



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

EXECUTIVE: 1 AUGUST 2018

WARDS AFFECTED: ALL WARDS

REGULATION OF INVESTIGATORY POWERS ACT POLICY 2018

Report of Director (Corporate Services)

1. PURPOSE OF REPORT

- 1.1 To present to members the updated Regulation of Investigatory Powers Act (RIPA) policy.

2. RECOMMENDATION

- 2.1 That members:

- 1) Approve the revised RIPA policy;
- 2) Note there have been no applications to undertake covert surveillance over the last three years, since the last report.

3. BACKGROUND TO THE REPORT

- 3.1 A RIPA policy was adopted in 2015 following our inspection by the Office of Surveillance Commissioners (OCS) in summer 2014. The policy encouraged a simplified procedure when applying to undertake covert surveillance under the Regulation of Investigatory Powers Act 2000.
- 3.2 The policy has now been reviewed as part of a follow up inspection by the Investigatory Powers Commissioner's Office (IPCO and formerly OCS). That review was very positive and indeed only required a telephone interview and IPCO were satisfied there was no need for a site visit.
- 3.3 The inspection found that the policy was "more than sound" and was very comprehensive. However, there were a number of minor recommendations made which have been incorporated into the revised policy attached. The

recommendations for changes are attached as an extract from their report at Appendix 1.

- 3.4. It is also useful for members to note that there have been no applications to undertake covert surveillance over the last three year period, since the last report. Moving forward, members will receive an annual report setting out if any RIPA applications have been made. This is in line with one of the inspection recommendations.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 The report to be taken in open session.

5. FINANCIAL IMPLICATIONS [AW]

- 5.1 There are no direct financial implications stemming from this report.

6. LEGAL IMPLICATIONS [AR]

- 6.1 The legal implications relating to the Human Rights Act 2000, The Data Protection Act 1998 and the Home Office's Codes of Practices are covered in section B of the RIPA Policy attached to this report.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 This policy has the potential to limit the misuse of surveillance. It aims to provide guidance on what is expected from officers, whether in a requesting role or an authorising one. It supports all aspects of the Corporate Plan.

8. CONSULTATION

- 8.1 None.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 None.

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications

- ICT implications
 - Asset Management implications
 - Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector
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Background papers: None.

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