

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date: 23 July 2018

Report of: Director of Finance and Resources

Subject: IPCO INSPECTION REPORT 2018

SUMMARY

The Council were inspected by the Investigatory Powers Commissioner's Office (IPCO) in February 2018 who reviewed our RIPA management arrangements and systems.

The report that we have now received following this inspection is very complementary and highlights that the Council have a good understanding and healthy approach to the use of covert surveillance powers.

RECOMMENDATION

It is recommended that the Committee notes: -

- (a) the content of the report; and
- (b) the action taken to provide up to date training to officers.

INTRODUCTION

1. The Regulation of Investigatory Powers Act 2000 (RIPA) provides a framework under which investigation activity, which might otherwise be considered to infringe article 8 of the Human Rights Act 1998, may be authorised. The activities available to a Council under RIPA are:
 - (a) Directed covert surveillance of a member of the public;
 - (b) The use of a Covert Human Intelligence Source (CHIS) to gather information from a member of the public; and
 - (c) The acquisition and disclosure of data relating to communications.
2. The Audit and Governance Committee receive an update on the activities carried out by the Council under this act as part of the Annual Counter Fraud Report.
3. Activities are overseen by the newly amalgamated Investigatory Powers Commissioner's Office (IPCO) which carries out a formal inspection of the Council on its use of surveillance powers every 3 years. The latest inspection occurred in February 2018 and the report has now been received as attached as Appendix A.

INSPECTOR'S CONCLUSION AND RECOMMENDATIONS

4. The conclusion of the Inspector was that FBC's RIPA *'standards and skills remain commendably high and that there can be confidence that any future use will be robust and compliant'* and the previous recommendation had been implemented adequately.
5. There were no new recommendations made although reference was made to delivering external refresher training to the officers who operate under the policy. This training was provided by Bond Solon in June 2018 and 16 officers attended a half-day session.
6. Some minor suggestions have been made to the content of the policy which will be addressed when the policy is next updated and presented to the Executive Committee for approval.
7. Member training on RIPA was last provided in June 2011 and covered:
 - What is RIPA and what is its purpose?
 - What investigatory procedures are governed by RIPA, and FBC use in recent years?
 - What is our Policy and what procedures do we follow?
 - What do authorisers need to consider?
 - The consequences of getting it wrong and Media interest.
 - Members' role in overseeing our use of these powers.
8. A refresher training session on RIPA, including the impact of the Protection of Freedoms Act 2012 and the Investigatory Powers Act 2018 can be provided to members of this committee if it was felt to be beneficial.

RISK ASSESSMENT

9. There are no significant risk considerations in relation to this report

CONCLUSION

10. The Council's RIPA management arrangements and systems continue to be strong and in accordance with the UK Codes of Practice.

Appendices – A: [Investigatory Powers Commissioner's Inspection Report February 2018](#)

Background Papers: None

Reference Papers:

Office of Surveillance Commissioner's Procedures and Guidance – July 2016

Home Office Covert surveillance and covert human intelligence sources codes of practice - December 2014

Enquiries:

For further information on this report please contact Elaine Hammell. (Ext 4344)