

Gloucester City Council

Meeting:	Cabinet Council	Date:	8 November 2017 23 November
Subject:	Regulation Of Investigatory Powers Act 2000 (RIPA) – Review of Procedural Guide 2017 and Six Monthly Report		
Report Of:	Cabinet Member for Performance and Resources		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Jon Topping, Head of Policy & Resources		
	Email: jon.topping@gloucester.gov.uk	Tel: 396242	
Appendices:	1. RIPA Procedural Guidance		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To report on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).
- 1.2 To request that Members review and update the Council's procedural guidance on RIPA.

2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that the six monthly update on the use of RIPA powers be noted.
- 2.2 Cabinet is asked to **RECOMMEND TO COUNCIL** that the changes to the Procedural Guide at Appendix 1 be approved, subject to any comments Cabinet wishes to make.
- 2.3 Council is asked to **RESOLVE**:
 - (1) That the six monthly update on the use of RIPA powers be noted.
 - (2) That the changes to the Procedural Guide at Appendix 1 be approved

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 The Council reviews and updates its RIPA policy annually. The procedure requires the use of RIPA powers to be reported to Cabinet on a six monthly basis.
- 3.3 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.
- 3.3.1 On the 1st September 2017, The Office of Surveillance Commissioners, The Intelligence Services Commissioner's Office and The Interception of Communications Commissioner's Office were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom. The updated procedural guidance at Appendix 1 reflects these changes.
- 3.3.2 Following changes in senior management, minor changes to the list of Authorised Officers have been made. The Head of Communities has been added to be an Authorising Officer.

4.0 Alternative Options Considered

- 4.1 The Council still has and can make use of other investigatory powers, such as overt surveillance, when investigating potential criminal offences, but must comply with RIPA when it carries out Directed Surveillance or CHIS. There are therefore no real alternative options relevant to the Council's use of its RIPA powers.

5.0 Reasons for Recommendations

- 5.1 The revisions set out in the draft Procedural Guide are to ensure that the Guide remains up-to-date.

6.0 Future Work and Conclusions

- 6.1 Further revisions to the Procedural Guide may be required, depending on any changes to the legislation or statutory Home Office Guidance.

7.0 ABCD Implications

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

8.0 Financial Implications

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

9.0 Legal Implications

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

10.0 Risk & Opportunity Management Implications

- 10.1 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.

11.0 People Impact Assessment (PIA):

- 11.1 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.
- 11.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

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

Sustainability

- 12.2 There are no sustainability implications arising out of this report.

Staffing & Trade Union

- 12.3 There are no staffing implications arising out of this report.

Background Documents:

Investigatory Powers Act 2016

Protection of Freedoms Act 2012

Gloucester City Council Regulation of Investigatory Powers Act 2000 Procedural Guide