

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Director of Legal and Democratic Services

to  
**Cabinet**  
on

18 September 2018

**Report prepared by:**

John Williams, Director of Legal & Democratic Services

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**Regulation of Investigatory Powers Act 2000 (RIPA) - Annual Report**

**Policy & Resources Scrutiny Committee –  
Cabinet member: Councillor Lamb**

**A Part 1 public agenda item**

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## **1. Purpose of Report**

To report on the use of powers available to the Council under the Regulation of Investigatory Powers Act 2000 (“RIPA”) during the financial year 2017/18.

To obtain authority to amend the Council’s *“Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources”*

To provide an update on staff training and awareness.

## **2. Recommendations**

- 2.1 To note that the Council has not used the surveillance powers available to it under RIPA between 1 April 2017 and the 31st March 2018 and neither has it used any covert human intelligence sources during this period.
- 2.2 To agree the changes to the Council’s “Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources” as set out in **Appendix 1**

## **3. Background to RIPA**

- 3.1 If a Council wants to carry out directed covert surveillance then:
  - (a) It must be in connection with the investigation of a criminal offence which attracts a maximum custodial sentence of 6 months or more, or involves the underage sale of alcohol or tobacco;
  - (b) It must not be intrusive surveillance (only the Police can carry out intrusive surveillance inside a house or vehicle);

- (c) Such surveillance must be properly authorised internally. In particular authorising officers must be formally designated and trained – and only authorised and trained officers should carry out surveillance;
- (d) A Justice of the Peace must make an Order approving the grant of authorisation referred to in (c) above; and
- (e) There must be compliance with the Codes of Practice issued by the Home Office, Guidance issued by the former Office of Surveillance Commissioners (OSC) and the Council's own Policy & Procedures (see 3.3 below).  
The Investigatory Powers Commissioner's Office (IPCO), which has superseded the OSC, will shortly be issuing its own guidance.

3.2 Similar requirements also apply if the Council wants to use a covert human intelligent source (CHIS).

3.3 In order to ensure that the Council acts legally and properly and complies with RIPA, it has put in place "*Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources*".

The Policy & Procedures are regularly updated to ensure they are fit for purpose and incorporate legislative, procedural and staff changes.

Attached at **Appendix 1** is the revised Policy and Procedures with the amendments required duly marked.

3.4 It is important that Council officers who are, or could be, involved with surveillance receive proper training.  
A training session for staff was held in 2017 and a further training session is planned for October this year, where there will be a particular focus on the interrogation of social media.  
In the context of social media, it is planned to carry out an audit of the Council's use of social media in the next few months.

3.5 The IPCO provides independent oversight of the use of investigatory powers by intelligence agencies, police forces and other public authorities.  
The Council is subject to inspection by the IPCO to ensure compliance with the statutory provisions which govern surveillance.  
The Council's last inspection was in August 2016 and was carried out by the former OSC: This presented a very positive picture.

3.6 It is important that elected Members of a local authority should review the authority's use of RIPA and its policies and procedures; hence the need for this report.

#### 4. Other Options

None

## **5. Reasons for Recommendations**

To comply with the Home Office Codes of Practice and OSC Guidance on RIPA.

## **6. Corporate Implications**

### **6.1 Contribution to Council's Vision & Corporate Priorities**

Excellent – Deliver targeted services that meet the identified needs of our community.

### **6.2 Financial Implications**

None

### **6.3 Legal Implications**

This report has been prepared to comply with Home Office and OSC Guidance on RIPA.

### **6.4 People Implications**

None

### **6.5 Property Implications**

None

### **6.6 Consultation**

Internal only

### **6.7 Equalities and Diversity Implications**

None

### **6.8 Risk Assessment**

Having up to date RIPA Policy and Procedures and a staff training programme, ensures any risks associated with surveillance or use of a CHIS are minimised.

### **6.9 Value for Money**

N/A

6.10 Community Safety Implications

N/A

6.11 Environmental Impact

N/A

**7. Background Papers**

None

**8. Appendices**

**Appendix 1** – The revised “Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Source”