

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 8

MEETING: HUMAN RESOURCES COMMITTEE 7 OCTOBER 2019

**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) ANNUAL
REPORT TO MEMBERS**

**JOINT REPORT OF THE CHIEF FIRE OFFICER / CHIEF EXECUTIVE (CLERK TO
THE AUTHORITY), STRATEGIC FINANCE MANAGER AND THE PERSONNEL
ADVISOR TO THE AUTHORITY**

1. INTRODUCTION

- 1.1 The purpose of this report is to provide HR Committee with an update following the 2016 inspection by the Office of Surveillance Commissioner (OSC) of the arrangements made by the Service to ensure compliance with the statutory provisions that govern the use of covert surveillance.

2. BACKGROUND

- 2.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates any covert investigations carried out by a number of public bodies, including Local Authorities and Fire Authorities. It was introduced to ensure that individuals' rights are protected whilst also ensuring that the UK's law enforcement and other agencies with an enforcement function have the powers they need, to do their job effectively.
- 2.2 Tyne and Wear Fire and Rescue Service must therefore work within the 2000 Act framework with regard to the authorisation of Directed Surveillance and of the use of Covert Human Intelligence Sources and the Obtaining of Communications Data outside of the urgency provisions.
- 2.3 In September 2017, The Investigatory Powers Commissioner's Office (IPCO) replaced three regulators – the Interception of Communications Commissioner's Office (IOCCO), the Office of Surveillance Commissioners (OSC) and the Intelligence Services Commissioner (ISComm), each of which was responsible for overseeing aspects of the [Regulation of Investigatory Powers Act \(RIPA\)](#).

3. 2017–18 RIPA REPORTING

- 3.1 Further to an inspection of the Authority's RIPA Policy and procedures in 2016 by Mr Norman Jones QC, Office of the Surveillance Commissioner; an action plan was created and reported to Members at the meeting of the Human Resources Committee 24 July 2017 (minute 7 (iii) refers).
- 3.2 It was agreed by Members to receive an annual report of all RIPA activity and inactivity. Although there has been a change of Commissioner in September 2017, it is proposed to continue to report such matters to members until such time as the IPCO provides alternative guidance.

- 3.3 I can confirm that within the period of 1 April 2018 - 31 March 2019 that no requests were received for the use of this Authority's powers under RIPA therefore no authorisations or refusals have taken place.

4. LEGISLATIVE IMPLICATIONS

- 4.1 Through annual reporting to Members of both activity and inactivity regarding RIPA, this Authority is fulfilling its statutory obligations and recommendations as a result of the most recent inspection by the OSC report.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications in respect of this report.

6. STRATEGIC PLAN LINK

- 6.1 Goal Four: To deliver a modern effective service ensuring value for money with staff who reflect the communities we serve.

7. EQUALITY AND FAIRNESS IMPLICATION

- 7.1 There are no equality and fairness implications in respect of this report.

8. HEALTH AND SAFETY IMPLICATIONS

- 8.1 There are no health and safety implications in respect of this report.

9. RECOMMENDATIONS

- 9.1 The members are recommended to:
- a) Consider the content of the report;
 - b) Receive further reports as required.

BACKGROUND PAPERS

The under mentioned background papers refer to the subject matter of the above report:

- The Regulation of Investigatory Powers Act 2000 (the 2000 Act)
- Home Office RIPA Codes of Practice
- Admin Procedure 1.46 – The Regulation of Investigatory Powers Act 2000 (RIPA) Procedure.
- Inspection Report – His Honour Norman Jones QC 6/01/2017