



City of Westminster

Adults, Health & Public Protection Policy & Scrutiny Committee

Date:	21 March 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") including to annually review the Council's RIPA Manual and Policy.

2. Recommendations

- 2.1 The Committee was asked on 27 January 2016 to:-
 - a. Note there were 3 applications to conduct covert surveillance from 2013, 2014 and 2015. Details of those applications were provided in a previous report of that date.
 - b. Note that the Council is expecting to receive a visit from the Surveillance Commissioner in 2016 and wishes to ensure a successful visit.
 - c. Note that a review of the Council's RIPA Manual and Policy documents would be tabled at the 21 March 2016 Committee meeting.
- 2.2 The Committee is hereby asked to agree the amended RIPA Manual and Policy document provided in the appendix to this report.

3. Reasons for Decision

- 3.1 This report is to ensure the Council's RIPA Manual and Policy is kept up to date and regularly reviewed. 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. The Committee considered the frequency of covert surveillance applications on 27 January 2016.

- 4.5 The amended RIPA Manual has been reviewed to ensure it is up to date with staff (authorising officers, designated persons) and

legislative changes as well as practice directions. Specific amendments are:-

- (a) the addition of communications data
- (b) a brief update on the latest CCTV Code
- (c) a general review of latest legislation, codes and guidance
- (c) an up to date list of RIPA authorising officers

4.6 A refresher training session for all RIPA officers will take place on 21 March 2016. This will ensure our Council RIPA officers fulfil the requirement to have regular training to keep abreast of changes in RIPA.

4.7 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 our RIPA Manual and Policy. 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