

CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM
REPORT TO CABINET
14 FEBRUARY 2019
REPORT OF
CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Leader of the Council – Councillor Bob Cook

INVESTIGATORY POWERS COMMISSIONERS OFFICE (IPCO) INSPECTION – REGULATORY INVESTIGATIONS POWERS (RIPA) ACT 2000

1. Summary

This report provides details of the inspection arrangements and outcome of the recent programmed inspection of the use of covert surveillance in accordance with the provisions of the RIPA Act 2000. The IPCO inspection was positive and found that the Council demonstrated a level of compliance that negated the need for a further onsite inspection. The outcome report is attached at Appendix 1.

2. Recommendation

Cabinet note the report and positive outcome of the IPCO inspection.

3. Reason for Recommendation/Decision

To update Members on the positive outcome of the IPCO inspection

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

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RECOMMENDATION

Cabinet note the report and positive outcome of the IPCO inspection.

DETAIL

1. The IPCO notified the Council in September 2018 that it was due its programmed inspection of the use of covert surveillance in accordance with the provisions set out in the RIPA Act 2000. The previous inspection was undertaken in 2015.
2. Changes in the legislation alongside greater access to data matching, transparency, and overt rather than covert law enforcement, has led to local authorities granting far fewer RIPA authorisations; this is the case here in Stockton. With this in mind IPCO have adopted a two-stage approach to inspections of local authorities with a first stage remote assessment and examination of relevant documentation, obviating the need for an automatic site visit by a Surveillance Inspector.
3. To demonstrate current levels of compliance an electronic assessment questionnaire was required for completion alongside supporting evidence. This covered a detailed description of arrangements including:
 - Details of Responsible Officers including Authorising Officers
 - Governance arrangements including those with the Magistrates courts and reporting frequencies.
 - An update/ progress on actions following the previous inspection in 2015
 - An examination of the RIPA Policy
 - Training / demonstration of awareness of officers working with RIPA policy / procedures.
 - List of Officers involved in surveillance work
 - Covert equipment used /maintained by the Local authority
 - Arrangements for managing CHIS (Covert Human Intelligence Source)

- The number of authorised RIPA requests
- CCTV Equipment
- Use of internet and Social Media Sites.

FINDINGS

4. The Self - Assessment and evidence was submitted electronically to an Inspector in September 2018. After a thorough examination the Inspector concluded that the authority had demonstrated a level of compliance that removed the need for a full onsite inspection.
5. The inspection outcome is positive and noted the following:
 - There had been a thorough implementation of actions from the 2015 inspection and as such the 2015 recommendations were confirmed as discharged.
 - Plans are in place to increase awareness and maintain regular training
 - The Council has a well written policy and good governance in place
6. The Inspector stressed the importance of regular ongoing oversight by the Senior Responsible Officer and the maintenance of training. He noted our potential increased use of Social Media in investigations and the need therefore for controlled, audited close scrutiny of such processes. The inspector also supports our proposed revision of our Policy in line with recent legislative changes and a continuation of current governance arrangements and good practice. These matters will all be acted upon and monitored at Corporate Governance Group.

Next Steps

7. These recommendations will be implemented and monitored through the RIPA Steering Group and Corporate Governance group. Members will continue to receive an annual report on RIPA arrangements and authorisations.
8. A copy of the letter from the IPCO is attached at Appendix 1.

COMMUNITY IMPACT IMPLICATIONS

9. There is no requirement for an assessment in relation to this report.

FINANCIAL AND LEGAL IMPLICATIONS

10. None as a direct result of this report.

RISK ASSESSMENT

11. Existing management/operational systems and procedures are sufficient to control and minimise the risk to low to medium status.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

12. Organisational and operational effectiveness.

CORPORATE PARENTING IMPLICATIONS

13. There are no corporate parenting implications arising directly from this report.

CONSULTATION

14. No consultation has taken place regarding this report.

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