

**TELFORD & WREKIN COUNCIL**

**CABINET - 30 MAY 2013**

**REGULATION OF INVESTIGATORY POWERS ACT 2000**

**REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PUBLIC PROTECTION**

**LEAD CABINET MEMBER – COUNCILLOR RICHARD OVERTON**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

Legislative changes to the approval process for undertaking covert surveillance were introduced in November 2012. Minor changes to the Council's RIPA Policy are submitted for Members approval.

**2. RECOMMENDATIONS**

**2.1 That the revised RIPA Policy document is noted and approved.**

**2.2 That the contents of the report are noted.**

**3. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Effective RIPA practises will assist in promoting an efficient, effective and customer-focused Council and also in creating a safe, strong and cohesive community.
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/DELIVERY DATE</b>	Immediate	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes/No	No additional costs are envisaged as a result of the revised RIPA Policy document. Any training requirements will be conducted in-house and the costs will be met by existing budget provisions. MLB 26.04.13
<b>LEGAL ISSUES</b>	Yes	RIPA seeks to protect the Council from legal challenge in respect of its

		interference with a person's human rights by way of covert surveillance. A RIPA authorisation should ensure that evidence obtained is admissible. Codes of Practice are issued by the Home Office. The Council's Policy is in accordance with the Codes of Practice.
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	
<b>IMPACT ON SPECIFIC WARDS</b>	No	

## **PART B) – ADDITIONAL INFORMATION**

### **4. INFORMATION**

To inform Members of a change in legislation resulting in an amendment to the approval process, to seek approval of the updated Policy in respect of the use of Regulation of Investigatory Powers Act 2000 (RIPA) powers and to report on RIPA usage during 2012/13.

#### **4.1 Background**

4.1.1 The Regulation of Investigatory Powers Act 2000 ('RIPA') provides a statutory mechanism (i.e. 'in accordance with the law') for authorising covert surveillance and the use of a 'covert human intelligence source' ('CHIS') – e.g. undercover agents. It also permits public authorities to compel telecommunications and postal companies to obtain and release communications data to themselves in certain circumstances. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, the RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.

4.1.2 On 1 November 2012 new legislative provisions came into force which required every application to use RIPA powers to be approved by a Justice of the Peace. This is in addition to the internal approval process which has been in place for a number of years. A "serious crime" test was also introduced in respect of applications to undertake directed surveillance; this requires the offence under investigation to carry a sentence of 6 months or more imprisonment. There is an exception to this requirement in respect of test purchase operations for underage sales of age restricted products.

4.1.3 The Home Office Codes of Practice recommend that the Council's RIPA policy should be reported to and approved by Members on an annual basis. The current policy has been revised slightly to take account of job title changes and amendments to the approval process, specifically the need for judicial approval; the revised policy is attached as Appendix 1

for Members consideration and approval (amendments highlighted for ease of reference).

4.1.4 Cabinet Members receive quarterly reports on RIPA usage. A year end report is attached as Appendix 2. This shows that during the period 1 April 2012 to 31 March 2013, the Council used RIPA once for directed surveillance and once for accessing communications data.

5. **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

N/A

6. **PREVIOUS MINUTES**

N/A

7. **BACKGROUND PAPERS**

RIPA Codes of Practice

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