committee  Deputy (up to 2): Cabinet Member for Financial Management, Transformation and IT Client Side
Greater London Employment Forum	Representative (1): Cabinet Member for Environment and Community Safety  Deputy Representative (1): Cabinet Member for Culture & Community Engagement
<b>London Riverside (BID) Ltd</b>	Representative (1): Leader of the Council
<b>Thames Gateway Strategic Group</b>	Leader of the Council and Cabinet Member for Environment and Community Safety

# Appointments to other Organisations 2017/2018

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Adoption & Fostering Panel-2	<b>Councillor Wendy Brice Thompson</b> <b>Councillor Gillian Ford</b>	
Tapestry (formerly Age Concern : Havering ) - 2	<b>Councillor June Alexander and</b> <b>Councillor Wendy Brice-Thompson</b>	
Citizens Advice Havering	<b>Councillor Viddy Persaud</b> <b>Councillor Ray Morgon</b>	
Coopers Company & Coborn Educational Foundation	<b>Councillor Linda Van den Hende</b>	
Essex Wildlife Trust (Bedfords Park Management Committee)	<b>Councillor Ray Best</b>	
Governor Panel - 3	<b>Cabinet Member for Children &amp; Learning,</b> <b>Councillor Gillian Ford</b> <b>Councillor Julie Wilkes</b>	
Havering Arts Council - 5	<b>Cabinet Member for Culture &amp; Community Engagement,</b> <b>Councillor Joshua Chapman,</b> <b>Councillor John Mylod</b> <b>Councillor Linda Hawthorn and</b> <b>Councillor Alex Donald</b>	

# Appointments to other Organisations 2017/2018

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Association for People with Disabilities - 2	<b>Councillor Barbara Matthews and Councillor Philippa Crowder</b>	
Havering Bands and Majorettes Association- Executive Committee - 3	<b>Councillor Osman Dervish, Councillor Reg Whitney and Councillor Darren Wise</b>	
Havering & Brentwood Bereavement Service - 1	<b>Councillor Julie Wilkes</b>	
Havering Chamber of Commerce and Industry	<b>Councillor Jason Frost</b>	
Havering Children's Trust	<b>Cabinet Member for Children &amp; Learning</b>	
Havering Community Safety Partnership – 2	<b>Cabinet Member for Environment, Regulatory Services and Community Safety and the Chief Executive</b>	
Havering Joint Forum - 6	<b>Leader of the Council, Deputy Leader of the Council, Leader of the Opposition Group, Councillor Osman Dervish, Councillor Linda Van den Hende and Councillor Lawrence Webb.</b>	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Sports Council - 5	<b>Cabinet Member for Culture &amp; Community Engagement, Councillor Joshua Chapman, Councillor Jody Ganly, Councillor Linda Hawthorn and Councillor Lawrence Webb</b>	
Havering Sixth Form College - 2	<b>Cabinet Member for Children &amp; Learning (till 31 July 2020)and Councillor Wendy Brice Thompson (till 30 September 2020)</b>	
Havering Theatre Trust - 3	<b>Councillor Damian White Councillor Gillian Ford and Councillor Patricia Rumble</b>	
Hornchurch Housing Trust (Nomination Trustees) - 6	<b>Ms Pamela Freer and Vacancy (until February 2019) Councillor Damian White and Councillor Carol Smith (until February 2021) Mr Ivor Cameron and Councillor Barbara Matthews (until February 2018)</b>	Ms Freer and Cllr Wood's appointments agreed at Governance on 11.3.15  Cllr White and Cllr Smith's appointment agreed at Governance on 08.03.17  Cllr Matthews' appointment agreed at Governance on 08.03.17

# Appointments to other Organisations 2017/2018

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Lee Valley Regional Park		Nomination required to London Council
Local Government Association General Assembly - 4	<b>Leader of the Council, Leader of the Opposition Councillor Michael White and Councillor Clarence Barrett</b>	
Local Government Information Unit	<b>Councillor Clarence Barrett</b>	
London Home & Water Safety Council -1	<b>Cabinet Member for Environment, Regulatory Services and Community Safety</b>	
London Road Safety Council - 2	<b>Deputy Cabinet Member assisting Cabinet Member for Environment, Regulatory Services and Community Safety and Councillor John Mylod</b>	
London Youth Games-1	<b>Cabinet Member for Culture &amp; Community Engagement</b>	
<i>Lucas Children's Play Charity Nominative Trustees – 2</i>	<i><b>Cabinet Member for Children &amp; Learning and Councillor Gillian Ford (appointed till November 2019)</b></i>	<i>Agreed at Governance on 11.11.15</i>

