

**USE OF SURVEILLANCE POWERS - REGULATION OF INVESTIGATORY POWERS
ACT 2000 AND THE INVESTIGATORY POWERS ACT 2016**

Report of the Assistant Director for Legal & Democratic Governance

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Council's Regulation of Investigatory Powers Act (RIPA) Policy ("The Policy") must be considered by elected members annually to set the Policy and to ensure that if the Council is using its RIPA powers, it is doing so appropriately and complying with its own Code of Practice when carrying out covert surveillance.
- 1.2 RIPA provides a framework to ensure investigatory techniques are used in a way that is compatible with the Article 8 right to respect for private and family life, enshrined in the European Convention on Human Rights (ECHR). RIPA ensures that these techniques are used in a regulated way and provides safeguards against the abuse of such methods.
- 1.3 The Council has not exercised these powers for a number of years but must ensure that it has the appropriate policy and training in place should the need to arise to use them. The Policy was last amended in 2022 and approved by members in January 2023. The only amendment since then has been to reflect the change in Chief Executive and roles of relevant officers.

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 and related legislative and statutory Codes of Practice requirements. This requirement relates to the use of directed surveillance and covert human intelligence sources (CHIS). 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 Assistant Director, Governance and Monitoring Officer is the Senior Responsible Officer (SRO) for the Council in respect of RIPA and will ensure that all relevant officers receive appropriate training when required.
- 2.3 In addition, the Home Office RIPA Code of Practice provides that elected members of a local authority should review the authority's use of the RIPA powers and set the policy at least once a year. They should also consider internal reports on use of the powers to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose. The Policy requires that an annual report be taken to the CRMG Scrutiny Committee.

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 That the Scrutiny Committee notes that the Council has not exercised its RIPA powers since the last report and approves the RIPA Policy/ Code of Practice for the forthcoming year.

BACKGROUND PAPERS

Policy/Code of Practice for carrying out surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA), together with appendices.

Anyone wishing to inspect the above background papers or requiring further information should contact Michelle Dodds on telephone number Tel: 0161-474-3257 or alternatively email michelle.dodds@stockport.gov.uk