



ADUR & WORTHING
COUNCILS

Key Decision [Yes/No]

Ward(s) Affected:

The Councils' Surveillance Powers, Policy and Procedure

Report by the Monitoring Officer

Executive Summary

1. Purpose

- 1.1. To provide an update on the usage and activity of RIPA requests during 2023/24.
- 1.2. To advise Members of the Monitoring Officer's review of the Councils' Surveillance Policy and Procedure.

2. Recommendations

The Joint Audit and Governance Committee is asked to:

- 2.1. Note that neither Council has used its surveillance powers under the Regulation of Investigatory Powers Act 2000 in the year 2023/24.
- 2.2. Note that the Councils' Joint Surveillance Policy and Procedure of September 2017 has been reviewed but no revisions are recommended, other than very minor amendments as detailed further within this report.

3. Context

- 3.1. The Regulation of Investigatory Powers Act 2000 (RIPA), and the Protection of Freedoms Act 2012, legislates for the use of local authorities of covert methods of surveillance and information gathering to assist in the detection and prevention of crime in relation to an authority's core functions.
- 3.2. On 1st September 2017, The Office of Surveillance Commissioners, The Intelligence Services Commissioner's Office and The Interception of Communications Commissioner's Office were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.

4. Issues for consideration

4.1. RIPA Activity

- 4.1.1. There was no RIPA surveillance authorisation processed during 2023/24 for Adur District Council or Worthing Borough Council.

4.2. Review of Policy

- 4.2.1. The Monitoring Officer has reviewed the existing Surveillance Policy and Procedure adopted in September 2017. This Policy was previously reviewed in July 2019, December 2021 and again in March 2023. There have been no changes to the legislation requiring amendment to the Policy since the Policy was last reviewed.
- 4.2.2. A copy of the current Surveillance Policy and Procedure is annexed to this report at Appendix A and the Monitoring Officer is confident that it remains up to date and fit for purpose. The only minor revisions to recommend to the Committee are listed below and are also shown as track changes to the annexed policy:

- A review date of March 2024 has been added.

- The job title of the SRO has been updated to ‘Director for Sustainability & Resources’ throughout.
- References to ‘he/she’ and ‘his/her’ have been amended to ‘they’ and ‘their’ throughout.
- Amendments to punctuation made at paragraphs 4.1(b), 13.1, 14.1.1, 14.2.1, 14.2.3, 16.2, 17.1, 19.3, 21.3 and 24.4.
- Minor grammatical error corrected at paragraph 28.1.
- Addition of wording at 12.1 to update an application for judicial approval to Surrey & Sussex Magistrates Administration Centre and telephone number.
- At 12.3 removal of District Judge’s name in favour of position only noting complicated applications ‘may’ be referred to a District Judge.

5. Engagement and Communication

5.1. The RIPA Coordinator has consulted with the relevant departments to obtain the data set out in this report.

6. Financial Implications

6.1. There are no direct financial implications arising from this report.

Finance Officer: Emma Thomas

Date: 29/02/2024

7. Legal Implications

7.1. Other than as set out in the RIPA Policy there are no legal implications directly related to this report.

Legal Officer: Joanne Lee

Date: 29/02/2024

Background Papers

Regulation of Investigatory Powers Act 2000

Adur & Worthing Councils’ Surveillance Policy and Procedure

Appendices to the Report

Appendix A - Adur & Worthing Councils’ Surveillance Policy and Procedure marked with track changes

Officer Contact Details:-

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Sustainability & Risk Assessment

- 1. Economic**
Matter considered and no issues identified.

- 2. Social**
 - 2.1 Social Value**
Matter considered and no issues identified.

 - 2.2 Equality Issues**
Matter considered and no issues identified.

 - 2.3 Community Safety Issues (Section 17)**
Matter considered and no issues identified.

 - 2.4 Human Rights Issues**
Matter considered and no issues identified.

- 3. Environmental**
Matter considered and no issues identified.

- 4. Governance**
Matter considered and no issues identified.