

To: City Executive Board
Date: Tuesday 22 May 2018
Report of: The Head of Law & Governance
Title of Report: Regulation of Investigatory Powers Act 2000 Use of Surveillance Powers and Amended Procedure Document

Summary and recommendations	
Purpose of report:	To note the Council's use of the investigatory powers for the year 2017/18 and to approve the Council's amended policy and procedure document
Key decision:	No
Executive Board Member:	Councillor Susan Brown, Council Leader, Customer and Corporate Services
Corporate Priority:	None.
Policy Framework:	None.
Recommendations: That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Note the Council's non use of the investigatory powers for the year 2017/18; 2. Determine, in the light of recommendation 1, whether there is continued merit in the Head of Law and Governance formally reporting annually to full Council the usage of Regulatory of Investigatory powers in any year when the powers have not been utilised; and 3. Adopt the Council's RIPA Policy and Procedure as amended. 	

Appendices	
Appendix 1	Regulation of Investigatory Powers Act 2000 Policy and Procedure (as amended).

Introduction and background

1. This report relates to the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period April 2017 to March 2018. The three investigatory powers available to the Council are, directed covert surveillance, the interception of

communications data and the use of Covert Human Intelligence Sources. The Council has only ever authorised directed covert surveillance.

2. On 1 April 2009 the Board noted that Council’s use of RIPA would be reported annually to Council. Since 2013 this has amounted to a nil report since the last authorisation was granted in October 2012.

The Council’s use of Covert Surveillance

3. There were no authorisations for the period 1 April 2017 to 31 March 2018.

RIPA Inspection

4. In October 2017 the Council was the subject of a “light touch” inspection conducted by His Honour Brian Barker CBE, QC, Assistant Surveillance Commissioner. Based on a lengthy telephone discussion with the report author HH Barker considered it sufficient to present his report without the necessity of an inspection visit.

RIPA Policy and Procedure

The Council’s RIPA Policy and Procedure is shown as appendix one to this report. Following the discussion with HH Brian Barker amendments have been made to the Policy and Procedure. Significantly at paragraphs 1.10, 2.3, 2.3.3, 3.1 and the inclusion of paragraphs 7.1 to 7.5

Other implications

5. None.

Financial implications

6. None.

Legal issues

7. These are addressed in the report.

Level of risk

8. Were the Council to use one of the investigatory powers without the appropriate authorisation or judicial approval, the investigation in all probability would be compromised and any evidence obtained likely to be ruled inadmissible.

Equalities impact

9. An application for directed covert surveillance must be authorised in accordance with the Council’s policy and procedure and must also receive judicial approval. In the circumstances an equalities impact is not considered necessary.

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