

To: City Executive Board

Date: 4th April 2012

Report of: Head of Law and Governance

Title of Report: REGULATION OF INVESTIGATORY POWERS ACT 2000

Summary and Recommendations

Purpose of report: To confirm the Council's Regulation of Investigatory Powers Act (RIPA) procedure following the visit by the Assistant Surveillance Commissioner.

Key decision? No

Executive lead member: Councillor Price

Policy Framework: Not applicable

Recommendations:

The Board is asked to: (i) Approve the appointment of the Head of Law & Governance as the Council's Senior Responsible Officer for the purposes of RIPA, (ii) authorise the Head of Law and Governance to appoint a RIPA Coordinating Officer and (iii) note the Council's amended RIPA policy document.

Appendix 1 – The Council's amended RIPA policy document

Introduction

1. On 3rd May 2011 the Council was visited by the Assistant Surveillance Commissioner, Sir David Clarke. The purpose of Sir David's visit was to review the Council's policies and procedures relating to the Regulation of Investigatory Powers Act 2000 (RIPA).
2. On 6th October 2011 the Council received a letter regarding Sir David Clarke's visit. The letter, which acknowledges that the Council's RIPA

arrangements have significantly improved since the previous visit in 2008, came with five recommendations:

- a) that the Council's policy document is revised in relation to the use of Covert Human Intelligence Sources (CHIS);
- b) that a Senior Responsible Officer and a RIPA Coordinating Officer are formerly designated and named in the Council's policy document;
- c) that the number of Authorising Officers be reduced;
- d) that the Council's central record relating to RIPA Authorisations be expanded to include the information specified in paragraph 8.1 of the RIPA Code of Practice; and,
- e) that a structured training programme be established for Authorising Officers.

The Council's response

3. The Council's policy document (Appendix 1) has been amended to reflect Sir David Clarke's recommendations. The Senior Responsible Officer and the RIPA Coordinating Officer are named in the policy document subject to their appointments. Sir David Clarke suggests that the Head of Law and Governance and Jeremy Franklin (Law and Governance) should be considered suitable for the roles of Senior Responsible Officer and RIPA Coordinating Officer.
4. The number of authorising officers has been cut to six. Please see paragraph 4.2 of Appendix 1.
5. The Council's central record of RIPA Authorisations will be amended in accordance with paragraph 8.1 of the RIPA Codes of Practice.
6. The Head of Law and Governance will arrange training for authorising officers and regular refresher training thereafter.
7. The Board is reminded that Council receives an annual report outlining the number of RIPA authorisations for the preceding year. The figure for the period April 2011 to March 2012 currently stands at nil.

Legal Implications

8. The appointment of a Senior Responsible Officer is consistent with the Covert Surveillance Code of Practice. The appointment of a RIPA Coordinating Officer will ensure that there is a day-to-day oversight of the Council's RIPA activities and the maintenance of the central record of RIPA authorisations.

Financial Implications

9. There are no financial implications as a result of the amendments to the Council's RIPA policy document or the appointment of a Senior Responsible Officer and a RIPA Coordinating Officer.

Climate Change Implications

10. There are no climate change or environmental impacts as a result of the amendments to the Council's RIPA policy document or the appointment of a Senior Responsible and a RIPA Coordinating Officer.

Equality Impact Assessment Implications

11. There are no equalities impacts as a result of the amendments to the Council's RIPA policy document or the appointment of a Senior Responsible Officer and a RIPA Coordinating Officer.

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