

**Report to:** Audit Committee  
**Date of meeting:** 12 March 2014  
**Report of:** Head of Democracy and Governance  
**Title:** RIPA

1.0 **SUMMARY**

1.1 To advise members on the use of RIPA during 2013.

2.0 **RECOMMENDATIONS**

2.1 To note the report

2.2 To authorise the post of Shared Director of Finance in substitution for the Head of Strategic Finance to apply to the magistrates court to seek necessary approvals for surveillance and communications data.

**Contact Officer:**

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3.0 **DETAILED PROPOSAL**

3.1 The committee had a report in January 2013 informing them of changes that were made to the Regulation of Investigatory Powers Act 2000 (RIPA) by the Protection of Freedoms Act 2012 and seeking approval to use NAFN (National Anti Fraud Network) as a Single point of Contact for communications data requests.

3.2 It also sought authority for a number of named posts to be able to apply to the magistrates court under the legislation to seek the necessary approvals for surveillance and communications data.

3.3 One of those posts was Head of Strategic Finance. That post has now been deleted and the Council now shares a Director of Finance with Three Rivers District Council. The committee is therefore asked to authorise that post in substitution for the Head of Strategic Finance to be able to seek those approvals.

- 3.4 Since the changes in the law brought about by the Protection of Freedoms Act, which limited the reasons councils could use RIPA, the Council has not made any applications to the magistrates for approval for Directed Surveillance. However since the committee authorised the use of NAFN for communications data requests the council has made extensive use of it and has had 53 authorisations approved in the last year.
- 3.5 These requests relate to a variety of investigations. Three enquiries relate to Licensing in regards to a Private Taxi Operator enquiry and one from Environmental Health in regards to an enquiry relating to fly tipping. The remainder relate to Fraud related enquiries including where it is suspected that council tax or housing benefit is being fraudulently claimed.
- 3.6 All requests and applications are sent to NAFN to ensure compliance and once agreed must then be approved by both a Designated Person (DP) within the Council and by a Magistrate.

#### 4.0 **IMPLICATIONS**

##### 4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that that expenditure is contained within existing budgets

##### 4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report

##### 4.3 **Equalities**

The Council is required to follow the law in undertaking covert surveillance activities

##### 4.4 **Potential Risks**

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None apparent

##### 4.5 **Staffing**

- 4.5.1 Using NAFN supports internal staff resources

#### Background Papers

\*"No papers were used in the preparation of this report".

#### File Reference

- None