

Standards Committee

AGENDA STATUS: PUBLIC

Report Title	2009 RIPA Inspection
Date of Meeting:	15 th June 2009
Directorate:	Borough Solicitor
Ward(s)	All

1. Summary

On 6th May 2009 the Office of the Surveillance Commissioner (OSC) undertook an onsite inspection of the Council's use of and compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).

The inspector reviewed the Council's RIPA policy, interviewed the Borough Solicitor, visited the CCTV control centre and met with a group of Authorised Officers and provided informal feedback to the Borough Solicitor at the conclusion of the inspection. A formal report will be sent to the Council in due course.

2. Recommendations

1. That Standards Committee note this report.

3. Report Background

The Borough Council is empowered by RIPA to undertake covert surveillance and make use of covert human intelligence sources where there is reason to believe that an offence is being committed and that evidence obtained may enable the Council to prosecute.

Use of RIPA powers is strictly controlled by the Act itself, the related Code of Practice and Council's own policy on RIPA. Prior to the use of any RIPA power an application for authorisation must be made to one of the officers Authorised for the purpose by the Borough Solicitor and Monitoring Officer. Before authorising the activity the Authorised Officer is required to consider human rights issues such as whether the activity is appropriate and proportionate.

The Council has in the past used evidence obtained through authorised covert surveillance and successfully prosecuted cases of benefit fraud and fly tipping. However the Council has not used RIPA in the past two years, as alternative sources of evidence such as the National Data Matching Initiative and overt surveillance have negated the need for covert surveillance.

The OSC undertakes, irregular, inspections of all authorities and agencies empowered to use RIPA, the Council was inspected in 2005 and 2006. Following each inspection the OSC issued a report with recommendations which the Council implemented.

The May 2009 inspection consisted of an interview with the Borough Solicitor and Monitoring Officer, as the senior officer responsible for RIPA policy, a desk top review of Council's policy, a group discussion with past and present authorised officers and a visit to the Council CCTV control centre.

At the conclusion of the on-site part of the inspection the Borough Solicitor and Monitoring Officer received informal feedback. The informal feedback suggests that the OSC final report will recommend some minor amendments to Council's policy and praise for the Council's CCTV operations.

The Borough Solicitor and Monitoring Officer is in the process of implementing changes to the RIPA policy to reflect the changes suggested by the inspector. A copy of the amended policy will be brought to Standards Committee for comment as soon as possible.

OSC have not, as yet, indicated when the final report will be received.

4. Implications (including financial implications)

4.1 Resources and Risk

There are no financial implications arising from this report.

4.2 Legal

There are no legal implications related to this report.

4.3 Other Implications

There are no other implications arising from this report.

5. Background Papers

RIPA file held by Borough Solicitor and Monitoring Officer.

**Report Author and Title: David Bibey, Practice Manager,
Borough Solicitor's Department.**

Telephone and Email: 01604 838058 dbibey@northampton.gov.uk