

AUDIT COMMITTEE	AGENDA ITEM No. 4
26 March 2012	PUBLIC REPORT

Cabinet Member responsible:	Councillor Seaton, Resources Portfolio Holder	
Committee Member responsible:	Councillor Lamb, Chair of Audit Committee	
Contact Officer(s):	Diane Baker, Head of Governance	☎ 452 559

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) REPORT FOR THIRD QUARTER OF 2011 – OCTOBER TO DECEMBER 2011

RECOMMENDATIONS	
FROM : Paul Phillipson, Executive Director of Operations	Deadline date : N/A
Audit Committee is asked to	
1. Receive, consider and endorse this report on the use of RIPA for the third quarter of 2011 – October to December 2011	

1. ORIGIN OF REPORT

This report is submitted to the Committee as a scheduled report on the Council's use of RIPA in accordance with the established Work Programme 2011 / 2012.

2. PURPOSE AND REASON FOR REPORT

The purpose of this report is to provide an update of the Council's use of RIPA powers during the third quarter, October to December 2011. This report is to be considered in accordance with its Terms of Reference 2.2.15 - *To monitor council policies on "raising concern at work" and the anti fraud and anti corruption strategy and the Council's complaints process.*

3. BACKGROUND

3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory mechanism for authorising covert surveillance and the use of a 'covert human intelligence source' (CHIS) e.g. undercover agents. It now also permits Public Authorities to compel telecommunications and postal companies to obtain and release communications data, in certain circumstances. It seeks to ensure that any interference with an individual's right under Article 8 is **necessary and proportionate**. In doing so, RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.

3.2 Council officers and external agencies working on behalf of Peterborough City Council must comply with RIPA and any work carried out must be properly authorised by one of the Council's Authorising Officers. The powers contained within the Act can only be used for the purpose of preventing or detecting crime or preventing disorder.

3.3 The Council has established strong governance around the use of RIPA and provides assurance to the citizens of Peterborough that the powers are only used where necessary and proportionate and in accordance with the law.

3.4 The following table provides a breakdown of the use of RIPA between October 2011 and December 2011.

Date of authorisation	Type of Covert Surveillance	Reason	Outcome
14.10.2011	Covert	Fly Tipping	Offences were identified however the footage was of too low definition to be considered of value
20.10.2011	Covert	Test Purchasing	Cancelled at last minute due to shortage of volunteers.
18.12.2011	Covert	Test Purchasing	Two sales of alcohol were identified and fixed penalty notices were issued.

3.5 The report for the second quarter referred to an authorisation dated 12th September 2011 regarding test purchasing which was ongoing at that time. The trader was required to pay the outstanding fee in relation to the matter.

3.6 The following table provides a breakdown of the Council's applications for access to communications data between October 2011 and December 2011.

Date of application	Type of Communications Data	Reason	Outcome
02.11.2011	Telephone	Business Regulation investigation	The matter is still ongoing

4. CONSULTATION

Consultation has taken place between the following parties:

- Solicitor to the Council;
- Executive Director of Operations (as the Senior Officer with oversight for RIPA); and
- Chief Internal Auditor

5. ANTICIPATED OUTCOMES

That the Audit Committee continues to be informed of the necessary and proportionate use of RIPA across the Authority.

6. REASONS FOR RECOMMENDATIONS

There are no recommendations contained within this report.

7. ALTERNATIVE OPTIONS CONSIDERED

The option is not to present an annual or quarterly report, which details the use of RIPA. This could result in a lack of assurance and a potential lack of support from the Audit Committee. Failure to report usage for Member review contravenes the RIPA Codes of Practice.

8. IMPLICATIONS

The implications of this report are that the Council will become more aware of RIPA and its value to the Council's many enforcement teams. The Council has already created a positive profile and has been congratulated on its adherence to the legislation by the Office of Surveillance Commissioners.

9. BACKGROUND DOCUMENTS

(Used to prepare this report in accordance with the Local Government (Access to Information) Act 1985)

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