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Dear Sir

RIPA Consultation

Northampton Borough Council has considered the "Regulation of Investigative Powers Act 2000: Consolidating Orders and Codes of Practice" Consultation Document and takes the view that

1. The Council cannot comment on the inclusion in the RIPA framework of authorities and agencies other than local Authorities and the Police. The Council does not believe that Local Authorities and/or the police should be removed from the RIPA framework.
2. If any public authorities are removed from the RIPA framework they should be empowered to partner with an authority within the framework to undertake essential surveillance and/or intelligence gathering.
3. The Council makes no comment on this point as we do not have sufficient information to be able to form an informed view.
4. The Council would support an arrangement whereby Authorised officers below senior executive level are formally appointed by the Chief Legal Officer of the Authority annually where appointment depends on up to date training and an annual appraisal.
5. The Council believes that Local Authorities Standards Committees should be given a role in overseeing the way Local Authorities use covert investigating techniques.
6. In relation to the Government's other proposed changes, there were very few matters that were of concern to local authorities. However, the following comments are made about those proposed changes that do concern local authorities:

Department For Work and Pensions

It is proposed that covert technique of conducting and the use of Covert Human Intelligent Sources should be removed.

If the uses of Covert Human Intelligent Sources were to be removed it would result in making it more difficult to and take longer to obtaining information, therefore taking longer to bring forward any cases and preventing crime and disorder. An indirect result of this would be that any other types of fraud i.e. Housing Benefit or Council Tax Fraud will not be picked up and the accused could potentially be defrauding the local authority out of a huge amount of taxpayer's money.

Gambling Commission

The Gambling Commission works with and governs local authorities with regards to gambling, gaming, lotteries etc. As the local authorities are the one who work on a localised level, they are the ones that need to be made aware of any actions which go against the Gambling Objectives and they are the ones who will need to investigate these on a localised level.

Any authority to carry out covert investigative work requires authorisation from the Director of Intelligence. It may be more beneficial if authorisation was delegated down to a more localised level to allow the local authority to act quicker and be more efficient (should resources allow it).

Local Authorities

To ensure efficiency and expedience, any authorisation that may be required should be delegated to localised level, in order to prevent loss of time.

7. The Draft code is split into two sections, (a) Covert Surveillance and Property Interference; and (b) Covert Human Intelligence Sources.

Necessity and proportionality are discussed in both sections with reference to statutory grounds. The seriousness of intrusion needs to be balanced against the need for activity. So no activity should be considered if the sought for information could be reasonably obtained by less intrusive means.

Good examples would appear to be provided of common problems facing Local Authorities such as littering, leaving waste out for collection unduly early or dog-fouling, which could help with interpretation of certain provisions. The ability for Local Authorities to interpret necessity and proportionality in individual cases such as these would appear to be preferable to central control according to local public opinion.

Yours truly,

