

TELFORD & WREKIN COUNCIL

CABINET - 23 JULY 2015

REGULATION OF INVESTIGATORY POWERS ACT 2000

REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PEOPLE SERVICES

LEAD CABINET MEMBER: RICHARD OVERTON

PART A – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

In December 2014 the Office of Surveillance Commissioners issued their Procedure and Guidance. New additions and minor amendments have been incorporated into the Policy. The RIPA Policy is 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

COMMUNITY IMPACT	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	
TARGET COMPLETION/DELIVERY DATE	Immediate	

FINANCIAL/VALUE FOR MONEY IMPACT	Yes/No	There are no direct financial implications arising from the changes to the RIPA Policy. The cost of training will be met from within existing budgets.
LEGAL ISSUES	Yes	RIPA seeks to balance the Council's right to undertake investigations in respect of its functions against an individual's human rights. A correctly completed RIPA authorisation should ensure that evidence obtained is admissible. Implementation of RIPA is a matter for each Council and the OSC has an oversight role. Codes of Practice are issued by the Home Office. The Council's Policy is in accordance with the Codes of Practice and has been amended to include reference to the "Kinoch" Judgement ie. what may happen in terms of likelihood, the central record, voluntary declared interviews, prior approval by a Magistrate under The Protection of Freedoms Act 2012, the limitation for directed surveillance for the prevention or detection of a crime which carries a maximum sentence of 6 months imprisonment or is an offence relating to the sale of alcohol or tobacco products to minors and repeated viewing of open source material on social media.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

4. INFORMATION

To inform Members of recent changes to the OSC Procedures and Guidance, to seek approval of the updated Policy in respect of the use of the Regulation of Investigatory Powers Act 2000 (RIPA) powers and to report on RIPA usage during 2014/15.

a. Background

4.1.1 In December 2014 the OSC issued amended guidance.

- 4.1.2 Following the OSC report in 2014 the recommended revision of the Council's Policy in relation to the duration of authorisations and the use of the internet and Social Networking Sites for RIPA purposes were made. The Council's Policy has been further updated to include the comments made in the OSC Guidance following the "Kinoch" Judgement ie. what may happen in terms of likelihood when making an application, amendments to the Central record, voluntary declared interviews, prior approval by a Magistrate under The Protection of Freedoms Act 2012, the limitation for directed surveillance for the prevention or detection of a crime which carries a maximum sentence of 6 months imprisonment or is an offence relating to the sale of alcohol or tobacco products to minors and repeated viewing of open source material on social media. Two full days RIPA training was provided for officers in November 2014. Further refresher training will be provided as necessary.
- 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 in light of the OSC Procedures and Guidance and is attached as Appendix 1 for Members consideration and approval.
- 4.1.4 Cabinet Members receive quarterly reports on RIPA usage. During the period 1 April 2014 to 31 March 2015, the Council used RIPA a total of 1 time – 1 directed surveillance, 0 Covert Human Intelligence Source and 0 Communications Data.

5. **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

N/A

6. **PREVIOUS MINUTES**

N/A

7. **BACKGROUND PAPERS**

RIPA Codes of Practice – December 2014
OSC Procedures and Guidance – December 2014

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