

Report of the Director of Legal and Governance to the meeting of Governance and Audit Committee to be held on 26 January 2023 at 10.30 at City Hall Bradford

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Subject: Regulation of Investigatory Powers Act 2000 (RIPA 2000) – Level of use

Summary Statement:

This report provides information relating to:

- **The number of authorised and approved covert surveillance operations (Nil return) undertaken by the Council’s criminal investigation teams during 2022.**
- **The use of the Council’s CCTV equipment by the Police/ Department of Work and Pensions (DWP) for covert surveillance.**

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Portfolio

Leader of Council and Corporate Portfolio

**Improvement Area:
Corporate**

1. SUMMARY

1.1 This annual report is to provide information relating to the above and in particular: -

- (a) The number of authorised and approved covert surveillance operations (Nil return) undertaken by the Council's criminal investigation teams during 2022.
- (b) The use of the Council's CCTV equipment by the Police and Department of Work and Pensions (DWP) for covert surveillance.

2. BACKGROUND

2.1 The Council's use of authorised and approved covert surveillance operations and obtaining of data communication information for 2022 is set out below.

2.2 All departments returned a nil return for 2022. This indicates the enforcement teams' criminal investigators are able to obtain evidence without the need for covert surveillance. It should be noted that many of the criminal offences investigated by the Council do not fall within the definition of a serious criminal offence defined under RIPA 2000 namely carrying a penalty of more than six months' imprisonment. Covert surveillance of offences outside this definition cannot be authorised under RIPA.

2.3 The Council owns a substantial CCTV system which assists the West Yorkshire Police and the Council in the prevention and detection of crime within the Centres of Bradford, Bingley, Shipley, Keighley, Silsden, Ilkley, Baildon, Wrose, Oakworth, Wibsey and Idle. The CCTV equipment is occasionally used by the Police or DWP. In order for the police or DWP to use the Council CCTV for directed surveillance evidence must be provided to the Council's CCTV manager (Phil Holmes) that the use of the CCTV is necessary and proportionate to detect or prevent crime in a police operation.

The numbers of RIPA authority operations that were carried out from within the Control Room during 2022, are as follows:

Quarterly Period (QTR)	Police	DWP	Refusals	Accepted	Total Operations
QTR 1	1	0	0	1	1
QTR 2	1	0	0	1	18
QTR 3	1	0	0	1	2
QTR 4	0	0	0	0	0

2.4 If any matters arise relating to RIPA that should be brought to the attention of the Committee over the course of the next 12 months a further report will be brought.

3. OTHER CONSIDERATIONS

3.1 THE INVESTIGATORY POWERS COMMISSIONER'S OFFICE (IPCO)

- (a) IPCO was established under the Investigatory Powers Act 2016 which came into

force in September 2017.

- (b) The Commissioner of IPCO makes arrangement for all police and local authorities to be inspected periodically.

3.2 COUNCIL'S GUIDANCE AND POLICY DOCUMENT

All officers are reminded that any covert surveillance must be authorised and approved by the Director of Legal and Governance and the Magistrates court respectively and advice should be obtained from Legal Services when any such action is contemplated.

The Council's RIPA Co Ordinator and Monitoring Officer reviews the Council's Policy and Guidance document in January each year and the review is currently being undertaken.

4. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications arising from a resolution adopting the recommendations of this report.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

This annual report is intended to audit potential risks of unauthorised covert surveillance by officers of the Council without authorisation and approval.

6. LEGAL APPRAISAL

The undertaking of covert surveillance or obtaining of data communication information is regulated by the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000, the Investigatory Powers Act 2016 and associated guidance and Codes of Practice.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

There are no equality impact or diversity implications as a result of a resolution adopting the recommendations of this report.

7.2 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications as a result of a resolution adopting the recommendations of this report.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no greenhouse gas emission impacts as a result of a resolution adopting the recommendations of this report.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications as a result of a resolution adopting the recommendations of this report.

7.5 HUMAN RIGHTS ACT

There are no Human Rights issue as a result of a resolution adopting the recommendations of this report.

7.6 TRADE UNION

There are no trade union implications as a result of a resolution adopting the recommendations of this report.

7.7 WARD IMPLICATIONS

There are no ward implications as a result of a resolution adopting the recommendations of this report.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

No Privacy Impact Assessment is required.

8. OPTIONS

See recommendation below.

9. RECOMMENDATIONS

9.1 That the contents of the report be noted.