

Committee:	Standards Committee	Agenda Item No.:	7.
Date:	13th August 2013	Category	*
Subject:	Annual RIPA Review and Revised RIPA Policy	Status	Open
Report by:	Principal Solicitor		
Other Officers involved:	Solicitor to the Council		
Director	Chief Executive Officer		
Relevant Portfolio Holder			

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Monitoring and improvement of the Council’s policies and procedures for compliance with obligations under the Regulation of Investigatory Powers Act 2000.

TARGETS

N/A

VALUE FOR MONEY

N/A

THE REPORT

ANNUAL REVIEW

During the last 12 months there have been no RIPA authorisations issued by the Council. Only seven other authorisations have been recorded, where the Council has worked in partnership with the Department for Work and Pensions investigating allegations of benefit fraud. In all those cases the DWP has granted the authorisation for joint surveillance operations.

The lack of Council authorisations may, in part, be attributable to changes in the legislation as a result of the Protection of Freedoms Act 2012, which came into effect in November last year.

In summary, the changes to legislation limit the circumstances in which a local authority may carry out directed surveillance to those cases where the investigation relates to offences which carry a maximum sentence of at least 6 months imprisonment. The changes have also introduced a requirement for the Council to seek judicial approval of all RIPA authorisations from the Magistrates Court.

REVISED POLICY

During the last 12 months there have been two occurrences which have led to the Council's RIPA policy being revised. Firstly, in July 2012 the Council was subject to an inspection by the Office of Surveillance Commissioners to assess the standards of compliance with the legislation.

Whilst the Inspector was generally satisfied with compliance, some small adjustments to the policy were recommended. These were mainly in response to changes in Guidance from both the Home Office and the OSC in the preceding year or so.

Additionally there has been a need to incorporate the legislative changes set out above into the policy.

Consequently the policy has undergone a substantial review to ensure the principles and procedures of the Council reflect current guidance as per the Inspector's recommendations. There has also been appropriate guidance included advising how judicial approval should be sought for authorised covert surveillance.

ISSUES FOR CONSIDERATION

The contents of the report

IMPLICATIONS

Financial: None
Legal: Annual review and policy revisions are necessary to ensure ongoing compliance with RIPA.
Human Resources: None

RECOMMENDATION(S)

- 1. That the annual report be noted**
- 2. That the revised RIPA policy be approved**

ATTACHMENT: **Y – Policy Document**
FILE REFERENCE:
SOURCE DOCUMENT: