



City of Westminster

Adults, Health & Community Protection Policy & Scrutiny Committee

Date:	27 January 2016
Status:	For General Release
Title:	Regulation of Investigatory Powers Act 2000 ("RIPA")
Wards Affected:	All Wards
Policy Context:	Crime and Disorder
Financial Summary:	N/A
Report of:	Director of Law

1. Executive Summary

- 1.1 The Committee is required to review the Council's use of the powers under the Regulation of Investigatory Powers Act 2000 ("RIPA").

2. Recommendations

- 2.1 Committee is asked to -
- a. Note the report from the Information Management Team that there were 3 applications to conduct covert surveillance entered on the WCC RIPA register in the calendar years 2013, 2014 and 2015. Details of those applications are provided in section 4 below.
 - b. Note that the Council is expecting to receive a visit from the Surveillance Commissioner in 2016.
 - c. Agree that, in line with the current RIPA Policy, a review of the WCC RIPA Policy and Process document will now take place. That any amendments to the RIPA Policy and Process document will be tabled at the March 2016 Committee meeting.
 - d. That the review will include, but not be limited to, the following areas:-
 - (i) The Schedule of Authorising Officers (AO)
 - (ii) The Schedule of Designated Persons (DP)
 - (iii) The inclusion of a new section on Communications Data
 - (iv) A review of the Process document

3. Reasons for Decision

3.1 This report is to ensure the Committee is kept up to date on RIPA applications being undertaken on behalf of the Council. It is a requirement that the Council regularly review and update their RIPA Policy and Processes in line with Home Office Codes of Practice, legislation and guidance.

4. Background

4.1 The Regulation of Investigatory Powers Act 2000, ("RIPA"), regulates, amongst other things, the use of directed covert surveillance, the use of communications data (mobile phone numbers, Internet Service Providers (ISPs) and the use of covert human intelligence source, (CHIS), i.e. undercover officers seeking to gain the confidence of offenders. RIPA creates a statutory authorisation scheme for the lawful undertaking of such activities.

4.2 The revised Code of Practice considers the following to be good practice:

"... elected members of a local authority should review the authority's use of the 2000 Act and set policy at least once a year. They should also consider internal reports on use of the 2000 Act on a least a quarterly basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose. They should not however, be involved in making decisions on specific authorisations."

4.3 In view of the comparatively small number of surveillance RIPA applications that authorising officers are called upon to consider, and taking into account the favourable reports received from the Surveillance Inspectors, Cabinet Member recommended that Overview and Scrutiny Committee should –

- review the RIPA Policy and the RIPA Procedure Manual every 12 months and report to Cabinet, should they be of the opinion that it is not fit for purpose; and
- consider the Council's use of RIPA every 6 months to ensure that it is being used consistently with the Council's Policy and its Procedure Manual. Should the Committee be concerned by any adverse trends disclosed in the reports it receives, it should call for reports every quarter.

4.4 It is now time for the committee to undertake the above tasks. It is also recommended that we use this time to review the policy to ensure it is up to date with staff and legislative changes as well as practice directions.

4.5 In the past 3 calendar years 2013, 2014 and 2015 there have been 3 applications for RIPA.

Service Unique Ref Number	Authorising Officer	Date Authority Granted	Reason	Details of Investigation / Operation
TS.4.2013	Sue Jones	24/10/2013	Complaints of underage gangs setting off fireworks, criminal offence under Consumer Protection Act 1987 and The Pyrotechnic Articles (Safety) Regulations 2010 to sell category 2 or 3 firework to any person under the age of 16. Judicial approval received.	Use of underage volunteer to test purchase fireworks

Service Unique Ref Number	Authorising Officer	Date Authority Granted	Reason	Details of Investigation / Operation
TS.1.2014	Sue Jones	24/10/2014	Suspected underage sales. Judicial approval received.	Test purchases for fireworks
TS.1.2015	Sue Jones	27/10/2015	To identify sales of fireworks to minors. Judicial approval not received (sentence less than 6 months, however was done in line with RIPA provisions. Cancellation / review forms sent to authorising officer	Test purchase of fireworks by underage volunteers

- 4.6 In the past, local authorities were inspected every two years by Surveillance Inspectors from the Office of Surveillance Commissioners. The City Council has been inspected on five occasions, each of which has resulted in a favourable inspection report.
- 4.7 The last inspection was undertaken 8th July 2013 by Sir David Clarke, Assistant Surveillance Commissioner. It is therefore possible the Council will receive a visit in 2016.
- 4.8 Officers are of the opinion that the RIPA procedures the Council currently have in place provide a sound basis from which to manage and monitor the City Council's use of RIPA and that the RIPA Policy Statement and RIPA Manual are fit for purpose. There are some amendments required to bring the manual up to date and it is proposed that these will be provided at the next meeting held in March 2016.

5. Financial Implications

- 5.1 There are no financial implications associated with this report

6. Legal Implications

- 6.1 It is both a legislative and a policy requirement that the Council regularly review RIPA applications and RIPA Policy documents. Without that the Council would be in breach of their statutory requirements.

7. Other Implications:

- 7.1 None

If you have any queries about this Report or wish to inspect any of the Background Papers please contact Joyce Golder, Principal Solicitor, Legal Services, 0207 361 2181