# Appointments to other Organisations 2017/2018

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
North East London NHS Foundation Trust – 1	<b>Director of Adult Services</b>	
Orchard Village Neighbourhood Management Board - 4	<b>Cabinet Member for Housing, Deputy Cabinet Member assisting Cabinet Member for Environment, Regulatory Services and Community Safety Councillor Jeffrey Tucker and Councillor Graham Williamson</b>	
<i>Poyntz (a.k.a. Richard Poyntz's) and other charities</i>	<i>Councillor June Alexander(until March 2020) Mr David Livermore (until March 2020) and Rev. Michael Sparrow (until March 2020)</i>	<i>Appointed by Governance on 9 March 2016</i>
Relate North East - 2	<b>Councillor Wendy Brice-Thompson and Councillor Jody Ganly</b>	
Reserve Forces & Cadets Association -1	<b>Councillor Barry Mugglestone</b>	
Romford Town Management Partnership	<b>Councillor Robert Benham Councillor Damian White</b>	
<i>Romford Combined Charity <u>Nominative Trustees</u> – 2</i>	<i>Councillor Joshua Chapman (until 3.11.20) and Councillor Wendy Brice Thompson and Councillor Dilip Patel (until 3.11.18) Councillor Melvin Wallace (until 3.11.19)</i>	<i>Cllr Chapman's appointment agreed by Governance on 11 January 2017</i>
Safer Neighbourhood Board	<b>Cabinet Member for Environment Regulatory Services and Community Safety</b>	

**Appointments to other Organisations 2017/2018**

<b>ORGANISATION AND NUMBER OF APPOINTEES</b>	<b>MEMBER APPOINTED (Non Executive Appointments)</b>	<b>COMMENTS AND NOTES</b>
Standing Advisory Council for Religious Education (SACRE) - 5	<b>Councillor Joshua Chapman , Councillor Jason Frost, Councillor Gillian Ford, Councillor Dilip Patel and Councillor Stephanie Nunn</b>	
Tenant Management Organisations - 3	<b>BETRA (Gooshays) – Councillor David Johnson DELTA (Squirrels Heath)- Councillor Damian White PETRA (St Andrews’) – Councillor John Mylod</b>	
Veolia ES Cleanaway Havering Riverside Trust - 1	<b>Councillor Robert Benham</b>	



## GOVERNANCE COMMITTEE

28 June 2017

<b>Subject Heading:</b>	<b>Regulation of Investigatory Powers Act (RIPA) Update</b>
<b>SLT Lead:</b>	<b>Andrew Blake Herbert, Chief Executive</b>
<b>Report Author and contact details:</b>	<b>Kathryn Robinson, 01708 432242</b> <a href="mailto:Kathryn.robinson@onesource.co.uk">Kathryn.robinson@onesource.co.uk</a>
<b>Policy context:</b>	<b>Governance</b>
<b>Financial summary:</b>	<b>None</b>

### 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

Members are asked to agree the updates to the Council's Regulatory Investigation Powers Act 2000 (RIPA) Policy and Process following the last Office of Surveillance (OSC) inspection. An update on the council's use of the powers under the Act and recent advice from the OSC is also provided to the Committee.

<b>RECOMMENDATIONS</b>
------------------------

That members:

1. Agree the Regulatory Investigation Powers Act Policy and Process as amended attached as **Appendix 1**.
2. Note that the Monitoring Officer will make minor variations to the Council's constitution to reflect the changes to the changes to officer roles.
3. Note the update on the Council use of the powers.

<b>REPORT DETAIL</b>
----------------------

**A Changes to the Policy**

1. The Council has powers under RIPA to undertake covert surveillance in certain limited circumstances where serious crimes are being investigated. The use of the powers is heavily regulated by the legislation. The Home Office publishes a Code of Practice, and the OSC undertakes an annual national review of current issues and produces guidance notes for use by public bodies which have RIPA powers. There are specific criteria and processes surrounding the application of those powers by the Council including the requirement that authority for covert surveillance be obtained from the Magistrate's Court.
2. The Council is required to have policies and processes in place and these, together with the Council's use of the powers in practice, is the subject of periodic inspection by OSC. The Inspector considers whether previous recommendations have been implemented, notes areas of good practice and makes and suggestions for any further changes. The most recent inspection of this Council was undertaken in December 2016, and the Inspector's report was received in January 2017. The Inspector was satisfied that the recommendations from the previous 2013 visit had been reflected in changes to the policy and practice. He was very positive about the conduct and knowledge of the officers interviewed and approved of the Council's policy and procedure. He made recommendations to make minor amendments to the policy in the following areas;
  - i. The 'procedure' aspects of the policy should be located nearer the beginning of the document to give it greater prominence.
  - ii. Include reference to the OSC guidance on Social Networking Sites (this reflects the current focus on this aspect of RIPA)

- iii. Reduce the number of Authorising Officers and provided details of the Senior Responsible Officer and Co ordinating Officer.
3. The recommended changes are reflected in the amendments to the Council's policy and procedure attached as appendix A . Members are requested to agree the revised policy. The changes to the officers will require minor amendments in the Constitution.

**B Update on Council activity regarding RIPA**

4. It is important that all staff have a general awareness of RIPA and that those directly involved are properly trained. A multidisciplinary training day took place in January 2017 and was conducted by an external consultant with expertise in the field. The training was attended by a wide range of officers from various departments. Staff in the public protection department, audit team and in the legal department, who tend to be the officers primarily involved with this legislation, also attend additional training on various aspects of RIPA during the year.
5. Information regarding the use of RIPA, the Council's Policy and Process and the Home Office Codes of Practice are on the Council intranet. In particular the use of social media and other internet sites to access information is both topical and in places legally complicated. It was specifically mentioned in the Chief Surveillance Commissioner's Report of 2015/16 as an area for focus. The Council's policy properly addresses the subject and provides guidance and was approved by the Inspector at his recent visit. Recent OSC correspondence to all Local Authorities further highlighted the application of RIPA in the use of Social Network Sites in investigations and this has been circulated to staff and forms part of the documents available on the intranet in relation to RIPA.

