

<b>AUDIT COMMITTEE</b>	AGENDA ITEM No. 6
<b>24 September 2012</b>	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) ANNUAL REPORT FOR 2011-2012 AND FOR THE THREE MONTHS TO 30<sup>TH</sup> JUNE 2012**

<b>RECOMMENDATIONS</b>	
<b>FROM :</b> Paul Phillipson, Executive Director - Operations	<b>Deadline date :</b> N/A
Audit Committee is asked to	
1. Receive, consider and endorse this report on the use of RIPA for the annual review of 2011 to 2012 and for the three months to June 2012.	

**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 2012 / 2013.

**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 over the year 2011-2012 and the period ending 30<sup>th</sup> June 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 Peterborough City Council was recently inspected by Dr Colin Kolbert, Assistant Surveillance Commissioner with the Office of Surveillance Commissioner. Dr Kolbert scrutinised the Council's RIPA records and met with officers to discuss the Council's arrangements around the use of surveillance. Dr Kolbert commended the Council on a number of practices including the Chief Executive's 'hands on' interest in RIPA matters, a formal existence of a management structure specifically for RIPA issues, who he referred to as 'a 'tight-knit' group of officers whom are equipped with an admirable degree of expert knowledge, which is demonstrated in the restrained and sensible use made of RIPA by the Council. He also commented on the innovative nature of a toolkit, which has been designed to assist internal users of RIPA. In concluding his report, Dr Kolbert added that it is pleasing to see that the Chief Executive takes a direct interest in RIPA matters and has received the appropriate training.

3.5 The following table provides a breakdown of the use of RIPA between 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012 and from 1<sup>st</sup> April 2012 to 30<sup>th</sup> June 2012.

<b>Date of authorisation</b>	<b>Type of Covert Surveillance</b>	<b>Reason</b>	<b>Outcome</b>
26 <sup>th</sup> July 2011	Covert	Test Purchasing	Two sales of alcohol to a person under the age of 18 were identified. Fixed Penalty Notices (FPN) issued
10 <sup>th</sup> August 2011	Covert	Test Purchasing	Three sales of alcohol and one sale of tobacco to a person under the age of 18 were identified. FPN issued
12 <sup>th</sup> September 2011	Covert	Test Purchasing	One case of unauthorised street trading was identified and as a result the individual concerned paid the appropriate fee for consent.
14 <sup>th</sup> October 2011	Covert	Fly tipping	Offences identified but footage of too low definition to be of value and to identify any individuals
20 <sup>th</sup> October 2011	Covert	Test Purchasing	Cancelled at last minute due to shortage of volunteers.
18 <sup>th</sup> December 2011	Covert	Test Purchasing	Two sales of alcohol to a person under 18 identified and FPN issued
26 <sup>th</sup> January 2012	Covert	Test Purchasing	One individual prosecuted in relation to a taxi licensing matter. The individual was fined £500.00.

2 <sup>nd</sup> February 2012	Covert	Test Purchasing	Two sales of alcohol to a person under 18 identified and FPN issued
1 <sup>st</sup> June 2012	Covert	Test Purchasing	Two sales of alcohol to a person under 18 identified sellers and FPN issued in both cases

3.6 The following table provides a breakdown of the Council's applications for access to communications data between 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012 and from 1<sup>st</sup> April 2012 to 30<sup>th</sup> June 2012.

Date of application	Type of Communications Data	Reason	Outcome
10 <sup>th</sup> October 2011	Telephone number	Business Regulation investigation	The matter has been closed with no further action possible due to a lack of evidence
5 <sup>th</sup> January 2012	Telephone number	Business Regulation investigation	The matter has been closed with no further action possible due to a lack of evidence

#### 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)