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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>5<sup>th</sup> SEPTEMBER 2018</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP KAUR – 595715</b> <a href="mailto:ardip.kaur@south-derbys.gov.uk">ardip.kaur@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>REGULATION OF INVESTGATORY POWERS ACT 2000 (RIPA) – POLICY &amp; GUIDANCE DOCUMENT AND QUARTERLY REPORT</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 To approve the Council's Regulation of Investigatory Powers Act 2000 ('RIPA') Policy and Guidance document.
- 1.2 To note the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000 in the last quarter.

## **2.0 Purpose of Report**

- 2.1 To approve the Council's Regulation of Investigatory Powers Act 2000 Policy and Guidance document, as set out in **Appendix A**.
- 2.2 To note the report on the Council's use of the Regulation of Investigatory Powers Act 2000 since 1<sup>st</sup> June 2018.

## **3.0 Detail**

- 3.1 The Committee, on 22<sup>nd</sup> June 2016 approved the Council's amended RIPA Policy and Guidance document. The Overview and Scrutiny Committee is authorised to review the Council's use of RIPA, set the Council's general surveillance policy, and consider quarterly reports on the use of RIPA to ensure that it is being used as per the Council's policy.
- 3.2 RIPA is intended to regulate the use of investigatory powers and ensure they are used in accordance with human rights. This is achieved by requiring certain investigations involving covert surveillance to be authorised by an appropriate Authorising Officer and then a Justice of the Peace (JP), a District Judge or lay Magistrate before they are carried out.

- 3.3 Directed surveillance is often conducted by local authorities to investigate benefit fraud or to collect evidence of anti-social behaviour. It may involve covertly following people, covertly taking photographs of them or using hidden cameras to record their movements.
- 3.4 The Office of Surveillance Commissioners (OSC) was set up to monitor compliance with RIPA. The OSC has a duty to keep under review, the exercise and performance by the relevant persons, of the powers and duties under the Act. The Surveillance Commissioner will from time to time inspect the Council's records and procedures for this purpose.
- 3.5 The OSC carried out a desktop review of the Council's Policy and Guidance document, following which a number of amendments were recommended. The Policy and Guidance document has been updated accordingly.
- 3.6 The usage of RIPA during the period June 2018 to August 2018 was nil. No authorisations were requested or granted.

#### **4.0 Financial Implications**

- 4.1 None arising directly from this report.

#### **5.0 Corporate Implications**

- 5.1 The Council must act in accordance with legislative changes regarding the authorisation process and the surveillance crime threshold.

#### **6.0 Community Implications**

- 6.1 The Authorising Officer would need to know by those carrying out the surveillance if the investigation or operation would unexpectedly interfere with the privacy of individuals not covered by the authorisation. The Authorising Officer must be made aware of any particular sensitivities in the local community.

#### **7.0 Background Papers**

- 7.1 Council's Regulation of Investigatory Powers Act 2000 ('RIPA') Policy and Guidance document