

CABINET

13 APRIL 2006

POLICY FOR REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

CAB322 Regulation of Investigatory Powers Act 2000 – 30 January 2002

EXECUTIVE SUMMARY:

This report brings to Cabinet a Policy on the Regulation of Investigatory Powers Act 2000 (RIPA) for approval and also provides an update on the current implications of RIPA.

RECOMMENDATIONS:

- 1 That the Policy, as set out in Appendix 1 to this report be approved.
- 2 That the City Secretary and Solicitor, in consultation with the Portfolio Holder for Finance and Resources be given delegated authority to update the policy.

CABINET13 APRIL 2006POLICY FOR REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)REPORT OF CITY SECRETARY AND SOLICITORDETAIL:1 Introduction

- 1.1 On 30 January 2002 a report to Cabinet outlined the implications of the Regulation of Investigatory Powers Act 2000 (RIPA). In short RIPA puts into place statutory procedures to ensure that where a public authority carries out covert surveillance activities, the surveillance is necessary and proportionate to the activities it seeks to detect and is authorised by a senior officer. Originally, surveillance within this Council was only to be authorised by Directors and their deputies.
- 1.2 On 1 July 2003, an Assistant Surveillance Commissioner carried out an inspection of the Council's procedures and concluded that there was sound practical implementation of the statutory requirements of RIPA. He made a number of recommendations, including improvements to the system of authorising officers by giving delegated power to an appropriate officer to specify by name those officers who may grant RIPA authorisations. This change was brought into effect in changes to the Constitution on 5 July 2004 (CAB824) and the City Secretary and Solicitor now has delegated power to specify by name those officers who may grant RIPA authorisations. The names of the current authorised officers are set out in appendix 1 of the Policy.
- 1.3 Further recommendations were that the Council should formulate a written policy document, that a protocol should be created governing planned and directed use of the Council's CCTV system and that a corporate training programme should be developed to ensure that authorising officers should be fully aware of the legislative framework. The draft Policy attached as Appendix 1 combines the policy and protocol combined in one document. This replaces previous departmental guidance notes.
- 1.4 Since the inspection took place in 2003, there have been further changes to RIPA. From 5 January 2004, surveillance can only be authorised by local authorities for the prevention and detection of crime and the prevention of disorder. The list of authorising officers in the Appendix to the Policy has been reduced to remove those who rarely or never authorise surveillance activities. This is a sensible move as there are training implications for authorising officers and there is little point in carrying out regular training of officers who do not authorise surveillance reasonably regularly. Given that the procedures are only used by the City Council in limited circumstances, it is also recommended that the City Secretary and Solicitor be given delegated authority, in consultation with the Portfolio Holder for Finance and Resources, to update the policy in future.
- 1.5 A further inspection is due to take place by a Surveillance Inspector to assess the Council's progress since the last inspection. Progress has been delayed largely because of ongoing pressure on staff resources, particularly with the introduction of

the Freedom of Information Act in the period. This report does however deal with most of the outstanding issues and any other matters will be dealt with before the inspection takes place.

OTHER CONSIDERATIONS:

2 CORPORATE STRATEGY (RELEVANCE TO):

2.1 Modernising working practices.

3 RESOURCE IMPLICATIONS:

3.1 None.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 – Policy for Regulation of Investigatory Powers Act 2000 (RIPA)