

## **BROADLAND ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL**

**Minutes of a meeting of the Broadland Environmental Excellence Policy Development Panel of Broadland District Council, held on Thursday, 9 February 2023 at 6.00 pm.**

**Committee Members Present:** Councillors: K Kelly (Chairman), N Brennan (Vice-Chair), D Britcher, J Davis, J Fisher, G Nurden and J Ward

**Apologies for Absence:** Councillors: A Crotch

**Cabinet Member in Attendance:** Councillor: J Leggett

**Officers in Attendance:** N Howard (Assistant Director for Regulatory) and J Hammond (Democratic Services Officer)

### **16. DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **17. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr A Crotch.

### **18. MINUTES**

The minutes of the meeting held on 8 December 2022 were confirmed as a correct record and signed by the Chairman.

### **19. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY**

The Assistant Director for Regulatory introduced the report, which sought approval to adopt the proposed updated Regulation of Investigatory Powers Act (RIPA) Policy.

Members were informed that the Council conducted a range of investigatory activities for which it last updated its Regulation of Investigatory Powers Policy in 2015. The policy now required updating to reflect both legislative and organisational changes. The amended RIPA Policy also updated officer details and responsibilities relating to:

- Senior Responsible Officer, position held by the Assistant Director for Regulatory
- RIPA Coordinator, position held by the Community Safety Interventions Lead
- Appointment of officers to grant authorisations under Sections 28 and 29 of RIPA
- Authorising officers to present RIPA cases to justices of the peace under Section 223 of the Local Government Act 1972

The proposed updated Policy aimed to ensure that any surveillance activities undertaken by the Council were compatible with the human right to privacy by ensuring compliance with the requirements of RIPA, the Investigatory Powers Act 2016 (IPA), the European Convention on Human Rights and the Human Rights Act 1998. Members were advised that officer guidance was being prepared to support the updated RIPA Policy going forward. Covert surveillance falling under the Acts that may be authorised by local authorities was restricted to:

- Directed surveillance
- The use of covert human intelligence sources (e.g. undercover officers or informants).

The Assistant Director for Regulatory explained that the Council did not plan to undertake covert surveillance, if it was needed for a specific case the Council would engage Trading Standards to carry out the surveillance.

- Communications data (e.g. telephone calls, email, social media, website communication, etc)

The Investigatory Powers Commissioner's Officer (IPCO) and the Investigatory Powers Tribunal (IPT) were responsible for providing independent oversight over how covert activities were used under both RIPA and IPA.

One member highlighted that third party contractors may be required to carry out RIPA activity on behalf of the Council, for example the Anglia Revenue Partnership (ARP) investigating benefit fraud. It was queried whether these contractors would have to abide by the Council's RIPA Policy. The Assistant Director for Regulatory explained that contractors such as the ARP would have their own RIPA Policies in place. It would be for the Council to put controls in place as part of the contract to ensure alignment of policies.

Members highlighted that the wording regarding the expiration or cancellation of authorisations from Justices of the Peace or Magistrates was not clear, as it implied that authorisations could not expire, only be cancelled. The Assistant Director for Regulatory clarified that this related to instances when the authorised activity was no longer required. The authorisation needed to be cancelled when no longer required as it did not automatically expire before the duration set by the JP/Magistrate. He agreed to review the wording and make it clearer where possible.

Regarding CCTV cameras on waste vehicles, members queried how this impacted a person's expectation of privacy in a public place. The Assistant Director for Regulatory explained that as the CCTV on the waste vehicles was not intended for investigatory surveillance, but to ensure safety, it did not fall under the RIPA Policy. He confirmed that recordings were not retained unless a significant incident had occurred. Members further questioned whether recordings would fall under RIPA if they were used in a complaint, e.g., if a bin was not emptied. The Assistant Director for Regulatory advised members that the recording would not fall under the RIPA Policy even if used for a purpose it was not intended for.

One member questioned the impact of the RIPA Policy on elected members carrying out their role in the community. Members were assured the duties they carried out as local representatives did not fall under RIPA guidelines.

It was then

### **RESOLVED**

To recommend to Cabinet that it approves, with any necessary amendments, the proposed Regulation of Investigatory Powers Policy and Guidance and agrees to adopt the Policy and Guidance.

(The meeting concluded at 6.44 pm)

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Chairman