

TELFORD & WREKIN COUNCIL

CABINET – 8th JUNE 2010

REGULATION OF INVESTIGATORY POWERS ACT 2000

REPORT OF HEAD OF GOVERNANCE

1. PURPOSE

To highlight some changes to the procedure for applying for authorisation to undertake covert surveillance and seek approval of the updated Policy in respect of the use of Regulation of Investigatory Powers Act 2000 powers.

2. RECOMMENDATION

2.1 That the revised Policy document is noted and approved.

3. SUMMARY

The Council's Corporate Policy and Guidance Document on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) has been amended in accordance with political instructions, new Codes of Practice and best practice guidance from the Office of the Surveillance Commissioners (OSC).

4. PREVIOUS MINUTES

5. INFORMATION

5.1 Background

5.1.1 The Leader of the Council has indicated that he wishes to be kept informed of all applications for the use of RIPA powers. The Council's Policy and Procedure has therefore been amended to provide for notification to the Leader by Authorising Officers. Any queries raised by the Leader will be addressed to the Head of Governance.

5.1.2 Guidance from the OSC indicates that the number of Authorising Officers should be limited to ensure effective control over the use of RIPA and consistency across decision making. The number of Authorising Officers within the Council has therefore been reduced (as set out in Appendix 1 to the attached Policy document) to ensure only those officers that regularly authorise operations and therefore have a sound knowledge of RIPA undertake this duty.

The reduced number of Authorising Officers should also assist in ensuring the notification to the Leader operates successfully.

5.1.3 Following a recent inspection by the OSC the Policy and Guidance document has also been amended to take into account recommendations arising from the inspection. The need to obtain a Unique Reference Number from Legal prior to authorisation has been introduced along with guidance on detailing how the product of the surveillance is handled. Finally the need for officers undertaking urgent surveillance to keep contemporaneous notes is also detailed.

5.1.4 In 2009 the Home Office carried out a consultation exercise in respect of the use of RIPA powers. As a result of that consultation revised Codes of Practice have been issued which are effective from 6 April 2010. The Council's Policy document has been updated to take account of the revised provisions in the Codes of Practice.

5.1.5 The new Codes of Practice recommend that the Council's RIPA policy should be reported to and approved by Members on an annual basis. It is proposed that this will be by way of an annual report to Cabinet. The Codes also recommend that the use of RIPA is reported to Members on a quarterly basis. It is proposed that a quarterly summary of RIPA usage is put before Cabinet with an annual summary being included in the report to Cabinet which seeks approval of the policy as mentioned above.

5.2 Equality and Diversity

All surveillance operations are undertaken in accordance with the Council's Policy thereby ensuring that issues of equality and diversity are appropriately addressed.

5.3 Environmental Impact

There is no environmental impact arising from this report.

5.4 Legal Comment

RIPA seeks to protect the Council from legal challenge in respect of its interference with a person's human rights by way of covert surveillance. A RIPA authorisation should ensure that evidence obtained is admissible. Implementation of RIPA is a matter for each Council and the OSC has an oversight role. Codes of Practice are issued by the Home Office. The Council's Policy is in accordance with the Codes of Practice.

5.5 Links with Corporate Priorities

Effective RIPA practises will assist in promoting an efficient, effective and customer-focused Council and also in creating a safe, strong and cohesive community.

5.6 Opportunities and Risks

The opportunities and risks associated with this decision have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

5.7 Financial Implications

No additional costs are envisaged, any training requirements will be conducted in-house and the costs will be met by the existing budget provision.

6. WARD IMPLICATIONS

District wide implications.

7. BACKGROUND PAPERS

Corporate Policy and Guidance Document

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