

**Cheltenham Borough Council  
Cabinet – 26 October 2010**

**Regulation of Investigatory Powers Act (RIPA) – procedural guide**

<b>Accountable member</b>	Cabinet Member Corporate Services - Councillor Colin Hay.
<b>Accountable officer</b>	Assistant Chief Executive, Jane Griffiths.
<b>Accountable scrutiny committee</b>	Economy and Business Improvement Overview and Scrutiny Committee
<b>Ward(s) affected</b>	Not applicable.
<b>Key Decision</b>	None.
<b>Executive summary</b>	<p>The policy and procedures for the council's use of the Regulation of Investigatory Powers Act (RIPA) were considered by Cabinet in April 2010. They requested that Economy and Business Improvement Overview and Scrutiny Committee (E&amp;BI) be asked to look at the revised policy and procedure and to give their views on the document. There was a report on the use of the RIPA powers by the Office of Surveillance Commissioners in May and their recommendations were also taken into account.</p> <p>E&amp;BI considered the revised guide on the 19 July 2010 and made a number of suggestions which were incorporated and subsequently reconsidered by them on 20 September 2010 and they recommended that the revised procedures be approved subject to the matter set out in paragraph 1.3 below.</p>
<b>Recommendations</b>	<b>I recommend that Cabinet: Approve the RIPA procedural guide.</b>
<b>Financial implications</b>	<p>There are no financial implications associated with this report.</p> <p><b>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 26 4123</b></p>

<b>Legal implications</b>	<p>The Council are required when carrying out of directed surveillance or using covert human intelligence sources to do so in accordance with the Regulation of Investigatory Powers Act 2000. This will ensure that the authorisations are only granted when necessary and proportionate to do so. The procedural guide will assist investigating and authorising officers in understanding and complying with the Act.</p> <p><b>Contact officer: Sarah Farooqi</b>  <b>E-mail:sarah.farooqi@tewkesbury.gov.uk</b>  <b>Tel no: 01684 272693</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>None received</p> <p><b>Contact officer: , @cheltenham.gov.uk, 01242</b></p>
<b>Key risks</b>	<p>The adoption of formal procedure guidance does not present a risk in itself, but it will contribute to the management of the risk identified in the risk template (set out below).</p>
<b>Corporate and community plan Implications</b>	<p>None</p>
<b>Environmental and climate change implications</b>	<p>None</p>

## 1. Background

- 1.1 At the E&BI meeting on the 20 September members approved the procedural guide but there was still concern that there could be a reputational risk regarding the implementation of RIPA. In particular they considered that Members had previously given a very clear political steer that fly tipping and dog fouling did not fit into the definition of necessity and proportionality.
- 1.2 It was resolved that the revised procedural guide for the Regulation of Investigatory Powers Act 2000 be recommended to Cabinet.
- 1.3 The issue regarding necessity and proportionality has been considered further by officers and paragraph 4.4.2 of the procedural guide amended to include the following additional guidance *Any member of staff considering the use of RIPA for activities associated with fly tipping or dog fouling must request Onelegal to determine if the rules on necessity and proportionality have been met and that determination must be documented and submitted to the Authorising officer with the relevant form.*

## 2. Reasons for recommendations

- 2.1 Supporting the recommendations of the Office of the Surveillance Commissioner.

## 3. Alternative options considered

- 3.1 None.

## 4. Consultation and feedback

4.1 Economy and Business Improvement overview and scrutiny committee meetings on the 19 July and 20 September 2010.

## 5. Performance management – monitoring and review

5.1 This guidance will be reviewed on an annual basis to ensure compliance with legislation and best practice.

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<b>Appendices</b>	1. Risk Assessment 2. Procedural Guide.
<b>Background papers</b>	Cabinet Report 27 April 2010

The risk				Original risk score (impact x likelihood)			Managing risk					
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register	
	If procedures particularly those on necessity and proportionality within the RIPA guidance are not followed the councils reputation could be put at risk	Assistant Chief Executive	26 October 2010	3	1	4	accept	RIPA coordinator to manage applications to ensure compliance with the procedural guide.	31 March 2011	RIPA Coordinator		