

<b>AUDIT COMMITTEE</b>	AGENDA ITEM No. 5
<b>28 MARCH 2011</b>	<b>PUBLIC REPORT</b>

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

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA): QUARTERLY REPORT (TO 31 DECEMBER 2010)

<b>RECOMMENDATIONS</b>	
<b>FROM :</b> Helen Edwards, Solicitor to the Council	<b>Deadline date :</b> N/A
<p>The Audit Committee is asked to:</p> <ol style="list-style-type: none"> <li>1. Receive, consider and endorse this report on the use of RIPA for the quarterly review period of 1 October 2010 to 31 December 2010.</li> </ol>	

**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 purpose of this report is to provide an overview of the Council's use of RIPA powers over the period October – December 2010. 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 The following table provides a breakdown of the Council's use of RIPA during the third quarter of 2010-2011.

<b>Date of Authorisation</b>	<b>Type of Covert Surveillance</b>	<b>Reason</b>
3 <sup>rd</sup> October 2010	Covert	Test Purchasing
18 <sup>th</sup> November 2010	Covert	Fly Tipping
22 <sup>nd</sup> November 2010	Covert	Test Purchasing x 2

Please note Test Purchasing refers to the testing of age restricted goods such as alcohol, tobacco and fireworks, at premises throughout the City.

#### **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 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 a 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**

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)