

**PAPER NO. 6**

**REPORT TO THE EXECUTIVE MEETING OF 5<sup>th</sup> SEPTEMBER 2016**

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**Meeting:** Executive

**Date:** 5<sup>th</sup> September 2016

**Subject:** Proposed Amendments to the RIPA Policy

**Report of:** Verina Wenham, Head of Legal & Democratic Services and Monitoring Officer

**Portfolio Holder:** Councillor J. Hallam

**Status:** Decision – refer to Council

**Relevant Ward(s):** All

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1 Purpose of the Report

1.1 To consider the proposed changes to the RIPA policy set out in Appendix A and refer any proposed amendments to Council for consideration.

2 Recommendations:

2.1 **That the Council’s RIPA Policy is amended as set out in Appendix A and;**

2.2 **The Policy is referred to Council for adoption.**

3 Summary of Reasons for the Recommendations

3.1 The amendments are required following the changes to the Council’s senior management structure.

4 Background and Key Facts

4.1 The Council’s Regulation of Investigatory Powers Act 2000 policy (“RIPA Policy”) was last updated in July 2013 to reflect the changes required as a result of the implementation of the Protections of Freedoms Act 2012.

4.2 The current version of the Council’s RIPA Policy designates the Chief Executive and the Corporate Directors as Authorised Officers. The post of Chief Executive has now been deleted from the Council’s establishment list and it is suggested that Authorised Officers should be the Corporate Directors and the Section 151 Officer. The minor amendments required to the duration

of the authorisations are shown in Sections 1.4.2 and 2.3.2. The RIPA Policy is attached as Appendix A.

- 4.3 One of the recommendations arising from the Information Commissioner's inspection of the Council's RIPA procedures was that a separate note be prepared setting out the procedure for seeking judicial approval. It is suggested that the note should be incorporated as part of the RIPA policy as an appendix. The note is attached as Appendix B

## 5 Legal Issues

- 5.1 The Council is under a duty to keep its RIPA Policy under review to ensure that it is robust and remains fit for purpose.

## 6 Resource Issues

- 6.1 Training on the use of powers under RIPA is required on a regular basis. The most recent training was jointly procured in partnership with Melton Borough Council. The costs are covered within existing budgets.

## 7 Equality Impact Assessment Implications/Outcomes

- 7.1 None as far as this report is concerned.

## 8. Risk Management Implications

- 8.1 None as far as this report is concerned.

## 9 Consultation

- 9.1 The Portfolio Holder has been consulted on the proposals.

## 10 Background Papers

- 10.1 Regulation of Investigatory Powers Act 2000 as amended by the Protection of Freedoms Act 2012.

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**Previous report(s): 14<sup>th</sup> February 2011, 8<sup>th</sup> July 2013**

**Information Issued Under Sensitive Issue Procedure: Y/N**

**Ward Members Notified: Y/N**

**Appendices:**

**A. Amended RIPA Policy**

**B. Judicial approval Note**