

CEREDIGION COUNTY COUNCIL

Report to: Council

Date of meeting: 26 January 2023

Title: Report on the Review of the Council's Regulation of Investigatory Powers Act 2000 ('RIPA') Corporate Policy & Procedures Document ('RIPA Policy')

Purpose of the report: Approval of the amended RIPA Corporate Policy and Procedures Document

For: Decision

Cabinet Portfolio and Cabinet Member: Cllr Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection

Background:

A report on RIPA was last presented to Council on the 23rd of September 2021 (see report at <https://council.ceredigion.gov.uk/documents/s2012/report%20-%20use%20of%20Regulation%20of%20Investigatory%20Powers%20Act%202000%20RIPA.pdf?LLL=0>).

A report on the review of the RIPA Policy and the Investigatory Powers Commissioner's Office Inspection was presented to the Overview and Scrutiny Co-ordinating Committee on the 23rd of November 2022 (see report at <https://council.ceredigion.gov.uk/documents/s3927/Report%20on%20the%20review%20of%20the%20RIPA%20Policy%20and%20the%20Investigatory%20Powers%20Commissioners%20Office%20Inspectio.pdf?LLL=0>).

Review of the RIPA Policy

Paragraph 4.47 of the 'Home Office Covert Surveillance and Property Interference Revised Code of Practice' (2018) states that elected members of a local authority should review the authority's use of RIPA and set the policy once a year. Amendments to the RIPA Policy were most recently approved by Council on the 23rd of September 2021.

Current Position:

The Overview and Scrutiny Co-ordinating Committee noted the amendments of the Draft Amended Corporate RIPA Policy and Procedures document at the meeting of the 23rd of November 2022.

Following this meeting, two amendments have been made to the Procedure for Applying for a Directed Surveillance Authorisation:

- Added ability for Authorising Officers to deputise for each other where the Authorising Officer for the relevant service is unavailable and the delay caused may compromise the investigation.
- Added that the Authorising Officer should consider an application for directed surveillance authorisation within 10 working days of receiving the application.

The Chair of the Overview and Scrutiny Co-ordinating Committee has been consulted on these additions and has indicated approval. These additions are on pages 27 and 28 and marked using tracked changes.

The amended RIPA PART II Directed Surveillance, Covert Human Intelligence Sources and Communications Data Corporate Policy & Procedures Document ('RIPA Policy') is attached at **Appendix 1** with changes shown using tracked changes.

Wellbeing of Future Generations:	<p>Has an Integrated Impact Assessment been completed? If, not, please state why Summary: This report does not represent a change in policy or strategy. Long term: Collaboration: Involvement: Prevention: Integration:</p>
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Recommendation(s):	<p>That Council resolve to:</p> <ol style="list-style-type: none"> 1. Approve the changes made to the Council's RIPA PART II Directed Surveillance, Covert Human Intelligence Sources and Communications Data Corporate Policy & Procedures Document ('RIPA Policy') (Appendix 1) as presented to the Overview and Scrutiny Co-ordinating committee on 23/11/22; and 2. Approve the addition of the two further amendments set out in this report to the Procedure for Applying for a Directed Surveillance Authorisation to the RIPA Policy (pages 27 and 28 of Appendix 1).
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Reasons for decision:	<p>To ensure that the Council's RIPA Policy remains up to date and that the policy is set once a year in accordance with Paragraph 4.47 of the 'Home Office Covert Surveillance and Property Interference Revised Code of Practice' (2018).</p>
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Overview and Scrutiny:	<p>and Overview and Scrutiny Co-ordinating Committee 23/11/22 https://council.ceredigion.gov.uk/documents/s3927/Report%20on%20the%20review%20of%20the%20RIPA%2</p>
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[0Policy%20and%20the%20Investigatory%20Powers%20Commissioners%20Office%20Inspectio.pdf?LLL=0](#))

Policy Framework: RIPA PART II Directed Surveillance, Covert Human Intelligence Sources and Communications Data Corporate Policy & Procedures Document

Corporate Well-being Objectives: N/A

Finance and Procurement implications: None

Legal Implications: Ensuring the RIPA policy remains up to date to comply with codes of practice.

Staffing implications: None

Property / asset implications: None

Risk(s): None

Statutory Powers: Regulation of Investigatory Powers Act 2000 ('RIPA') as amended (<https://www.legislation.gov.uk/ukpga/2000/23/contents>)

Investigatory Powers Act 2016 ('IPA 2016') (<https://www.legislation.gov.uk/ukpga/2016/25/contents>)

RIPA Statutory Codes of Practice (<http://www.legislation.gov.uk/uksi/2010/521/contents/made>)

Background Papers: Overview and Scrutiny Co-ordinating Committee 23/11/22 (see agenda, minutes and reports at <https://council.ceredigion.gov.uk/ieListDocuments.aspx?CId=143&MIId=316&Ver=4&LLL=0>).

Appendices: **Appendix 1** - RIPA PART II Directed Surveillance, Covert Human Intelligence Sources and Communications Data Corporate Policy & Procedures Document

Corporate Officer: **Lead** Elin Prysor – CLO Legal and Governance

Reporting Officer: Elin Prysor

Date: 5/1/23