

Bath & North East Somerset Council	
MEETING:	Council
TITLE:	Annual Report on use of Regulatory Investigations Powers Act (RIPA) usage and updated Policy
WARD:	All
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 usage statistics</p> <p>Appendix 2 RIPA Policy</p>	

1 THE ISSUE

1.1 This report updates Council as to the use of RIPA powers in the previous year. It also sets out the powers of the Council and the revised Policy.

2 RECOMMENDATION

The Council is asked to:

2.1 Note the use of RIPA powers in the key statistics at Appendix 1

2.2 To consider and approve the revised RIPA policy at Appendix 2

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 There are no financial implications arising directly from this report

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 2014 and is scheduled to be inspected again in 2017.
- 4.3 In light of the intrusive nature of the use of RIPA powers and the potential for Human Rights breaches, oversight, both by 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 Council has a policy dealing with RIPA (Appendix 2), that covers use for Surveillance and Communications. The Policy is available via the Council's intranet site, along with guidance materials and pro forma application forms for use by Authorising Officers. Officers keep the policy under review and amend this, as and when required to ensure that the policy takes account of all relevant changes in guidance and any recommendations of the OSC inspectors.
- 5.2 In common with many Local Authorities, the Council has made no use of its Directed Surveillance powers in the last 2 financial years and only very limited use is made of its powers to obtain subscription date from telecommunications Providers, twice in the last financial year (Appendix 2). The Surveillance Commissioner in his last annual report, in 2015, advised

“my inspection regime has seen a significant drop in the number of authorisations for directed surveillance and CHIS by local authorities. The significant cutbacks in public spending and the lack of available officers to conduct such activities will have also played a part, as will the move towards more collaborative working between councils and with major bodies such as the Department for Work & Pensions”

The Council seeks to avoid use of its covert surveillance powers by acting overtly e.g. by advising residents of use of CCTV, and by seeking to be proactive and prevent offences occurring. Use of covert powers is therefore a last resort.

- 5.3 Although the Council's CCTV system is not subject to regulation under RIPA, due to the fact that its use is generally overt, there are occasions when the Council may receive requests from partner enforcement agencies to use the CCTV system for directed surveillance. On such occasions the enforcement agency requesting assistance is required to obtain the necessary RIPA

approvals before the Council undertakes directed surveillance at its request. There were no occasions when this happened in the last financial year.

6 RATIONALE

6.1 The Surveillance Commissioner requires that the Council report annually to members regarding the use of RIPA powers and that members have oversight of its Policy.

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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