

## **AUDIT COMMITTEE**

**6th December 2011**

### **Report of the Head of Strategic Support**

#### **ITEM 12 COUNCIL'S USE OF REGULATORY OF INVESTIGATORY POWERS ACT (RIPA)**

##### **Purpose of Report**

The purpose of this report is to provide the Committee with a summary of the Council's use of RIPA powers.

##### **Action Requested**

The Committee is requested to note that there has been no use of RIPA powers by the Council for the period from 21<sup>st</sup> May 2011 to 11<sup>th</sup> November 2011.

##### **Reasons**

To enable the Committee to comply with the request from Cabinet that the Audit Committee assumes responsibility for receiving a quarterly report on the use of RIPA, and to report to Cabinet any concerns arising from those reports that may indicate that the use of RIPA is not consistent with the Policy or that the Policy may not be fit for purpose.

##### **Policy Context**

The use of RIPA to conduct covert surveillance in appropriate instances supports many of the Council's enforcement and anti-fraud policies. The Home Office Code of Practice, which relevant bodies are obliged to follow when using RIPA, requires that elected Members should consider reports on the use of RIPA on at least a quarterly basis to ensure that it is being used consistently with the policy and the policy remains fit for purpose.

##### **Background**

RIPA provides for the authorisation of covert surveillance by the Council where that surveillance is likely to result in the obtaining of private information about a person.

Surveillance includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. Surveillance is covert if it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place.

The Council only has the power to authorise covert surveillance under RIPA for the purpose of preventing or detecting crime, or of preventing disorder.

At its meeting on 20 January 2011 and in order to meet the requirements of the Home Office Code of Practice, Cabinet requested that the Audit Committee assumes responsibility for receiving a quarterly report on the use of RIPA, and to report to Cabinet any concerns arising from those reports that may indicate that the use of RIPA is not consistent with the Policy or that the Policy may not be fit for purpose. This Committee will therefore receive a regular report on the Council's use of RIPA powers.

During the period from 21<sup>st</sup> May 2011 to 11<sup>th</sup> November 2011, the Council made no use of RIPA powers.

Additionally, there were no requests under the formal protocol that exists with the Police for use of the Council's CCTV system for RIPA purposes.

**Options Available with Reasons**

The Committee has the option to report to Cabinet any concerns arising from RIPA monitoring reports that may indicate that the use of RIPA is not consistent with the Council's RIPA Policy or that the Policy may not be fit for purpose.

**Financial and Legal Implications**

None arising.

**Risk Management**

The risks associated with the options and the proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Failure to follow RIPA requirements could lead to inadmissible evidence in enforcement or other criminal cases, leading to reputational damage for the Council.	Low	Medium	Annual approval of an appropriate RIPA policy and ongoing monitoring by elected Members. Training for relevant officers. Ongoing oversight of RIPA arrangements by the 'RIPA Monitoring Officer'.

Background Papers: Home Office Code of Practice – Covert Surveillance and Property Interference (2010)

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