

Report of the Director of Legal and Governance to the meeting of Governance and Audit Committee to be held on 25 January 2024 at 10.30 at City Hall Bradford

AC

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.
- IPCO inspection
- Policy review

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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 2023.
- (b) The use of the Council's CCTV equipment by the Police and Department of Work and Pensions (DWP) for covert surveillance.
- (c) The results of the inspection by the Investigatory Powers Commissioner Office
- (d) The RIPA Co-ordinator Policy review

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.

2. BACKGROUND

2.1 The Council's use of authorised and approved covert surveillance operations and obtaining of data communication information for 2023 is set out below.

2.2 All departments returned a nil return for 2023 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 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 2023, are as follows:

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

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.
- (c) The Council was inspected this year remotely by IPCO. IPCO were satisfied by the Council's responses and assurances and no further inspection is required until 2026.
- (d) IPCOs made the following general recommendations to the Chief Executive;

I would ask that you ensure that the key compliance issues continue to receive the necessary internal governance and oversight through yourself and your Senior Responsible Officer: policy refreshes; annual updates to your Elected Members; ongoing training and awareness raising; internal compliance monitoring by lead managers within their business areas; and the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice).

- (e) This report is the annual update to members; the policy refresh is detailed at paragraph 3.2 below; training this year was been provided remotely to relevant officers via the Council's legal services framework arrangements on 21st November 2023 and slides are available; questionnaires are sent to relevant officers each year

3.2 COUNCIL'S GUIDANCE AND POLICY DOCUMENT

- (a) 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.
- (b) The Council's RIPA Co Ordinator and Monitoring Officer reviews the Council's Policy and Guidance document in January each year. The policy has been amended this year to remove references to City Solicitor and replace them with Director of Legal and Governance.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 None.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 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

6.1 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

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

7.2 SUSTAINABILITY IMPLICATIONS

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

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

7.4 COMMUNITY SAFETY IMPLICATIONS

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

7.5 HUMAN RIGHTS ACT

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

7.6 TRADE UNION

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

7.7 WARD IMPLICATIONS

7.7.1 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

7.8.1 No Privacy Impact Assessment is required.

8. OPTIONS

8.1 None -this is simply to update members.

9. RECOMMENDATIONS

9.1 That the contents of the report be noted.