

AUDIT COMMITTEE	AGENDA ITEM No. 8
24 MARCH 2014	PUBLIC REPORT

Cabinet Member responsible:	Councillor Seaton, Resources Portfolio Holder	
Committee Member responsible:	Councillor Lamb, Chair of Audit Committee	
Contact Officer(s):	Kim Sawyer, Director of Governance Ben Stevenson, Compliance Manager (Governance)	☎ 452 361 ☎ 452 387

**REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) QUARTERLY REPORT
FOR 1ST JULY 2013 TO 30TH SEPTEMBER 2013**

RECOMMENDATIONS	
FROM : Kim Sawyer, Director of Governance	Deadline date : N/A
Audit Committee is asked to	
<ol style="list-style-type: none"> 1. Receive, consider and endorse this report on the use of RIPA for the three months from 1st October 2013 to 31st December 2013; and 2. Consider the recommendation and approve that the report is produced for the Audit Committee on a six monthly basis. 	

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 2013 / 2014.

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 October 2013 to 31 December 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. The Council will continue to fully investigate matters such as fly tipping with RIPA applications only made where necessary.
- 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 October to December 2013.
- 3.5 The Interception of Communications Commissioner's Officer (IOCCO) inspected the Council in December 2013. The inspectors commented:

"Peterborough City Council emerged well from this inspection. The Inspectors were satisfied that the public authority is acquiring communications data for a correct statutory purpose and for investigations where they have a clear statutory duty and responsibility to conduct a criminal investigation. Overall the Council has a good level of compliance with the Act and Codes of Practice."

- 3.6 In 2011 we had been inspected and seven recommendations had been made, six of which had been implemented in the intervening period. The seventh recommendations was that we were more proactive by not just obtaining subscriber data but also obtaining details of usage. We have accepted that this is something we should consider in future application.
- 3.7 The Home Officer Code of Practice for covert surveillance state that elected Members should review the use of these powers at least once a year and should also consider internal reports on at least a quarterly basis. This code of practice is guidance and therefore it may be appropriate for the Committee to consider a six monthly report instead of quarterly.

4. **CONSULTATION**

- 4.1 Consultation has taken place between the following parties:
- Director of Governance; 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 Given the authority's responsible and low use of these powers, it may be more appropriate for the Audit Committee to receive reports on a six monthly basis.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 The option is not to present a regular report detailing 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

8.1 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.

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