

Meeting:	Cabinet	Date:	9 March 2016
Subject:	Regulation Of Investigatory Powers Act 2000 (RIPA) – Six Monthly Report		
Report Of:	Cabinet Member for Performance And Resources		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Social Media Policy		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To report to Cabinet on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that the contents of the report be noted.

3.0 Background and Key Issues

- 3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in 2000. Both the legislation and Home Office Codes of Practice strictly prescribe the situations in which and the conditions under which councils can use their RIPA powers. All authorities are required to have a RIPA policy and procedure that they adhere to in using their RIPA powers.
- 3.2 Since the last report to Cabinet, the Council has not used its RIPA powers and there are no further actions to report at this stage.
- 3.3 The Council's use of its RIPA powers is subject to annual reporting and triennial inspection by the Office of Surveillance Commissioners (OSC). The Council received its most recent inspection by the OSC on 1 July 2015. The Inspectors report confirmed that they were satisfied with the structures that the Council has in place and the current Procedural Guide, but made three recommendations, each of which have been enacted and detailed in this report.
- 3.4 The Inspector noted that whilst there had been no requests for RIPA activity that a central record of authorisation should be established so as to comply with paragraph 8.1 of the Code of Practice. This has been established.

- 3.5 The Inspector suggested that staff expected to undertake key roles, such as the Authorising Officer, are appropriately trained. A training session has now been held and all relevant staff attended.
- 3.6 The final recommendation, relating to RIPA guidance to staff on the use of the Internet and social media in investigations, was included as part of the training and the Guidance will be amended accordingly. A copy of the Social Media Policy is attached see Appendix 1.
- 3.7 Following a change in senior management, minor changes to the list of Authorised Officers have been made and the Corporate Director has now been appointed as the RIPA Co-ordinator. The Heads of Neighbourhood Services and Regeneration and Economic Development continue to be Authorising Officers. These are the only proposed changes to the Procedural Guide.

4.0 Alternative Options Considered

- 4.1 There are no alternative options relevant to this matter.

5.0 Reasons for Recommendations

- 5.1 No action is required and the recommendation is therefore for Council to note the Council's use of its RIPA powers.

6.0 Future Work and Conclusions

- 6.1 It is intended to change the frequency of the reporting of our RIPA activity to annually and this will be dealt with when the Procedural Guidance is next reviewed.

7.0 Financial Implications

- 7.1 There are no financial implications arising out of this report.

(Financial Services have been consulted)

8.0 Legal Implications

- 8.1 The legal implications are set out in the main body of the report.

(One Legal have been consulted)

9.0 Risk & Opportunity Management Implications

- 9.1 Reporting on the Council's use of its RIPA policy and procedure helps to ensure that the Council's use of its powers remain appropriate.

10.0 People Impact Assessment (PIA):

- 10.1 The RIPA legislation requires the Council to give substantial consideration to the people impact of using its RIPA powers each and every time a RIPA application is authorised.

10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 The use of RIPA powers by the Council can contribute to ensuring community safety.

Sustainability

11.2 There are no sustainability implications arising out of this report.

Staffing & Trade Union

11.3 There are no staffing implications arising out of this report.

Background Documents:

Regulation of Investigatory Powers Act 2000

Protection of Freedoms Act 2012

Gloucester City Council Regulation of Investigatory Powers Act 2000 Procedural Guide