



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 26 March 2019</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Proposed Regulation of Investigatory Powers Act 2000 (RIPA) Policy (March 2019)**

**Report Author(s):** **David Gill (Head of Law & Governance / Monitoring Officer)**

<b>Purpose of Report:</b>	To adopt relevant and updated policies in relation to directed surveillance and covert human intelligence sources ("the proposed Policies") on the use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA).
<b>Report Summary:</b>	The report highlights the statutory amendments to the governing legislation (which are set out at paragraph 1.2 of the report).
<b>Recommendation(s):</b>	<b>A. That the contents of the report and appendices be noted; B. That the Directed Surveillance Policy (as set out at Appendix 1) be approved; and C. That the Covert Human Intelligence Sources Policy (as set out at Appendix 2) be approved.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	Anne Court (Chief Executive / Head of Paid Service) (0116) 257 2606 <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a>  David Gill (Head of Law and Governance / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a>
<b>Corporate Priorities:</b>	Effective Service Provision (CP2)
<b>Vision and Values:</b>	Accountability (V1)
<b>Report Implications:-</b>	
Legal:	The implications are as set out in the report and appendices.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	The implications are as set out in the report and appendices. EA not applicable.
Human Rights:	The implications are as set out in the report and appendices.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	<a href="#">Home Office Guidance on Covert Surveillance and Property Interference (Revised Code of Practice) (August 2018)</a> <a href="#">Home Office Guidance on Covert Human Intelligence Sources (Revised Code of Practice) (August 2018)</a>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Directed Surveillance Policy (March 2019)</li> <li>2. Covert Human Intelligence Sources Policy (March 2019)</li> <li>3. IPCO Final Inspection Report (February 2019)</li> <li>4. Sample 'Standards and Ethical Indicators Report' Template</li> </ol>

## 1. Background

- 1.1 The Council has adopted a Policy for the use of powers under the Regulation of Investigatory Powers Act (RIPA) 2000 which sets out a mechanism for the internal authorisation and judicial validation of requests to undertake directed surveillance and the use of covert human intelligence sources. The Policy was last updated on 26 January 2015.

## 2. Information

- 2.1 This report seeks approval from Members to update and refresh that Policy so as to reflect a number of statutory amendments to the governing legislation, namely:
- 2.1.1 New Guidance issued by the Home Office in August 2018 on Covert Surveillance and Property Interference;
  - 2.1.2 New Guidance issued by the Home Office in August 2018 on the use of Covert Human Intelligence Sources; and
  - 2.1.3 The abolition of the Office of Surveillance Commissioners and its replacement by the Investigatory Powers Commissioner's Office (IPCO) in 2017 with associated amendments to the process of review.
- 2.2 The proposed Policies are attached to this report at **Appendix 1** and **Appendix 2**.

## 3. Recent IPCO Inspection

- 3.1 Members are also asked to note that the IPCO undertook a desktop-based documentary inspection between 2 and 12 February 2019. That inspection highlighted a number of issues with the proposed Policies as drafted, which have now been addressed within the bodies of the Policies. A copy of the IPCO's Final Inspection Report is attached at **Appendix 3**.

## 4. Other Matters

- 4.1 In addition, the IPCO noted that there was a lack of Member involvement in reviewing and setting the RIPA Policy. That will be addressed by Officers by the introduction of a quarterly 'Standards and Ethic Ethical Indicators Report' which will be presented to the Policy, Finance and Development Committee as part of the normal reporting cycle. A copy of a sample report template to be used for this report is attached at **Appendix 4**.