

| Bath & North East Somerset Council  |   |  |
|-------------------------------------|---|--|
| MEETING:                            | Council   |  |
| MEETING DATE:                       | 08 November 2018  |  |
|                                     |   |  |
| TITLE:                              | Annual Report on the use of the Regulatory Investigations Powers Act (RIPA) |  |
| WARD:                               | All   |  |
| AN OPEN PUBLIC ITEM                 |   |  |
| List of attachments to this report: |   |  |
| None                                |   |  |
|                                     |   |  |

## 1 THE ISSUE

1.1 This report updates Council on the use of the Regulation of Investigatory Powers policies and procedures.

## 2 RECOMMENDATION

The Council is asked to:

2.1 Note that no Inspector's report for 2018 has been received

2.2 Note the Council's use of RIPA.

## 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 There are no direct implications arising from this report. Although the Council is an infrequent user of RIPA powers the Chief Commissioner required 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 was subject to oversight by the Chief Surveillance Commissioner (OSC), who reported 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 2011. The OSC is now part of the Investigatory Powers Commissioner's Office (IPCO), which provides independent oversight of the use of investigatory powers by intelligence agencies, police forces and other public authorities.

In light of the intrusive nature of the use of RIPA powers and the potential for Human Rights breaches, oversight, both by the IPCO and internally, ensures that abuses do not take place, and, if they do, that they are quickly identified and reported to the IPCO and remedial action taken.

## **5 THE REPORT**

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

5.2 The IPCO has confirmed that no annual letter will be published this year. The Council has submitted nil figures in relation to the use of RIPA.

## **6 RATIONALE**

6.1 The Surveillance Commissioner required that the Council have oversight of its use of RIPA powers and its readiness for implementation.

## **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.

|  |                                  |
|--|----------------------------------|
| <b>Contact person</b>  | Michael Hewitt tel: 01252 395125 |
| <b>Background papers</b>   | None                             |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |                                  |