



REPORT TO:	AUDIT AND GOVERNANCE COMMITTEE
DATE:	20 TH SEPTEMBER 2021
SUBJECT:	INVESTIGATORY POWERS COMMISSIONER'S OFFICE (IPCO) INSPECTION IN RELATION TO THE USE OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA – the Act)
KEY DECISION:	NO
REPORT AUTHOR:	CHRISTIAN ALLEN - ASSISTANT DIRECTOR REGULATION AND SENIOR RESPONSIBLE OFFICER (SRO) FOR RIPA
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	NO

SUMMARY

The purpose of this report is to provide the Audit and Governance Committee with a summary of the inspection of the Council by the Investigatory Powers Commissioner's Office (IPCO) on 23rd March 2021. IPCO undertook an inspection of the Council's policies, procedures and records in respect of the Regulation of Investigatory Powers Act 2000 (RIPA) and how the Council had discharged its duties under the Act.

This report provides members with a summary of the key findings from the inspection and to provide information and assurance concerning the action taken to implement the advice provided by the Inspector during and following the inspection.

RECOMMENDATIONS

That Members of the Audit and Governance Committee note the information contained in the report.

REASONS FOR RECOMMENDATIONS

It is a requirement of Home Office Covert Surveillance and Property Interference Code of Practice (August 2018) that the extent of the Councils RIPA activity is reported to Members at least annually. For members awareness of the inspection by IPCO and subsequent recommendations. To demonstrate their ongoing commitment to supporting and assuring compliance with the Act.

OTHER OPTIONS CONSIDERED

Not applicable.

REPORT

1.0 INTRODUCTION

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA – the Act) governs public authorities' use of directed covert surveillance and use of "covert human intelligence sources" (CHIS).
- 1.2 Councils are from time to time subject to inspection by the Regulator; the Investigatory Powers Commissioner's Office (IPCO), in order to evaluate their compliance with the Act. An Inspection was carried out virtually on 23rd March 2021 by Mr Nicholas Fletcher, Inspector with IPCO with assistance being provided by Officers of the Council.
- 1.3 It is a requirement of Home Office Covert Surveillance and Property Interference Code of Practice (August 2018) that the extent of the Councils RIPA activity is reported to Members at least annually. This report seeks to fulfil our obligations under the Home Office guidance as well demonstrate Members awareness and ongoing support and commitment to securing compliance with the Act.

2.0 BACKGROUND

- 2.1 The Council's current RIPA Policy was approved by members in 2015.
- 2.2 The Council has not authorised any RIPA applications in the last 12 months.
- 2.3 The last audit conducted by IPCO was in 2016.
- 2.4 The Inspection this year was conducted virtually at the request of IPCO. Pre-inspection questions were provided to the Council in advance of the inspection and Officers gathered and prepared an evidence package in response to each of the questions posed and presented this to the Inspector at the inspection.
- 2.5 The Inspector was made aware of our strategic alliance with East Lindsey District Council and of our intention to review the current RIPA policy and prepare a single 'joint alliance' RIPA policy document. The intention being to maximise the training and experience that

Officers have across both Councils and to provide a single point of policy reference when any regulated activity was undertaken.

3.0 SUBJECT INFORMATION AND ISSUES/FACTS AND FIGURES

3.1 Information provided by the Council to the Inspector demonstrated a level of compliance which satisfied the Inspector and removed the Council from the obligation to host a physical inspection of records.

3.2 Below is a summary of the key findings of the Inspector:

- The one recommendation from the previous inspection in January 2016 is discharged.
- No directed surveillance or CHIS authorisations have been granted since the last inspection.
- Authorisation and oversight structures that were in place prior to the alliance are now being brought together.
- The RIPA Policy is being reviewed and will become a joint single policy document across the alliance. The Joint RIPA Policy is due to be presented to the Cabinet for approval on 8th September 2021.
- Refresher training was recommended for all key officers identified in the new draft policy. An alliance training plan has been approved by the Leadership Team with the requisite resources to deliver RIPA refresher training to all identified staff by end of 21/22.
- Policy and communication to staff concerning legitimate access to personal information through social media platforms and internet will be refreshed in the policy review and through RIPA training. Assurances were provided and accepted at the inspection that there had been no unlawful access to such data to date.
- Reporting of RIPA activity to Elected Members at least annually was confirmed as a requirement under Home Office Guidance. This report serves that purpose, deferred until after the IPCO Inspection, to enable the outcomes to be shared with members herewith.
- CCTV systems operated under alliance arrangements adhere to the Surveillance Camera Commissioner's Code of Practice.
- Data assurance was discussed with retention and destruction arrangements deemed compliant with Home Office guidance.
- The Inspector made himself available to the relevant Officers should they have any questions going forward

3.3 The virtual Inspection was completed to the satisfaction of the Inspector who confirmed that 'the information provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection'.

3.4 The Council will be contacted again by IPCO when the next inspection is due.

4.0 SUPPLEMENTARY FACTS

4.1 None

5.0 COUNCILLOR COMMENTS

5.1 Not applicable

6.0 DISCUSSION / CONSIDERATION – ISSUES / CONCLUSION

6.1 Members are asked to note the report and corrective actions Officers have put in place to address the Inspectors advice following his inspection.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

Non-compliance with the legislation associated with covert surveillance and covered by the Act leaves the Authority open to reputational challenge and formal claims for compensation from individuals or corporate bodies should it be found that appropriate guidelines and procedures have not been followed and/or Human Rights compromised. Adherence to Policy and working arrangements significantly mitigates against legal risks.

RISK IMPLICATIONS

It is a requirement of Home Office Covert Surveillance and Property Interference Code of Practice (August 2018) that the extent of the Councils RIPA activity is reported to Members at least annually.

The Council will be exposed to legal and reputational risk were it NOT to implement the recommendations set out by the Inspector following his inspection. Officers can confirm that all the recommendations from the IPCO inspection are being implemented as set out in this report.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None

EQUALITY AND SAFEGUARDING IMPLICATIONS

None

OTHER IMPLICATIONS

None

CONSULTATION

With the Leader Portfolio Holder Councillor Paul Skinner.

APPENDICES

None

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

None	
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CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

REPORT APPROVAL

Report author:	Christian Allen
Signed off by:	Christian Allen
Approved for publication:	Councillor Paul Skinner