

AUDIT COMMITTEE	AGENDA ITEM No. 8
23 SEPTEMBER 2013	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) QUARTERLY REPORT FOR 1ST APRIL 2013 TO 30TH JUNE 2013

RECOMMENDATIONS	
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 st April 2013 to 30 th June 2013.	

1. ORIGIN OF REPORT

- 1.1 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 2013 / 2014.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide an overview of the Council's use of RIPA powers in the three months from 1st April 2013 to 30th June 2013. This report is to be considered in accordance with its Terms of Reference 2.2.1.14 - *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.
- 3.3 There have been no applications for the use of directed surveillance during the three month period.
- 3.4.1 The following table provides a breakdown for access to communications data, such as the subscriber of telephone numbers, between 1st April 2013 to 30th June 2013. The below application was the first made following recent changes to legislation and as such was subject to judicial approval.

Date of application	Type of Communications Data	Reason	Outcome
9 th April 2013	Subscriber details of a mobile phone number	Investigation into an allegation of unlicensed practice.	The enquiry identified the operator concerned and established a link with the unlicensed driver. Files have been submitted to Legal for prosecution.

4. CONSULTATION

- 4.1 Consultation has taken place between the following parties:
- Head of Legal Services
 - Executive Director of Operations (as the Senior Officer with oversight for RIPA); and
 - Chief Internal Auditor

5. ANTICIPATED OUTCOMES

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

6. REASONS FOR RECOMMENDATIONS

- 6.1 There are no recommendations contained within this report.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 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.