

Title of Report:	Regulation of Investigatory Powers Act 2000 (RIPA) - Covert Surveillance Policy and Guidance	Item 11
Report to be considered by:	Executive	
Forward Plan Ref:	EX0873	

Corporate Plan Priority:	This item does not relate to a Corporate Plan priority but the policy and processes referred to are required as part of the statutory framework under RIPA.
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Purpose of Report:

To revise, clarify and codify the Council's policy relating to RIPA and to formally adopt a written policy for dealing with matters under the Act. To approve the designation of certain Officers in order to deal with authorisations under the Act

Recommended Action:

1. That the policy annexed as the Appendix to this Report be formally adopted.
2. That the Officers indicated in Appendix 2 to the Policy be approved as designated Officers under the Act.
3. To make provision for training of Officers and in particular training for a further Single Point of Contact officer.

Reason for decision to be taken:

To ensure that the Council complies with the provisions, processes and procedures of RIPA

List of other options considered:

Not applicable

Key background documentation:

- RIPA 2000
- Home Office Guidance (See Appendix 1 to the Policy)
- Recommendations of the Office of Surveillance Commissioners

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Implications

- Policy:** The policy documents attached to this Report revises, clarifies, co-ordinates and updates the Council's current processes and procedures in relation to RIPA.
- Financial:** Any costs of training and updating authorised Officers in respect of the Act will need to be met from the Council's Corporate training budget which will be in the region of £1500.
- Legal:** The policy ensures compliance with the Home Office guidance and provisions of the Act and consequently the Terms of the European Convention on Human Rights.
- Risk Management:** Failure to adopt the Policy may result in failure of prosecutions and also potential breach of the Human Rights Act.

Supporting Information

1. Background

- 1.1 The Regulation of Investigatory Powers Act 2000 ("RIPA") was introduced to ensure that surveillance and intelligence gathering by the police and other agencies complied with the European Convention on Human Rights. The purpose of the Act is set out in the policy document in the Appendix to this Report.
- 1.2 The purpose of this policy is to revise, update and codify the Council's procedures and statutory guidance in one document and to clarify which Officers are able to grant authority for covert surveillance activities in order that the Council can carry out its enforcement functions. Discussions have been held with a representative of the Office of Surveillance Commissioners and Heads of Service for those areas of the Council's enforcement activities closely involved with the gathering of evidence. A number of recommendations were made by the OSC and are incorporated into the policy document.

2. The Policy & Guidance

- 2.1 The policy document, which incorporates the recommendations of the OSC, outlines the Act, the objectives and scope of the document, including references to statutory definitions, and the processing of authorisations including reviews, renewals and cancellations. In addition, the Home Office guidance relating to the operation of RIPA is annexed to the Policy.
- 2.2 Following recent changes in the Home Office advice regarding those dealing with access to communications data from providers such as B.T. and mobile phone operators, an additional section is included dealing with the single point of contact (SPOC). All services within the Council who wish to obtain communications data must now go through one or more individuals who have been trained to Home Office standards and has sat an examination. The individual has been given a specific personal identification number in order to access such information from providers. Details of the process are contained at para 15 together with application forms at Appendix 5 to the Policy

3. Authorisations

- 3.1 Under current practice, the ability to grant authorisations rests with all Heads of Services. There was some criticism of this by the OSC and therefore an amended list of Officers with delegated authority to grant authorisations is set out in Appendix 2 to the Policy. All Officers involved in grant renewal or cancellation of authorisations have had, or will have had, appropriate training. Members are asked to approve the list of Officers set out in Appendix 2 to the Policy. For the avoidance of doubt it is the post which carries the authority not the named individual.

4. Training

- 4.1 At present there is only one Officer who has achieved the relevant Home Office standards to become a Single Point of Contact. At least one further Officer will be required to cover for leave and other absences. In addition, those authorising the use of covert surveillance will require training and Members are requested to approve an appropriate budget to cover these requirements.

5. Conclusion

- 5.1 Members are requested to approve the Policy and the authorisation set out in this Report in order to ensure that the Council's processes and procedures are up to date and appear in one written document.

Appendices

Appendix 11 - Regulation of Investigatory Powers Act 2000: Covert Surveillance Policy and Guidance (*Please note that due to the size of this appendix a copy can be obtained from Anne Hunter on (01635) 519241*)

Consultation Responses

Local Stakeholders:	N/a
Officers Consulted:	Sean Anderson, Sean Murphy, Gary Lugg, Nick Carter, Kevin Thompson, Caroline Gray
Trade Union:	N/a