

PART A

Report to: Audit Committee
Date of Meeting 12 January 2012
Report of: Head of Legal and Property Services
Title: Regulation Of Investigatory Powers Act 2000

1. **SUMMARY**

This report advises members of the outcome of a recent inspection undertaken by the Office of Surveillance Commissioners of the Council to examine our policies and practices regarding the above Act.

2. **RECOMMENDATIONS**

2.1 To note the contents of this report.

2.2 To confirm the Head of Legal and Property as the Senior Responsible Officer for the purposes of the Act.

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Report approved by Managing Director

3.0 **DETAILED PROPOSAL**

3.1 The Council is obliged to comply with the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA). This Act regulates how bodies who are charged with enforcement powers can undertake surveillance, and use undercover officers (covert human intelligence sources) to gather evidence to be used in criminal proceedings.

- 3.2 Unlike the police, councils have limited powers under the Act and can only undertake what is referred to in the Act as 'directed surveillance', that is follow suspects or watch them from outside their premises for the purposes of combating crime and disorder. The Police can use more intrusive techniques such as bugging.
- 3.3 In order to exercise the powers under the Act and for any evidence collected by means of such surveillance to be admissible in criminal proceedings each episode of directed surveillance has to be approved by an authorised senior officer, who has to be satisfied that the proposed action is necessary and proportionate to the crime or disorder that is being committed. This authorisation is time limited and once finished must be formally cancelled.
- 3.4 Officers who authorise such activity and officers who undertake the surveillance have all had training from a specialist trainer on the requirements of the Act.
- 3.5 The Act is overseen by a body called the Office of Surveillance Commissioners. This body has a team of inspectors who visit each organisation that has powers under the Act to ensure that the organisation has appropriate policies and processes in place to ensure compliance.
- 3.6 The Council had an inspection on 21 November 2011. This was the third inspection the Council has had since the Act's coming into force. The previous inspection was 2008.
- 3.7 Following the inspection in 2008 the Council completely revised its policy on RIPA, and made it available on the intranet, all authorisations are now kept in a central register which is overseen by the Head of Legal and Property and training has been given to all senior officers and operators of the Act.
- 3.8 The inspector was overall satisfied with the way the Council operates its responsibilities under the Act, however he felt that members needed to involve themselves in how the Act was operated and should be reviewing the use of the Act on at least an annual basis.

In order to comply with this recommendation I would intend to provide this committee with an annual report on the operation of the Act.

- 3.9 He also recommended that the role of Senior Responsible Officer for ensuring appropriate operation of the Act be formalised. The Head of Legal and Property has been undertaking this role, but it is recommended that this is formally endorsed by this Committee.
- 3.10 Whilst the operation of the CCTV control room is not itself the subject of the Act as it is overt surveillance (everyone is aware that CCTV is operational in the Town Centre and it is not directed to following a particular individual), he also recommended a minor change to our operating manual when we receive requests to undertake directed surveillance from the police, to ensure we receive a copy of the authorisation form not just details of the unique reference number. This has been actioned.
- 3.11 The Council has undertaken no directed surveillance in 2011 and also has not used any covert human intelligence sources. Neither have we had any requests from the police to use the CCTV for directed surveillance. In fact since the last inspection in October 2008 the council has only used its authorisation powers under the Act five times.

4.0 **IMPLICATIONS**

4.1 Financial

The Head of Strategic Finance comments that there are no financial implications in this report

4.2 Legal Issues (Monitoring Officer)

The Head of Legal & Property Services comments that the legal implications are contained within the body of the report

4.3 Staffing

All authorisers and users of the Act have had appropriate training

4.4 Accommodation

No implications

4.5 Equalities

No implications

4.6 Community Safety

No implications

4.7 Sustainability

No implications

Background papers:

The following background papers were used in the preparation of this report.

Inspection Report 21 November 2011