

**HOUSING, HEALTH AND ENVIRONMENT
POLICY ADVISORY COMMITTEE**

11 JULY 2023

Revisions to the Covert Surveillance and Access to Communications Data Policy and Guidance Notes

Timetable	
Meeting	Date
Housing, Health and Environment Policy Advisory Committee	11 July 2023
Cabinet Member for Housing and Health	TBA

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet Member for Housing and Health
Lead Head of Service	Claudette Valmond – Head of Legal Services
Lead Officer and Report Author	Gary Rowland – Senior Legal Advisor and RIPA Co-ordinating Officer
Classification	Public
Wards affected	All

Executive Summary

The Council's Regulation of Investigatory Powers Act 2000 ('RIPA') Co-ordinating Officer is required to review and revise the Council's Covert Surveillance Policy ('the Policy'), where necessary, every year. Apart from grammatical and formatting revisions, there are only a few minor suggested amendments to the existing policy which are set out in the report and highlighted at Appendix 1.

This report seeks approval of the revisions to the Policy, set out at Appendix 1.

Purpose of Report

Recommendation to approve.

This report makes the following recommendation to the Committee:

1. That the Committee recommend approval of the revisions to the Covert Surveillance and Access to Communications Data Policy by the Cabinet Member for Housing and Health.
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Revisions to the Covert Surveillance and Access to Communications Data Policy and Guidance Notes

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendation will by themselves materially affect achievement of corporate priorities. However, they support the Council's overall achievement of its aims by updating the Council's approach to RIPA as required by legislation and the Investigatory Powers Commissioner's Office.	Senior Legal Advisor
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the overall achievement of all the cross-cutting objectives by ensuring that the Council is complying with statutory requirements when undertaking investigations and surveillance.</p>	Senior Legal Advisor
Risk Management	The risk implications are set out in section 4 of the report.	Senior Legal Advisor
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Head of Finance
Staffing	No additional staffing.	Senior Legal Advisor
Legal	Accepting the recommendation will fulfil the Council's duties under Regulation of Investigatory Powers Act 2000 and meets the requirements of Investigatory Powers Commissioner's Office.	Team Leader – Corporate Governance and Contentious MKLS

Information Governance	The recommendation does not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Senior Information Governance Officer
Equalities	The recommendation does not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
Public Health	No implications.	Senior Legal Advisor
Crime and Disorder	Accepting the recommendation ensures that the Council complies with its obligations under RIPA, which are important in the Council's role in controlling crime and disorder.	Senior Legal Advisor
Procurement	No implications.	Senior Legal Advisor
Biodiversity and Climate Change	No implications.	Senior Legal Advisor

2. INTRODUCTION AND BACKGROUND

- 2.1 The RIPA Co-ordinating Officer is required to review and revise the Policy, where necessary, every year. Apart from grammatical and formatting revisions, there are only a few minor suggested amendments to the existing policy which are set out at section 2.2.
- 2.2 The Home Office Covert Surveillance and Property Interference Revised Code of Practice 2018 makes it a requirement that the authority's elected members should review the authority's Policy at least once a year.

The Policy, which has been highlighted for ease of reference at Appendix 1, has been revised as follows:

- Page 1 - The Scope has been expanded to include further detail on the specific types of surveillance covered within the Policy and highlight that the Policy is supplementary to other legislation and guidance;
- Page 2 – The Contents page has been revised to include sub-headings;
- Page 3 – Whilst the Policy references the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 throughout, links to these Acts have been added;

- Page 6 – Section 1.15(d) has been revised to highlight potential risks to officers;
 - Page 7 – Section 1.27 has been revised in relation to asking members of the public to record information on the Council’s behalf;
 - Page 9 – Section 1.33 has been revised to include more up to date social networking sites;
 - Page 9 – Section 1.35 has been revised to highlight potential risks to officers; and
 - Page 10 – Section 2.4 has been revised to show that Angela Woodhouse has been appointed as an Authorising Officer and Deputy Senior Responsible Officer and Georgia Hawkes has been appointed as an Authorising Officer. Both will attend relevant training sessions as and when required.
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3. AVAILABLE OPTIONS

- 3.1 Recommend approval of the revisions to the Policy.
 - 3.2 Do not approve the suggested revisions to the Policy.
 - 3.3 The preferred option is to recommend approval of the revisions to the Policy as the Council is required by the Regulation of Investigatory Powers Act 2000 and associated Codes of Practice to have a Policy in place. The content of the Policy is steered by the recommendations made by the Investigatory Powers Commissioner’s Office.
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4. RISK

- 4.1 Currently the risk implications are low as the Council has not authorised any activity under RIPA for some time. However, there is risk of litigation and challenge if authorisations are incorrectly given in the future without proper understanding of the current requirements. The actions recommended within this report will mitigate any such risks.
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5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 Once the suggested revisions have been approved, the revised Policy will be uploaded to the Council’s website and officers will be notified and reminded to familiarise themselves with the Policy.
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6. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Covert Surveillance and Access to Communications Data Policy and Guidance Notes.
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7. BACKGROUND PAPERS

N/A