

REPORT TO	DATE OF MEETING
GOVERNANCE COMMITTEE	9TH FEBRUARY 2011

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)	NOT APPLICABLE	DAVID WHELAN	9

SUMMARY AND LINK TO CORPORATE PRIORITIES

The report summarises the outcome of a recent inspection of the Council’s RIPA regime by the Office of Surveillance Commissioners.

The report links to the corporate priority of “Efficient, effective and exceptional Council.”

RECOMMENDATIONS

That Committee note the contents of this report and approve that further improvement action be incorporated into the Corporate Governance Action Plan and reported accordingly.

DETAILS AND REASONING

The Regulation of Investigatory Powers Act 2000 (RIPA) provides the legislative framework within which covert surveillance operations must be conducted in order to ensure that investigatory powers are used in accordance with Human rights.

Further to this the Council has a policy in place which sets out the procedures that will be followed whenever any covert surveillance is carried out. Such surveillance must be carried out for a specific operation or investigation. The Council may only carry out such surveillance if it is for the purpose of preventing and detecting crime or of preventing disorder. Under the terms of our policy any such surveillance must be first authorised by the relevant Director/Head of Service. The general philosophy informing our policy is that such surveillance is only authorised where it is strictly necessary.

The Council has utilised its RIPA powers on a number of occasions since their introduction in 2003. There are two main areas where our RIPA powers have been exercised: firstly in relation to benefit fraud investigations; secondly in relation to Environmental Health investigations (e.g. noise complaints). However, in recent times we have made far less of these RIPA powers – indeed since the 1st of January 2008 there have only been two RIPA authorisations (both of these related to Licensing Act enforcement – i.e. under age sales of alcohol / tobacco).

Periodically the Office of Surveillance Commissioners visits council offices to carry out an inspection of the RIPA arrangements in place to make sure that the particular Council is complying with all relevant legislation and guidance. On the 7th of October 2010 His Honour Norman Jones QC accompanied by Sir David Clarke (Assistant Commissioners) carried out an inspection of our RIPA arrangements.

In their report (attached as an Appendix to this report) the Assistant Commissioners were positive about the Council’s RIPA arrangements. They noted our very sparing use of RIPA powers – just 2 in a 2 year period. They commented that “the Council Policy statement on RIPA is a thorough, readable and useful guide for RIPA practice.” In conclusion they stated:” South Ribble BC continues to present a very positive picture in relation to its RIPA performance. Whilst some

weaknesses were apparent in the authorisations, generally they presented as of a reasonable quality. The weaknesses need to be addressed, and Ms Wood and Mr Whelan are determined to do so". They further added:" The factor which most impresses is the quality and determination of the officers concerned with RIPA."

The Assistant Commissioners made four recommendations.

Firstly they suggested some minor changes to the wording in the Council's Policy statement. This has now been done.

Secondly they suggested that we should adopt the most recent Home Office forms – again this has been attended to.

Thirdly that we should carry out more regular training on RIPA issues and ensure more oversight and quality control of authorisations that are granted. Since the inspection the Legal Services Manager has carried out a training event for the benefit of officers who may need RIPA authorisations. Further proportionate training will be planned.

Fourthly they suggested that we should create a database containing a Central record of Auhtorisations. This is something that officers are currently considering.

Committee should note that under the terms of our new policy statement the Director of Corporate Governance (the Senior Responsible Officer for RIPA) will report at least twice yearly to Committee on our use of RIPA powers. More regular reports will be brought if this proves necessary/desirable.

Subject to the approval of the Governance Committee it is suggested that the recommendations of the Office of Surveillance Commissioners and the action needed to address these will be incorporated into the Corporate Governance Action Plan and reported accordingly.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

FINANCIAL	None arising from this report		
LEGAL	It is clearly important that we have a robust RIPA regime in place. Failure to comply with RIPA requirements could result in some evidence obtained by surveillance being ruled inadmissible by the courts. A failure to comply with RIPA could also lead to a claim of breach of Human Rights.		
RISK	The main factors are set out in the Legal implications section – a failure to comply with RIPA could lead to difficulties with any prosecutions we bring as well as potentially resulting in claims against the Council.		
OTHER (see below)			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

RIPA policy statement