

**HOUSING AND COMMUNITY
COHESION
POLICY ADVISORY COMMITTEE**

**10 September
2024**

**Revisions to the Covert Surveillance and Access to
Communications Data Policy and Guidance Notes**

Timetable	
Meeting	Date
CLT	20 August 2024
Housing and Community Cohesion PAC	10 September 2024
Lead Member on the Executive for Community Cohesion and Safety	Cllr David Naghi

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member on the Executive for Community Cohesion and Safety
Lead Head of Service	Claudette Valmond – Head of Legal Services
Lead Officer and Report Author	Gary Rowland – Senior Legal Advisor and RIPA Co-ordinating Officer
Classification	Public
Wards affected	All

Executive Summary

The Council's Regulation of Investigatory Powers Act 2000 ('RIPA') Co-ordinating Officer is required to review and revise the Council's Covert Surveillance Policy ('the Policy'), where necessary, every year. to the 2024/25 Policy. There are no suggested revisions to the Policy for 2024/25.

This report seeks approval to roll the current Policy over for a further year. The 2023/24 Policy is set out at Appendix 1.

Purpose of Report

Recommendation to approve.

This report makes the following recommendations to the Committee:

1. That the Committee recommend approval of the revisions by the Lead Member for Community Cohesion and Safety.
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Revisions to the Covert Surveillance and Access to Communications Data Policy and Guidance Notes

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they support the Council's overall achievement of its aims by updating the Council's approach to RIPA as required by legislation and the Investigatory Powers Commissioner's Office.	Senior Legal Advisor
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation(s) supports the overall achievement(s) of all the cross-cutting objectives by ensuring that the Council is complying with statutory requirements when undertaking investigations and surveillance.</p>	Senior Legal Advisor
Risk Management	The risk implications are set out in section 4 of the report.	Senior Legal Advisor
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Head of Finance
Staffing	No additional staffing.	Senior Legal Advisor
Legal	Accepting the recommendations will fulfil the Council's duties under Regulation of Investigatory Powers Act 2000 and meets the requirements of Investigatory Powers Commissioner's Office.	Team Leader – Corporate Governance and Contentious MKLS

Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Senior Information Governance Officer
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
Public Health	No implications.	Senior Legal Advisor
Crime and Disorder	Accepting the recommendations ensures that the Council complies with its obligations under RIPA, which are important in the Council's role in controlling crime and disorder.	Senior Legal Advisor
Procurement	No implications.	Senior Legal Advisor
Biodiversity and Climate Change	No implications.	Senior Legal Advisor

2. INTRODUCTION AND BACKGROUND

- 2.1 The RIPA Co-ordinating Officer is required to review and revise the Policy, where necessary, every year.
- 2.2 The Home Office Covert Surveillance and Property Interference Revised Code of Practice 2018 makes it a requirement that the authority's elected members should review the authority's Policy at least once a year.

There are no suggested revisions to the Policy for 2024/25 therefore, approval is sought to roll the current Policy over for a further year.

3. AVAILABLE OPTIONS

- 3.1 Recommend approval of the 2024/25 Policy.
- 3.2 Do not recommend approval of the 2024/25 Policy.
- 3.3 The preferred option is to recommend approval of the 2024/25 Policy as the Council is required by the Regulation of Investigatory Powers Act 2000 and associated Codes of Practice to have a Policy in place. The content of the Policy is steered by the recommendations made by the Investigatory Powers Commissioner's Office.

4. RISK

- 4.1 Currently the risk implications are low as the Council has not authorised any activity under RIPA for some time. However, there is risk of litigation and challenge if authorisations are incorrectly given in the future without proper understanding of the current requirements. The actions recommended within this report will mitigate any such risks.
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5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 Once the suggested revisions have been approved, the revised Policy will be uploaded to the Council's website and officers will be notified and reminded to familiarise themselves with the Policy.
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6. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: 2023/24 Covert Surveillance and Access to Communications Data Policy and Guidance Notes.
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7. BACKGROUND PAPERS

N/A