



CABINET

This meeting will be recorded and the sound recording subsequently made available via the Council's website.

Please also note that under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Barkley (Deputy Leader), Bokor, Harper-Davies, Mercer, Morgan (Leader), Poland, Rollings, Smidowicz, Taylor and Vardy (for attention)

All other members of the Council
(for information)

You are requested to attend the meeting of the Cabinet to be held in The Preston Room, Woodgate Chambers, Woodgate, Loughborough on Thursday, 14th February 2019 at 6.00 pm for the following business.

Chief Executive

Southfields
Loughborough

1st February 2019

BACKGROUND PAPER

11. REGULATION OF INVESTIGATORY POWERS ACT - POLICY AND REVIEW OF USE DURING 2018 2 - 3

A report of the Head of Strategic Support to consider approving a Regulation of Investigatory Powers Act (also known as RIPA, or the 2000 Act) Policy, and consider a summary of the use of RIPA during 2018.



PO Box 29105, London

Mr Geoff Parker
Chief Executive
Charnwood Borough Council

geoff.parker@charnwood.gov.uk

November 7th 2018

Inspection of Charnwood Borough Council

Dear Chief Executive,

Your Council was recently subject of a desktop based documentary inspection by one of my Inspectors, Mr Paul Gration. I am grateful to you for facilitating this through your Head of Strategic Support and RIPA Monitoring Officer Mr Adrian Ward. Mr Ward has kindly provided the relevant materials and made himself available for any further clarification.

The information you have provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. It is anticipated that this will be undertaken when your authority's next three-yearly inspection is due.

Your Council was found to have a positive approach to RIPA with a clear understanding of what is required and Mr Ward has taken this as an opportunity to conduct a review of current practices. He has also outlined how your Senior Responsible Officer, Mr Simon Jackson discharges his oversight responsibility. The following minor matters have been identified by Mr Gration, require attention and have been discussed with Mr Ward:

- The current RIPA Policy while well written requires the following amendments:
 - The policy should now incorporate recent amendments imposed by the new IP Act in particular the new oversight regime and any reference to the new Codes of Practice.
 - With regard to the use of a Covert Human Intelligence Sources (CHIS) the duty of care towards, and the safeguarding of, the CHIS should be detailed as a clear responsibility.
- The training of relevant staff with regard to the use and management of covert surveillance should remain in view and should incorporate new staff.

I would be grateful if you could ensure these matters are addressed at the earliest opportunity.

It is pleasing to note that your policy is presented to elected members as part of an annual review of RIPA activity highlighting the usefulness of regular, ongoing internal oversight of the actual or potential use of these powers, which of course should be managed through your Senior Responsible Officer Mr Jackson. Officers need to maintain their levels of training lest, however remote a possibility it may appear, the powers need to be used. I also draw attention to the increasing usefulness and accessibility of social media which can offer initial investigative leads and assist with your enforcement or other responsibilities, but it behoves you to ensure that such resources as these are used in a controlled, auditable, and well understood manner. The newly revised Covert Surveillance and Property Interference Code of Practice provides some helpful advice on this point.

My Office is available to you should you have any queries following the recent desktop inspection, or at any point in the future. Contact details are provided at the foot of this letter.

Yours sincerely

The Rt. Hon. Lord Justice Fulford
The Investigatory Powers Commissioner