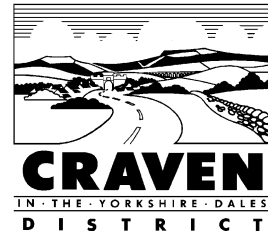


## Audit and Governance Committee – 9<sup>th</sup> November 2015



### REGULATION OF INVESTIGATORY POWERS ACT 2000

#### Report of the Solicitor to the Council and Monitoring Officer

1. **Purpose of Report** – To inform the Committee on the Council’s use of covert surveillance under the Regulation of Investigatory Powers Act 2000 and to provide feedback on the recent inspection from the Office of Surveillance Commissioners.
2. **Recommendations** – Members are recommended to:
  - 2.1 Note the report from the Office of Surveillance Commissioners (OSC) following the inspection on the 15<sup>th</sup> June 2015;
  - 2.2 Note the Council’s action plan to address the recommendations in the OSC Inspection Report;
  - 2.3 Approve the Council’s RIPA Policy Statement amended to incorporate the recommendations set out in the Inspection Report; and
  - 2.4 Note the level of covert surveillance undertaken by the Council.
3. **Report**
  - 3.1 The Council, like many public authorities, is governed by the Regulation of Investigatory Powers Act 2000 (RIPA).
  - 3.2 RIPA provides a statutory framework regulating the use of directed surveillance and the conduct of covert human intelligence sources (informants or undercover officers) by public authorities. The Act requires public authorities to use covert investigation techniques in a way that is necessary, proportionate and compatible with human rights. RIPA also provides for the appointment of a Chief Surveillance Commissioner to oversee the way in which public authorities carry out covert surveillance.
  - 3.3 The Home Office revised Code of Practice states that it is good practice for the elected members of a local authority to review the authority’s use of RIPA and its policy and procedures. Council, at its meeting on the 6<sup>th</sup> October 2015 amended the terms of reference for this Committee to include *‘the monitoring of the use of the*

*Regulation of Investigatory Powers Act 2000*. This will involve the Committee reviewing the Council's Policy Statement from time to time and receiving twice yearly reports on any activities which have been authorised under RIPA.

- 3.4 The revised Code requires public authorities to appoint a Senior Responsible Officer (SRO) to be responsible for the authority's compliance with RIPA. The SRO will engage with the Office of Surveillance Commissioners (OSC) when they conduct their inspections and where necessary, oversee the implementation of any post inspection action plans. The Chief Executive is the SRO.
- 3.5 On the 15<sup>th</sup> June, an Assistant Surveillance Commissioner, HH Norman Jones QC, visited the Council in order to inspect and review the Council's management of covert activities. The OSC Inspection Report was received by the Council on the 24<sup>th</sup> June and an exempt copy of the Commissioner's report is attached to this report as Appendix A.
- 3.6 The Inspector set out a number of recommendations in his Inspection Report and an action plan has been drawn up to address these recommendations. A copy of the action plan is attached as Appendix B.
- 3.7 The Council's RIPA Policy Statement has been amended to address the recommendations set out in the Inspection Report at paragraph 22.
- 3.8 The table below provides details of the RIPA authorisations which have been granted by the Council during the period January 2010 to October 2015.

Date	Service	Nature of Application	Authorising Officer	Outcome
11/03/2010	Environmental Health	Directed surveillance in a fly tipping case	Strategic Manger - Neighbourhoods	No evidence obtained.
01/06/2010	Revenue and Benefits	Directed surveillance in a benefits investigation	Revenue and Benefits Manager	No evidence obtained.
22/06/2011	Revenue and Benefits	Directed surveillance in a benefits investigation	Revenue and Benefits Manager	Evidence obtained and forwarded to DWP Decision Maker

#### 4. **Implications**

- 4.1 **Financial and Value for Money (vfm) Implications** – There are no specific financial implications arising from this report.

- 4.2 **Legal Implications** – These are set out in the body of the report.
- 4.3 **Contribution to Council Priorities** – Improving the way the Council governs its business.
- 4.4 **Risk Management** – Not applicable.
- 4.5 **Equality Analysis** – The Council’s Equality Impact Assessment procedure does not apply to this report as there are no changes to any policy.
5. **Consultations with Others** – None
6. **Access to Information : Background Documents** –
7. **Author of the Report** – Annette Moppett, Solicitor to the Council and Monitoring Officer; telephone: 01756 706325; e-mail: amoppett@cravendc.gov.uk
- Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.
8. **Appendices** –
- Appendix A – OSC Inspection Report dated 15<sup>th</sup> June 2015 (Exempt)  
Appendix B – Action Plan  
Appendix C – Proposed amended RIPA Policy Statement