

Covert Surveillance Update

Summary

- 1.1 The Investigatory Powers Commissioners Office (IPCO) requires each regulatory authority that undertakes surveillance activity to put in place governance arrangements that provide decision makers with oversight in respect of the use of surveillance tactics within the authority specifically, in relation to numbers, type and the integrity of the records system.
- 1.2 This report provides Committee with an update for the period 1 April 2018 to 31 March 2019.

Recommendation

- 2.1 To note that there has been one application made to the magistrates' court for the use covert surveillance between 1 April 2018 and 31 March 2019.

Reasons for recommendation

- 3.1 The Council's activity in respect of the use of the Regulation of Investigatory Powers Act 2000 (as amended) (RIPA) is the subject of external regulation and inspection by the IPCO.
- 3.2 The Council has an obligation to update elected members in respect of its use of covert surveillance. On an annual basis, elected members are required to review the Council's use of covert surveillance procedures, and its corporate policy, to ensure they are or remain fit for purpose.

Supporting information

- 4.1 The Council is obliged to maintain a central record of all applications made using the RIPA procedures regardless of whether they have been authorised or refused by either of its Authorising/Designated Officers, the National Anti-Fraud Network (NAFN) (in respect of communications data applications) and/or the local magistrates' court. This central record is maintained by Legal Services.

- 4.2 One RIPA authorisation request was received within the reporting window.
- 4.3 Both the authorisation and cancellation of covert surveillance requests are recorded in the Council's central register of authorisations.

Public/stakeholder engagement

- 5.1 The requirement to update members is a regulatory imperative and to that end, the need for public or stakeholder engagement as a prerequisite to doing so does not arise.

Other options

- 6.1 No other options have been considered as the Council has a statutory obligation to ensure elected members are advised of and remain up to date with the Council's covert surveillance activity.

Financial and value for money issues

- 7.1 None arising from this report

Legal implications

- 8.1 Covert surveillance activity is prescribed by the Regulation of Investigatory Powers Act 2000 as amended by the Protection of Freedoms Act 2012. The Home Office has issued codes of practice and guidance to local authorities to support the development and implementation of a Council policy and procedure. The Council has a statutory obligation to ensure elected members are advised and remain up to date in respect of the Council's covert surveillance activity.

Other significant implications

- 9.1 None arising from this report

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	N/A	12 July 2019
Finance	N/A	
Service Director(s)	Emily Feenan	
Report sponsor	Don McLure	
Other(s)	N/A	

Background papers: Derby City Council Corporate RIPA Policy

List of appendices:
