

GOVERNANCE COMMITTEE

Subject Heading:

Updating the Council's Policy and Procedures on RIPA

SLT Lead:

Andrew Blake-Herbert, Chief Executive

Report Author and contact details:

John William Jones, Monitoring Officer

Policy context:

Governance

Financial summary:

None

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

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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SUMMARY

This report proposes improvements to the Council's Policy and Procedures on RIPA following a recent inspection.

RECOMMENDATIONS

That members:

1. Recommend to the Lead Member that the proposed improvements to the Council's Policy and Procedures on RIPA (which is set out at **Appendix 1**) be approved.

REPORT DETAIL

A Background

1. At the Committee's last meeting on 12 March 2020, an annual update on RIPA (the Regulation of Investigatory Powers Act 2000) was reported to members.
2. Members are reminded that RIPA regulates the use of covert surveillance activities when investigating serious criminal offences 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.
3. Covert surveillance activities 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.
4. When exercising its RIPA powers, the Council has a duty to take into account statutory codes of practice issued by the Home Office.
5. Further, in accordance with best practice, the Council is required to have a written policy and procedures on RIPA.

B Inspection

6. In March of this year, the Investigatory Powers Commissioner's Office (IPCO) undertook a telephone and desktop-based inspection of the Council's RIPA arrangements.

7. The inspector found that the level of compliance demonstrated removed the requirement for a physical inspection and suggested that Home Office guidance on the use of the internet as a surveillance tool and on distinguishing between people who volunteer information and the use of informants be included in our policy.
8. Accordingly, the Council's Policy and Procedures on RIPA with the suggested text added and tracked is attached at **Appendix 1**.

IMPLICATIONS AND RISKS

Financial implications and risks:

None in relation to this report

Legal implications and risks:

These are contained within the report.

Human Resources implications and risks:

None

Equalities implications and risks:

The proposed changes will not have any adverse impacts on persons sharing a protected characteristic for the purposes of the public sector equality duty as set out in section 149 of the Equality Act 2010.

Background Papers

None