

Report of the Portfolio Holder for Resources and Personnel Policy

REPORT ON RIPA (REGULATION OF INVESTIGATORY POWERS ACT 2000) POLICY1. Purpose of Report

To seek Cabinet approval for the proposed amendments to the Regulation of Investigatory Powers Act 2000 ('RIPA') policy and to inform Members that none of the RIPA powers have been used in the last 12 months.

2. Recommendation

Cabinet is asked to RESOLVE that the updated RIPA Policy be approved and NOTE there have been no use of the RIPA powers in the last 12 months.

3. Detail

The RIPA Policy document should be reviewed at least once a year by Members to ensure it remains fit for purpose.

A revised RIPA Policy is included at appendix 1 and the changes to it are in the table at appendix 2. No substantive changes have been proposed as the existing policy remains fit for purpose. Only administrative changes have been made to reflect the correct position.

The policy also requires Members to consider the use of the RIPA powers (on an annual basis) to ensure it is being used in accordance with the Council's policy. There has been no use of the RIPA powers since July 2015. This is due to the fact that these powers were only used by the Council in relation to the investigations into benefit fraud and this function was transferred to the Department of Work and Pensions in 2015

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no financial implications to consider as part of this report.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

If the Council does not adopt a revised RIPA Policy and there is no common reference point, there is a risk that covert surveillance is inconsistently applied across different service areas. This might increase the risk of legal challenge and reduce the fairness and effectiveness of the Council's approach to covert surveillance. The adoption of a policy is considered to be best working practice and will also assist the Council to demonstrate that it has regard to the relevant legislation and Codes of Practice.

6. Human Resources Implications

Not applicable

7. Union Comments

Not applicable

8. Data Protection Compliance Implications

No Data Protection concerns or points, in general RIPA supersedes Data Protection

9. Equality Impact Assessment

As this is a change to policy / a new policy an equality impact assessment is included in appendix 3 to this report.

10. Background Papers

Nil