

Report of the Chief Executive

Report on Regulation of Investigatory Powers Act 2000 Policy1. Purpose of Report

To seek Cabinet approval for 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. This relates to the Council's Corporate Plan Priority for the Community Safety priority: to make Broxtowe a safe place for everyone.

2. Recommendation

Cabinet is asked to RESOLVE that the Policy for ensuring compliance with RIPA is appropriate and shall remain as currently drafted and to NOTE that there has 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 RIPA Policy is included at **Appendix 1** and the proposed changes to it are in the table at **Appendix 2**. No substantive changes have been proposed as the existing policy remains fit for purpose. One minor change has been made which is a grammatical correction.

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 legislation. There has been no use of the RIPA powers since July 2015. This is due to the fact that these powers were only used previously 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. Additionally, these powers should only be used in exceptional circumstances and because the Council has not used them reflects a positive position.

The Council ensures that Officers who are responsible for undertaking tasks outlined in the Policy conduct regular training relating to the law and procedure in relation to this legislation so they properly understand their responsibilities and operate within regulatory requirements.

4. Key Decision

This is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Scrutiny

Not applicable

6. 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.

7. 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.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

Not applicable.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not applicable.

13. Background Papers

Nil.