

WELWYN HATFIELD BOROUGH COUNCIL
STANDARDS COMMITTEE – 18 OCTOBER 2023
REPORT OF THE SERVICE DIRECTOR (RESIDENT AND NEIGHBOURHOOD)

**UPDATE TO THE LIST OF AGREED AUTHORISING OFFICERS UNDER THE
REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) AND IN
CORPORATE THE RIPA POLICY AND THE USE OF RIPA**

1 Executive Summary

- 1.1 The list of authorised officers and the Senior Responsible Officer (SRO) has been updated. These changes have been updated in the Corporate RIPA policy which is shown in Appendix A.
- 1.2 There have not been any applications for the use of surveillance under RIPA since the last report in September 2022.

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 There have not been any applications for the use of surveillance under RIPA since the previous report to Standards Committee in September 2022.
- 3.4 The list of Authorising Officers and Senior Responsible Officer has been updated and the Standards Committee are asked to agree these updates and consequential amendments to the current policy as set out in appendix A.

Senior Responsible Officer

Amended to Service Director (Resident and Neighbourhood)

Authorising Officers

Removal of Service Director (Resident and Neighbourhood)

Removal of Governance Services Manager

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

4 Legal Implication(s)

- 4.1 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.

6.2 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 None

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 approved RIPA policy and once updated this policy will be republished on the Council’s webpage.

13 Link to Corporate Priorities

The subject of this report is linked to the Council’s Corporate Priorities “A sense of community and where people feel safe as the RIPA powers can be used to detect and investigate offences, and ‘a well-run council which puts our customers first’ in that we are transparent in our use of RIPA in our published RIPA policy.

14 Equality and Diversity

- 14.1 An Equality Impact Screening Assessment (EQIA) has not been carried out in connection with the proposals as this is a minor revision to an existing policy that does not change the policy.

Sue McDaid
Service Director (Resident and Neighbourhood)
RIPA Senior Responsible Officer

September 2023

Appendix A: Updated Corporate RIPA Policy