

Standards Committee

AGENDA STATUS:PUBLIC

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

1. Summary

The Communities and Local Government have issued a consultation document seeking view on proposed changes to RIPA and the associated Codes of Practice.

The changes have in part been prompted by media reports of the use some authorities have made of RIPA in the past year.

A draft response has been drawn up, copy attached, on which committee's comments are requested.

2. Recommendations

1. That Standards Committee comment on the attached draft.

3. Report Background

The Communities and Local Government Department have issued a consultation document on RIPA and its associated Codes Of Practice following concerns that the powers to undertake covert surveillance and to engage covert human intelligence sources may have been misused by some authorities.

The consultation poses five questions.

1. Taking into account the reasons for requiring the use of covert investigatory techniques under RIPA set out for each public authority, should any of them nevertheless be removed from the RIPA framework?
2. If any public authorities should be removed from the RIPA framework, what, if any, alternative tools should they be given to enable them to do their jobs?
3. What more should we do to reduce bureaucracy for the police so they can use RIPA more easily to protect against criminals?
4. should the rank at which local authorities authorise the use of covert investigatory techniques be raised to senior executive?
5. should elected councillors be given a role in overseeing the way local authorities use covert investigatory techniques?
6. Are the government's other proposed changes in the Consolidating Orders appropriate?
7. Do the Codes Of Practice provide sufficient clarity on when it is necessary and proportionate to use techniques regulated by RIPA?

A draft response to these questions, copy attached, has been drafted by the Borough Solicitor.

As the use of RIPA is an ethical issue committee's comments on the draft are sought.

4. Implications (including financial implications)

4.1 Resources and Risk

There are no financial risks associated with this report but there may be should the consultation lead to significant changes in RIPA however these cannot be quantified at this time.

4.2 Legal

There are no legal implications associated with this report but there may be should the consultation lead to significant changes in RIPA.

4.3 Other Implications

There are no other implications associated with this report.

5. Background Papers

RIPA consultation document and file held by the Borough Solicitor.

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WHISTLE BLOWING

The ability to ‘blow the whistle’ on a member of staff, a councillor or contractor working at the council without fear of reprisal is an important weapon in the armoury of ethical governance.

To remind everyone of their responsibility to report concerns and of their right to protection the Monitoring Officer, who is the Single Point Of Contact for whistle blowing, has published a new poster across council offices.

GIFTS & HOSPITALITY

HAVE YOU REGISTERED

If you have received gifts or hospitality in connection with your official duties worth 325 or more you must register them.

To register a gift or hospitality contact Frazer McGown, Democratic Services Manager
(tel: 01604 837101)

If you are unsure about the need to register an item ask Frazer.

RIPA

Regulation of Investigatory Powers Act 2000 or RIPA is the law that controls the Council’s use of covert surveillance and covert human intelligence sources to obtain evidence for prosecutions.

NBC has not used RIPA in the last two years however in response to concerns surrounding high profile cases earlier in the year, in which some authorities were accused of using RIPA unethically and without proper safeguards the Communities and Local Government department is undertaking a consultation exercise on suggested changes to the law and guidance.

Amongst the proposals are:

- Withdrawal of some RIPA powers from Council
- Reduction in paperwork for the Police
- Restricting authorisation for use of RIPA to only the most senior officer or officers in an authority

The Council is seeking the input of Standards

STANDARDS COMMITTEE AWAY DAY

The Chair of Standards and the Monitoring Officer have agreed the format for the Committee’s away day. The event will be an opportunity for the Committee to plan an ambitious programme for the year.

Speakers on the day will include the Chief Executive David Kennedy and the Leader of the Council Councillor Woods.

