

Committee:	Standards Committee	Agenda Item No.:	9.
Date:	10 th October 2012	Category	*
Subject:	Office of the Surveillance Commissioners inspection report into the Council's use of RIPA	Status	Open
Report by:	Solicitor to the Council		
Other Officers involved:	Senior Principle Solicitor		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Not applicable.		

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment

REGENERATION – Developing healthy, prosperous and sustainable communities

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

This report relates to the Council's use of covert surveillance under RIPA rules and therefore potentially relates to all the Council's Corporate Aims.

TARGETS

There are no targets specified in the Corporate Plan to which the contents of this report relate.

VALUE FOR MONEY

This report does not relate to the expenditure of money.

THE REPORT

1. The Regulation of Investigatory Powers Act 2000 enables the Council to undertake covert surveillance for the purpose of detecting or preventing crime and preventing disorder. RIPA powers include directed surveillance, use of covert human intelligence sources and use of communications data.

2. The Council is subject to three yearly inspections from the Office of the Surveillance Commissioner (OSC) and underwent its most recent RIPA inspection on 10th July 2012. Neil Smart, a surveillance inspector from the OSC, undertook the inspection which involved meetings with a number of officers involved in the RIPA process and an examination of the centrally held file of authorisations.
3. The Council is a sparing user of RIPA and that use is only for a limited range of its enforcement functions. In the three years under inspection the Council used RIPA on three occasions, most frequently in connection with suspected benefit fraud cases. There have been no applications for the use of the Covert Human Intelligence Sources.
4. A copy of the report of the inspection is attached as an appendix to this report. Whilst generally positive, the report highlights some issues and makes a number of recommendations in relation to the documents (at paragraph 7.8). These are concerned with improving existing policies and procedures and also recommend a continuing programme of training (at paragraph 6.2).
5. Officers have confirmed that the Council will implement these recommendations. To this end a report will be presented to the next meeting of the Committee recommending changes to the RIPA Policy and Procedure in line with the recommendations in the OSC report. An update will be given on training as well.
6. The Committee should note that from 1 November 2012, the Council will require RIPA authorisations to be signed off by a Magistrate and made subject to a seriousness threshold. The changes, which have arisen following concerns about the way in which some councils were operating RIPA, are contained within the Protection of Freedoms Act 2012. These changes and how they impact on the Council were the subject of the following delegation at Standards Committee on 19th June 2012 at minute 133:-
 - 2) the Monitoring Officer be given delegated powers to amend the RIPA Policy and Procedure when the new provisions come into force.
7. A report will be presented to the next Standards Committee outlining the action that has been taken in relation to these new provisions. The statutory deadline for implementing these will have passed by the date of the next meeting.

ISSUES FOR CONSIDERATION

It is likely that in future, these inspections will be joint inspections with North East Derbyshire District Council. This makes sense as the Authorising Officers (CEO and Directors) and the Monitoring Officer role are now joint posts with the 2 Authorities and it seems unnecessary for them to be interviewed twice. The interviews with officer applicants will involve a selection of officers from both Councils.

IMPLICATIONS

Financial : None

Legal : As in the report

Human Resources : Work will be required by the Monitoring Officer and Deputy Monitoring Officer and the Senior Principal Solicitor to introduce the changes resulting from the OSC report and the new legislation. This is obviously using resource.

RECOMMENDATION(S)

That the report be received.

ATTACHMENT: **Y – the OSC report**

FILE REFERENCE: **None**

SOURCE DOCUMENT: ***RIPA, the 2012 OSC report and the RIPA Council's Policy and Procedure on the application of Part 11 RIPA.***