

AUDIT COMMITTEE	AGENDA ITEM No. 5
5 NOVEMBER 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	☎ 452559

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) ANNUAL REPORT FOR 1 JULY 2012 TO 30 SEPTEMBER 2012 AND AN UPDATE ON RIPA POLICY CHANGES.

R E C O M M E N D A T I O N S	
FROM : Paul Phillipson, Executive Director - Operations	Deadline date : N/A
Audit Committee is asked to	
1. Receive, consider and endorse this report on the use of RIPA for the three months from 1 July 2012 to 30 September 2012.	

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 2012 / 2013.

2. PURPOSE AND REASON FOR REPORT

The purpose of this report is to provide an overview of the Council's use of RIPA powers in the three months from 1 July 2012 to 30 September 2012. 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 In terms of the Council's use of RIPA powers for this period, it can be reported that there have been no authorisations either for surveillance or access to communications data, such as the subscriber of telephone numbers, during July to September 2012.
- 3.5 The Protection of Freedoms Act 2012 makes changes to provisions under RIPA. As of 1st November 2012, local authorities will have to obtain approval from a Justice of the Peace before utilising RIPA. The changes will also mean that Peterborough City Council can only apply to use RIPA if investigating criminal offences where the maximum custodial sentence is six months or more or when investigating underage sales of alcohol or tobacco. A policy with associated guidance is being developed at draft stage following the recent receipt of Home Office guidance. This revised policy will be presented at the next Audit Committee for discussion and approval. However, in the intervening period, Peterborough City Council's RIPA authorising officers will ensure that the use of RIPA powers comply with the law.

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.