



GOVERNANCE COMMITTEE

28 June 2017

Subject Heading:	Regulation of Investigatory Powers Act (RIPA) Update
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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

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.

RECOMMENDATIONS

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.

REPORT DETAIL

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

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 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