

WELWYN HATFIELD BOROUGH COUNCIL
STANDARDS COMMITTEE 30 NOVEMBER 2020
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

UPDATES TO RIPA POLICY AND LIST OF AGREED AUTHORISING OFFICERS

1 Executive Summary

- 1.1 Following recent staff changes, Standards Committee is asked to note and agree the updates to the RIPA authorising Officers shown below and to agree that the corporate RIPA policy is updated accordingly, including minor typographical, formatting and other consequential amendments as shown in Appendix A.

2 Recommendation(s)

- 2.1 For Standards Committee to note the changes detailed in this report.

3 Explanation

- 3.1 The council has powers to investigate a range of criminal offences and like all Local Authorities is able to utilise powers to undertake surveillance to assist with those investigations in certain prescribed circumstances.
- 3.2 As previously reported to Committee the use of these powers is governed by the requirements of law and the Council's own policy. Powers cannot be used without the agreement of a designated "Authorising Officer" and the approval of a Magistrate. In all cases the powers can only be used to investigate a specified offence and must be shown to be necessary and proportionate to the circumstances.
- 3.3 It is timely and necessary to make a number of updates to the list of Authorising Officers, as shown below and Standards Committee are asked to agree these updates and changes along with any necessary formatting changes and consequential amendments to the current policy as set out in appendix A.

Authorising Officer for where confidential (as defined) information may be obtained

Head of Paid Service - Ka Ng

Authorising Officer

Governance Services Manager – Alison Marston

Designated RIPA SPOC

Principal Governance Officer - Jonah Anthony

All other designations remain the same as in previous versions of the policy.

4 Legal Implication(s)

The Regulation of Investigatory Powers Act (RIPA), as amended by the Protection of Freedoms Act and Investigatory Powers Act 2016 sets out the regulatory regime by which the council may use certain surveillance powers to investigate certain specified offences. There are strict controls in place and the council is unable to undertake any "covert surveillance" outside of this regime. Failure to comply with

the legislation could result in legal challenge or challenge on the admissibility of evidence in Court.

5 Financial Implication(s)

- 5.1 A training budget is in place for authorising officer training.

6 Risk Management Implications

- 6.1 The risks related to this proposal relate to legal challenge and reputation, for example a significant court case collapsing owing to evidence collected through surveillance being ruled inadmissible. However, there are strict controls in place to govern the approval of any surveillance authorisations and the council does not carry out covert surveillance outside of the RIPA regime. Additionally, a staff training programme is in place and Heads of Service are asked to ensure relevant staff attend the training programme. RIPA compliance is also included as part of the management assurance statements which help comprise the annual governance statement and the Council is periodically audited by the Office of Surveillance Commissioners. An assessment of risk is therefore considered as impact: high, probability: low

7 Security and Terrorism Implication(s)

- 7.1 The RIPA regime is used by the Council to assist with the investigation of certain criminal offences. In addition, the Council will work, as required, with the police and other partners to facilitate the prevention, detection and investigation of crime.

8 Procurement Implication(s)

- 8.1 None

9 Climate Change Implication(s)

- 9.1 None

10 Human Resources Implication(s)

- 10.1 As previously reported to Committee the council has a RIPA training programme in place for staff including investigation officers, officers with access to IT systems and Authorising Officers. Officers listed in this report who are taking on new roles will only be allowed to carry out that role once they have received suitable training.

11 Health and Wellbeing Implication(s)

- 11.1 None

12 Communication and Engagement Implication(s)

- 12.1 The nature of any covert surveillance undertaken by the council is by definition “covert” and therefore not in the public domain. However, for public confidence and transparency it is important that the Council shares its adopted RIPA policy and once updated this policy will be republished on the Council’s webpage.

13 Link to Corporate Priorities

- 13.1 The subject of this report is linked to the Council’s Corporate Priorities “our community”, “our environment”, “our housing” and “our council” and the statutory provisions under the Regulation of Investigatory Powers Act (RIPA), as amended.

14 Equality and Diversity

- 14.1 An Equality Impact screening assessment (EQIA) has not been carried out in connection with the proposals that are set out in this report as RIPA is an enforcement tool and an EQIA was carried out in connection with the council's corporate enforcement policy which sets out our overall approaches to enforcement.

Nick Long
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RIPA Senior Responsible Officer

November 2020

Appendix A: Updated Corporate RIPA Policy