

SOUTH STAFFORDSHIRE COUNCIL

LICENSING AND REGULATORY COMMITTEE – 26 OCTOBER 2023

REGULATION OF INVESTIGATORY POWERS ACT – UPDATE ANNUAL REPORT

REPORT OF THE CORPORATE DIRECTOR OF GOVERNANCE

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

1.1 This report is intended to update the Licensing and Regulatory Committee on the Council’s compliance with and use of the Regulation of Investigatory Powers Act.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	Prosperous Communities – RIPA when utilised, underpins the enforcement work undertaken to protect our environment.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Not required – no significant changes being made that would have an equality impact.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	26 October 2023	
FINANCIAL IMPACT	No	None
LEGAL ISSUES	Yes	Ensuring compliance with the requirements of RIPA.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	Key risk is ensuring compliance with RIPA and the consequences that failure to do that would involve.
IMPACT ON SPECIFIC WARDS	No	Applies to all wards

PART B – ADDITIONAL INFORMATION

3. INFORMATION

3.1 South Staffordshire Council, as a public authority, is subject to the controls set out in the Regulation of Investigatory Powers Act (RIPA) when undertaking *covert*

surveillance in relation to a criminal investigation. Responsibility for oversight of compliance with RIPA, in terms of members, rests with Licensing and Regulatory Committee.

3.2 The use of RIPA since 2020 is set out below:

2020 = 2

2021 = 3

2022 = 1

2023 (to date) = 1

3.3 The Council continues to robustly enforce legislation where appropriate for example to tackle fly-tipping, planning breaches, food safety etc. The use of covert surveillance should always be a last resort. It has been employed by the Council in recent years in respect of fly-tipping detection and prosecution.

3.4 Following recent updated guidance in this area, discussions were had with the oversight body, the Investigatory Powers Commissioner's Office, who indicated the proposed approach would be acceptable if no private information was being obtained. It is therefore proposed that the obtaining of a RIPA authorisation for the use of CCTV cameras to capture fly-tippers is no longer required. CCTV will still be utilised but as the images obtained do not capture private information (as defined), then it is considered no longer necessary to go through the RIPA approval process.

3.5 An assessment of proposed surveillance will still be undertaken to ensure that any Human Rights Act considerations are appropriately addressed. However, this will not require court approval as a current RIPA authorisation does. This will have the additional benefit of speeding up the approval process, as delays in obtaining court dates for approval have been regularly experienced in recent years.

3.6 In order to ensure awareness of RIPA was also maintained across the whole of the Council, a message is regularly included in the Weekly News Round-Up, reminding staff of the need to consider RIPA if undertaking criminal investigations.

3.7 The Corporate Policy & Guidance Document has been reviewed. No significant changes were identified, other than taking account of the amended approach to fly-tipping enforcement as detailed above. The only other changes were in respect of the updating of job titles and Authorising Officers.

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

5. PREVIOUS MINUTES

July 2022 Licensing and Regulatory Committee

6. BACKGROUND PAPERS

None

7. RECOMMENDATIONS

- 7.1 That Members note the contents of the Report and approve the revised RIPA Policy and Guidance document attached as Appendix 1.

Report prepared by: Lorraine Fowkes – Corporate Director of Governance