

**REGULATION OF INVESTIGATORY POWERS ACT 2000: STOCKPORT COUNCIL'S
USE OF DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE
SOURCES (CHIS)**

Report of the Strategic Head of Service (Legal and Democratic Governance) & Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Council's Regulation of Investigatory Powers Policy and Code of Practice was reviewed in 2019 and the Council was inspected by the Investigatory Powers Commissioner's Office (IPCO) on 28 October 2019. The inspection was undertaken to assess the Council's level of compliance with The Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 in respect of its use and management of covert surveillance, covert human intelligence sources and communications data.
- 1.2 The outcome of the inspection was very positive with recommendations being made in relation to the Council's use of online activity in respect of any surveillance and in respect of specific surveillance training for officers. Observations were made in respect of improvements to the Policy and Code of Practice and that officers would benefit from an annual training/refresher programme.
- 1.3 In respect of online activity, relevant officers have received training and advice to ensure against the use of personal social media profiles and devices in respect of any investigations or reconnaissance.
- 1.4 There has not been any specific surveillance training since the date of the inspection although this will be undertaken. No surveillance has taken place since the date of the inspection.
- 1.5 In respect of the Council's Policy and Code of Practice, the Inspector found that this "is a comprehensive document which will provide clear guidance with useful appendices". Some minor changes were suggested which are reflected in the updated document attached. The appendices did not require any amendment. Once considered, the Policy and appendices will be put on the intranet for ease of access for relevant officers.
- 1.6 An annual training programme for officers is being developed but this has been delayed due to the pandemic response.
- 1.7 This Report also provides an update on the recent use of the powers under the Regulation of Investigatory Powers Act 2000 (RIPA) and Investigatory Powers Act 2016 (IPA).

2. MATTERS FOR CONSIDERATION

- 2.1 The purpose and effect of the Policy and Code of Practice is to ensure that the Council complies with the requirements of the RIPA, the IPA and related legislative and statutory Codes of Practice requirements. The Council should regularly review the Policy and ensure that relevant officers are aware of its provisions and how to comply with the legislation. There are various areas of Council activities where surveillance may be necessary and it is important that this is carried out lawfully and only in appropriate circumstances.
- 2.2 The Strategic Head of Service (Legal & Democratic Governance) & Monitoring Officer is the Senior Responsible Officer (SRO) for the Council in respect of RIPA and will ensure that all relevant officers are aware of the changes to the Policy and it will be accessible on the intranet.
- 2.3 In addition, the Home Office RIPA Codes of Practice and the Council's Policy specifies that quarterly reports will be taken to the CRMG Scrutiny Committee to demonstrate to elected members that the Council is using its RIPA powers appropriately and complying with its own Code of Practice when carrying out covert surveillance.
- 2.4 This requirement relates to the use of directed surveillance and covert human intelligence sources (CHIS).
- 2.5 This report provides an update in relation to the 3rd and 4th quarters of financial year 2019-2020 and the 1st and 2nd quarters of financial year 2020-2021. The table below shows the Council's use of directed surveillance between those dates (in the event any have been made).
- 2.6 The table outlines the number of times RIPA has been used for directed surveillance, the month of use, the service applying for the surveillance and a general description of the reasons for the surveillance. There have been no authorisations for the use of CHIS.

Financial year 2019/20 (Q3 & Q4) and 2020/21 (Q1 & Q2):

	Month	Service	Reason
Q3 2019/20 1 Oct 2019 – 31 Dec 2019	0	N/A	N/A
Q4 2019/20 1 Jan 2020 – 31 March 2020	0	N/A	N/A
Q1 2020/21 1 April 2020 – 30 June 2020	0	N/A	N/A
Q2 2020/21 1 July 2020 – 30 September 2020	0	N/A	N/A
Total	0	Authorisations	

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 That the Scrutiny Committee considers and notes the outcome of the IPCO inspection report, subsequent changes to the RIPA Policy and the content of the RIPA monitoring report

BACKGROUND PAPERS

Code of Practice for carrying out surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) updated November 2020

IPCO Inspection Report dated 28th October 2019

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates on telephone number Tel: 0161 474 3219 or alternatively email vicki.bates@stockport.gov.uk