

**Meeting of:** AUDIT COMMITTEE

**Date:** 26 OCTOBER 2004

**Report of:** INTERNAL AUDIT MANAGER

**Reference:** aud/audcomm/261004

**Title:** REGULATION OF INVESTIGATORY POWERS ACT 2000

## **PUBLIC/EXEMPT ITEM**

This item is for consideration in the public part of the meeting.

## **PURPOSE OF THE REPORT**

To update the Committee on progress regarding the Council's arrangements for managing surveillance activity under the Regulation of Investigatory Powers Act 2000 (RIPA).

## **RECOMMENDATIONS**

- 1. That the report is noted**

## **REPORT**

### **Introduction**

The Regulation of Investigatory Powers Act 2000 (RIPA) came into force on 25<sup>th</sup> September 2000 to regulate the use of covert surveillance by, amongst others, local authorities. Surveillance carried out in accordance with the authorisation mechanism established by RIPA gives local authorities express statutory protection against breach of privacy claims under the Human Rights Act 1998.

The Council's policy on RIPA was formally approved by Cabinet on 26<sup>th</sup> November 2002.

### **Report**

At the March 2004 meeting of the Committee, Members of the committee were informed of the results of an audit of RIPA procedures undertaken by the former Senior Solicitor, Looqman Desai. The main purpose of the audit had been to monitor compliance with the policy and to help the Corporate Director (Central Services) ensure effective quality control of RIPA processes. A copy of the policy is available on the Council's Intranet under the "Corporate Forms" section.

The Senior Solicitor's report had concluded that, whilst covert surveillance operations had been properly supported by obtaining the appropriate level of authority, there were a number of areas in which record-keeping and monitoring procedures could be strengthened. These had related to:

- A central register containing copies of all RIPA authorisations and related forms being maintained by the Corporate Director (Central Services);
- Greater diligence in complying with the time-limits relating to the review, renewal and cancellation of authorisations, as set out in the Act and the Council's policy;
- The provision of more detailed and specific information on application forms regarding the necessity for, and purpose of the surveillance;
- The maintenance of a central record of surveillance carried out by the Police with the use of the Council's CCTV systems;
- The provision of quarterly "status" reports regarding both the Council's own RIPA authorisations and the Police's CCTV-related authorisations to the Corporate Director (Central Services).

It was reported to the Committee that all of these matters had been attended to following the report and that Internal Audit would monitor progress through the maintenance of a computerised register of authorisations and the provision of monitoring information to the Corporate Director (Central Services).

Internal Audit has issued quarterly status reports to the Corporate Director (Central Services) regarding the Council's use of RIPA authorisations. The overall statistics for the year ended 31 March 2004 and the half-year ended 30 September 2004 are summarised below. Monitoring information regarding the Police's use of CCTV for RIPA based surveillance was still being collated at the time of writing.

Service/Section	Year Ended 31/03/04		Half-Year Ended 30/09/04	
	Authorisations Raised	Number Active at 31/03/04	Authorisations Raised	Number Active at 30/09/04
Environmental Health	5	0	6	3
Internal Audit	1	0	0	0

*Note: The above statistics refer entirely to authorisations to undertake "Directed Surveillance". The Council has made no use of "Covert Human Intelligence Sources" during these periods.*

Environmental Health's use of RIPA authorisations has related exclusively to the installation of Digital Audio Tape (DAT) recorders to help investigate noise nuisance complaints. The Internal Audit authorisation raised during 2003/04 related to an investigation into the alleged misuse of the Council's Internet service.

The central database maintained by Internal Audit also promotes compliance with RIPA regulations by highlighting review and renewal dates for live authorisations. Whilst there has been an improvement in the standard of record keeping and submission since the Senior Solicitor's audit, some time limits for reviews have been missed and/or required information omitted from the standard forms. It should be stressed that none of these omissions invalidated any of the authorisations. The Internal Audit Manager has reiterated to relevant managers the need for diligence in complying with these issues and will continue to monitor the position.

## **FINANCIAL IMPLICATIONS**

None arising from this report

## **LEGAL IMPLICATIONS**

Legal issues are dealt with in the body of the report.

## **MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and can confirm that regular monitoring reports are prepared and reviewed to check compliance with the Council's RIPA policy..

## **SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

## **BACKGROUND PAPERS**

Regulation of Investigative Powers Act 2000 – A Working Policy