**C Applications for Directed Surveillance and Communications Data**

6. As is consistent with the national trend, the number of Council's RIPA applications has decreased over the years. This is in part attributed to the need for Councils to apply to court to be able to utilise the powers. However, as recognised in the 2013 inspection report, this council does not have a history of high numbers of applications. In the period between 2013 and the 2016 inspection there have been two applications for directed surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA). Three applications for accessing communications data under the Regulation of Investigatory Powers Act 2000 (RIPA) were received and approved between 1st June 2014 and 30th September 2016.

Year	Number	Activity
2016	1 Directed Surveillance	Fly tipping
2015	1 Directed Surveillance	Age-related sales test purchase operation
2014	3 Communications data	3 x postal/delivery data

<b>IMPLICATIONS AND RISKS</b>
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**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 the RIPA 2000 and the Council's Policy at least once a year and to make recommendations for changes to the policy. This reflects the Home Office Code of Practice 2014 paragraph 3.35 which provides that elected members should review the Council's use of the 2000 Act and set the policy at least once per year. The attached Council Policy and Procedure sets out the legislative requirements under RIPA.

**Human Resources implications and risks:**

None

**Equalities implications and risks:**

The Council's RIPA policy sets out the legal requirements in accordance with Regulatory Investigation Powers Act 2000. There are no direct issues arising from this under 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 2017**

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## NOTE:

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

- Code of Practice for Covert Surveillance and Property Interference, December 2014 ('CS CoP'),- (Intranet- *Regulation of Investigatory Powers Act 2000*)
- Code of Practice for the Use of Human Intelligence Sources, December 2014 ('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, Application Forms and 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 Office 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.

## 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.
4. Ascertain whether a **Covert Human Intelligence Source (CHIS)** is necessary. Apply the [special rule](#) if the CHIS is under the age of 18. 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:

<b>Surveillance</b>	<b>CHIS</b>
Authorisation to <b>conduct</b> Directed Surveillance	Authorisation to <b>conduct</b> CHIS
Authorisation to <b>renew</b> Directed Surveillance	Authorisation to <b>renew</b> CHIS
Authorisation to <b>cancel</b> Directed Surveillance	Authorisation to <b>cancel</b> 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 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:

<b><u>Type of authorisation</u></b>	<b><u>Expiry Period</u></b>
Covert directed surveillance	A maximum of 3 months, reviewed regularly, and timely cancellation when appropriate
CHIS	A maximum of 12 months (1 month 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 2.23] 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];

**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
- 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"> <li>• Uniform Police Officer on patrol.</li> <li>• Signposted Town Centre CCTV Cameras (in normal use)</li> <li>• Recording noise coming from premises after the</li> </ul>

	<p>occupier has been warned that this will occur if the noise persists.</p> <ul style="list-style-type: none"> <li>• Most test purchases (where the officer behaves no differently from a normal member of the public).</li> </ul>
<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"> <li>• Officers follow an individual over the course of the day, to establish whether he is working when claiming benefit</li> <li>• 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.</li> </ul>
<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 Code of Practice for Covert Surveillance and Property Interference , December 2014 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 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.**

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

Reference should be made to paragraph 289 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)
- f)
- g)

h)

**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 (under 18). 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 the Director of Legal and Governance can authorise the use of Juvenile Sources. The duration of the authorisation is **one** month 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 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](#)

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 3.3 – 3.7]. 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 3.8 – 3.11].



- 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 have to be made in writing by a magistrate 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 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 1 month).

### **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 7.30 - 32].

## **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 7.27 - 29].. Renewals can no longer be renewed orally in urgent cases.

## **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.
- The Council shall retain records for a period of at least three years from the ending of the authorisation [CS CoP 8.2]. The Office of the Surveillance Commissioners (OSC) can review the council's policies and procedures, and individual authorisations. OSC 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 Director of Legal & Governance Daniel Fenwick ([daniel.fenwick@onesource.co.uk](mailto:daniel.fenwick@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;
- 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 a quarterly basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose.

## **J. Training**

- Training is required and mandatory for all Council Authorisers 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 Act 2000.

**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 conduct 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

### NOTE

Public Protection Manager x2771  
Monitoring Officer  
079768099750797680997  
5

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

## Appendix B Authorising Officers

Authorising officers must be “an assistant chief officer or investigations manager” or above. The authorising 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.**

### 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.
  - 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.
2. Authorisers for Directed Surveillance are:
  - a. Chief Executive
  - b. Director of Legal & Governance
  - c. Assistant Director of Environment
  - f. Managing Director, Director of Finance and Head of Assurance oneSource, in so far applications relate to oneSource Services
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.

