

Report To: Corporate Governance Committee

Date of Meeting: 29th January 2014

Lead Member / Officer: Barbara Smith/ Gary Williams
Monitoring Officer and SRO for RIPA

Report Author: Lisa Jones, Deputy Monitoring Officer.

Title: Annual RIPA (Regulation of Investigatory Powers Act 2000) Report

1. What is the report about?

The Home Office RIPA Codes of Practice require local authorities to report the Council's activities in relation to any covert surveillance, to elected members. The Corporate Governance Committee receives such reports.

2. What is the reason for making this report?

To inform Members of the Council's activities in this area.

3. What are the Recommendations?

That the Corporate Governance Committee
(1) note the contents of the report
(2) provide officers with any views regarding the use of covert surveillance in the County.

4. Report details.

RIPA regulates the use of covert surveillance techniques employed by various bodies such as the police, the armed forces, DWP and local authorities. RIPA was enacted in order to ensure that an individual's human rights are protected. In the context of RIPA, Article 8 (the right to respect a person's private and family life) of the European Convention on the Protection of Human Rights and Fundamental Freedoms is the most relevant.

In addition to human rights, covert surveillance operations must also have regard to any Home Office Codes of Practice. The Codes of Practice now require elected members to receive regular (at least annually) reports on the Council's activities in this area. During the consultation period on these requirements the government of the day provided the following position in relation to the question – Should elected councillors be given a role in overseeing the way local authorities use covert investigatory techniques ?

Government's position:

‘ working from the premise that the way that public authorities discharge their duties should be understood by and command the confidence and support of the local community, the Home Office agrees that the involvement of elected members in local authorities can be helpful in terms of transparency and accountability. The overwhelming consensus of this consultation is that councillors should have oversight of council’s use of covert investigative techniques authorised under RIPA, that this oversight should be strategic not operational, and that individual local authorities should have some degree of local flexibility to determine the exact form and frequency of that oversight’

The Council’s Senior Responsible Officer for RIPA holds the central record of applications and co-ordinates the Investigating Officer’s application to the Councils RIPA Authorising Officers (CET), when covert surveillance is planned.

DCC Ripa activity

During the period 1st January 2013 to the 31st December 2013, the Council conducted directed surveillance on one occasion in relation to the sale of alcohol to underage persons.

During the same period, 13 authorisations to acquire communications data were made via the Councils membership of the National Anti Fraud Network. (NAFN). NAFN’s key services are:

- Acquiring data legally, efficiently and effectively from a wide range of information providers,
- Acting as a hub for the collection, collation and circulation of intelligence alerts,
- Providing best practice examples of process, forms and procedures.

The RIPA legislation was amended by the Protection of Freedoms Act 2012 and now allows Council’s to conduct covert surveillance in certain prescribed circumstances only namely:

- Where the suspected offence falls within the definition of ‘Serious Crime’
- That the Council has firstly obtained a Magistrates Approval before commencing the surveillance activity. This takes place as soon as DCC’s internal Authorising Officer (an officer from CET) signs off the application.

The Council’s Corporate RIPA Policy and Procedures document has been updated to reflect these processes.

Oversight

The Council was inspected by the Office of the Surveillance Commissioner (OSC) on the 14th June 2012 in respect of its directed surveillance activities; and on the 11th September 2012 by the ‘Interception of Communications

Commissioner's Office (IOCCO), in respect of its ' interception of communications' activities. The Corporate Governance Committee have already received copies of the reports which were brought to the Committee by the RIPA SRO on the 14th November 2012.

The Council set up an Officer's RIPA working group in 2009, which has continued to meet approximately twice a year. Membership now includes the CCTV manager in addition to Officers from Public Protection and the Environment departments. The work of the group is to ensure Officers working in this area keep abreast of changes in the law and that this is reflected in our corporate policy.

This Working Group also consider the councils' training requirements in this area, and deliver the training in house in order to keep the cost down and the content relevant to the needs and policy of this authority. The last round of training took place on the 18th June 2012 for Investigating Officers, then a separate session for the Authorising Officers (CET) in September 2012. Evidence of training is one area that the Inspectors are keen to see taking place and refresher training is planned for 2014 to be delivered by the Monitoring Officer/SRO for Ripa and the Deputy Monitoring Officer/ Ripa Co-Ordinator.

5. How does the decision contribute to the Corporate Priorities?

It contributes to the corporate priority of keeping the Council close to the community.

6. What will it cost and how will it affect other services?

There are no implications on other services as a result of this report.

7. What consultations have been carried out?

No consultations have been necessary for this report.

8. Chief Finance Officer Statement

Not required.

9. What risks are there and is there anything we can do to reduce them?

There are no risks in complying with RIPA fully, there are risks in not complying as we may breach human rights.

10. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?

Not included.

11. Power to make the Decision

Regulation of Investigatory Powers Act 2000