

AUDIT COMMITTEE	AGENDA ITEM No. 8
6 SEPTEMBER 2010	PUBLIC REPORT

Cabinet Member responsible:	Councillor Seaton, Resources Portfolio Holder	
Committee Member responsible:	Councillor Collins, Chair of Audit Committee	
Contact Officer(s):	Diane Baker, Compliance and Ethical Standards Manager	☎ 452 559

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) ANNUAL REPORT 2009/2010

RECOMMENDATIONS	
FROM : Helen Edwards, Solicitor to the Council	Deadline date : N/A
Audit Committee is asked to	
1. Receive, consider and endorse the attached annual report on the use of RIPA for the year ended 31 March 2010 and quarterly review period ended 30 June 2010.	

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 2010/2011.

2. PURPOSE AND REASON FOR REPORT

2.1 The main purpose of this report is to provide an overview of the Council's approach to RIPA and its use of these powers over the period April 2009 - March 2010 and first quarter of 2010/2011. 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. Authorising Officers are those whose posts appear in Appendix 1 to this report. The powers contained within the Act can only be used for the purpose of preventing or detecting crime or preventing disorder.¹

¹ Detecting crime is defined in section 81(5) of the 2000 Act. Preventing or detecting crime goes beyond the prosecution of offenders and includes actions taken to avert, end or disrupt the commission of criminal offences.

- 3.3 The attached report (**Appendix A**) demonstrates the success of the Council in establishing 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.

4. CONSULTATION

- 4.1 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

- 5.1 That the Audit Committee is informed of the proactive measures taken across the organisation to govern the use of RIPA and incorporate good practice into established procedures. Furthermore, this will assist in the development of future policies and procedures and allow the Committee to support this important function.

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 a comprehensive report, which addresses the use of RIPA and identifies areas for improvement. This could result in a lack of awareness and a potential lack of support from the Audit Committee. Failure to present a report also 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.

9. BACKGROUND DOCUMENTS

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

- 9.1 Office of Surveillance Commissioners website
<http://www.surveillancecommissioners.gov.uk/>