



**Report Reference Number: A/20/30**

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**To:** Audit and Governance Committee  
**Date:** 21 April 2021  
**Status:** Non-key  
**Ward(s) Affected:** All  
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**Lead Executive Member:** Councillor Mark Crane, Leader of the Council  
**Lead Officer:** Alison Hartley, Solicitor to the Council

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**Title: Investigatory Powers Commissioner's Office – Remote Inspection 2021**

**Summary:** The purpose of this Report is to inform Members of the Commissioner's Report and the Council's response and Action Plan, following a Remote Inspection on 9<sup>th</sup> February 2021.

**Recommendation:**

**That the Audit and Governance Committee note the Report of the Investigatory Powers Commissioner's Office and the response from the Chief Executive on behalf of the Council including the Action Plan.**

**Reason for recommendation:**

Part of the role of the Audit and Governance Committee is to monitor the Council's use and authorisation of covert surveillance under the Regulation of Investigatory Powers Act 2000; providing the inspection findings to the Committee enables oversight.

**1. Introduction and background**

- 1.1** As a public authority, a Council has investigative powers including carrying out directed covert surveillance in certain circumstances. To do so, strict procedures are in place to ensure that such infringement of privacy is only authorised where proportionate and justified in the circumstances, in accordance with the Regulation of Investigatory Powers Act 2000.
- 1.2** It is highly unusual for a District Council in carrying out its investigative functions to carry out any directed covert surveillance. In line with others, Selby District Council has not done so. All CCTV Cameras are "overt", in that signs are in place warning that CCTV is recording.

**1.3** The Surveillance Commissioner recognises this, and this year has adopted a different, advisory and light touch approach to the inspection regime of such District Councils as a consequence.

**1.4** The Solicitor to the Council & Monitoring Officer is appointed as Selby District Council's Senior Responsible Officer (SRO). She was interviewed on 9th February 2021 by Mrs Samantha Jones of the Investigatory Powers Commissioner's Office, facilitated via MS Teams. The Audit & Governance Committee are now appraised of the findings and resultant Action Plan.

## **2. IPCO Surveillance and CHIS Inspection of Selby District Council**

**2.1** The last inspection had taken place in October 2018, and so in line with the three-yearly timeline, the Council was inspected in February 2021.

**2.2** The inspection took the form of a detailed discussion over MS Teams, and the Inspector was provided with documentation by the SRO to substantiate the work that is in progress in terms of training and policy review.

**2.3** The Commissioner's Office is satisfied that there are no recommendations to be made. Selby has not undertaken any directed covert surveillance during the inspection period and no RIPA authorisations have been required. The IPCO Report is at Appendix 1.

**2.4** If such surveillance was to be considered in the future, the SRO is confident that the Officers involved have sufficient awareness of the circumstances that would require seeking an authorisation under the RIPA provisions, and that Officers would first seek legal advice in any event.

**2.5** As part of the ongoing work programme in the Corporate Information Governance Group, Officers are developing a comprehensive Surveillance Policy in conjunction with Veritau (internal audit). It is intended that this new Policy document will dovetail with an updated RIPA Policy, and that joint training covering both overt and covert surveillance will be provided to Officers on adoption of the policy. The Action Plan within the response to the Commissioner at Appendix 2 references the proposed work and timeframe for completion, including further reporting to the Audit and Governance Committee.

## **3. Alternative Options Considered**

None.

## **4. Implications**

### **4.1 Legal Implications**

None as a result of the recommendations in this report.

## **4.2 Financial Implications**

None as a result of the recommendations in this report.

## **4.3 Policy and Risk Implications**

The recommendations in this report will ensure oversight of the RIPA procedures at the Council.

## **4.4 Corporate Plan Implications**

None.

## **4.5 Resource Implications**

None.

## **4.6 Other Implications**

None.

## **4.7 Equalities Impact Assessment**

Not applicable.

## **5. Conclusion**

**5.1** Part of the role of the Audit and Governance Committee is to monitor the Council's use and authorisation of covert surveillance under the Regulation of Investigatory Powers Act 2000; providing the inspection findings to the Committee enables oversight.

**5.2** Members are asked to note the ongoing work being undertaken in relation to surveillance and that there will be further reports in relation to updating the RIPA Policy in accordance with the Action Plan.

## **6. Background Documents**

None.

## **7. Appendices**

Appendix 1 – IPCO Report dated 15 February 2021

Appendix 2 – Response from Chief Executive and Action Plan

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