

Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	09 November 2017	
TITLE:	Report on outcome of Regulatory Investigations Powers Act (RIPA) Inspection and update to policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 2017 OSC Inspection report</p> <p>Appendix 2 Draft Action Plan</p> <p>Appendix 3 Schedule 5 to be added to the Policy</p>		

1 THE ISSUE

- 1.1 This report updates Council on the Office of Surveillance Commissioner Inspection of the Council's Regulation of Investigatory Powers policies and procedures in June 2017.

2 RECOMMENDATION

The Council is asked to:

- 2.1 Note the OSC Inspector's report for 2017 at Appendix 1
- 2.2 To consider and approve the draft action Plan for 2017-2020. at Appendix 2
- 2.3 Agree the inclusion of Schedule 5 to the Council's RIPA Policy at Appendix 3

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are limited financial implications arising from this report. Although the Council is an infrequent user of RIPA powers, the Chief Commissioner requires the Council's procedures to remain in a good state of readiness should these need to be implemented. Consequently, the financial implications are limited to the cost of periodic refresher training for officers in the use of RIPA powers.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Regulation of Investigatory Powers Act came into force in 2000. The Act permits Councils to carry out covert (secret) surveillance of alleged offenders for the prevention and detection of crime and the protection of public health. This is undertaken by either the use of Directed Surveillance or the use of a Covert Human Intelligence Source (CHIS). The Act also allowed the Council to apply to telecommunications providers for information about individuals who are suspected of committing crimes. When RIPA is followed it ensures that the actions taken by the Council comply with the Human Rights Act 1998, in particular the right to privacy and the right to a fair trial, when evidence is gathered in preparing cases for court.
- 4.2 The use of RIPA powers is subject to oversight by the Chief Surveillance Commissioner (OSC) who reports annually to the Prime Minister. All Councils are subject to inspection by the Officers from the OSC. The Council was last subject to inspection in 2017 and this paper reports the outcome of that inspection.
- 4.3 In light of the intrusive nature of the use of RIPA powers and the potential for Human Rights breaches, oversight by both the OSC and internally, ensures that abuses do not take place, and, if they do, that they are quickly identified and reported to the OSC and remedial action taken. The OSC places high importance on training: clear policies and procedures: quality assurance processes and ongoing internal scrutiny, even where there is no use of the RIPA powers.

5 THE REPORT

- 5.1 The Chief Surveillance Commissioner in his letter to the Council's Chief Executive dated 18 July 2017 did not make any recommendations to the Council following the inspection and report undertaken by his Surveillance Inspector, Alex Drummond. The Chief Surveillance Commissioner highlighted the observations of the Inspector at para 11.3 of the report summarising the importance of periodic reviews to ensure that the processes continue, as they are at present, to be in a good state of "readiness".
- 5.2 The Council has previously been inspected in May 2014 and June 2017. The Chief Surveillance Commissioner in his 2015-2016 report to parliament indicated that the frequency of inspection for Local Authorities is every 3

years. The likelihood is that the Council will be inspected again in May 2020 if the current 3 year review process continues.

5.3 Although the report attached as Appendix 1 is very positive in that it makes no recommendations, it is nevertheless necessary to undertake certain actions to maintain the Council's state of readiness for the use of RIPA powers and the Council's next inspection in 2020. The action plan at Appendix 2 and the inclusion of the procedure agreed with Bath Magistrates court to obtain magistrates approval, at Appendix 3, in the Council's RIPA Policy, will ensure the Council continue to be ready to implement the use of RIPA powers should these prove necessary.

6 RATIONALE

6.1 The Surveillance Commissioner requires that the Council have oversight of its use of RIPA powers and its readiness for implementation. This report provides an update of the OSC Inspection in 2017.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 None

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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Background papers	None
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