

CHESHIRE EAST COUNCIL

REPORT TO: AUDIT & GOVERNANCE COMMITTEE

Date of Meeting: 27th June 2013
Report of: Head of Commercial Strategy, Business Innovation and Performance
Portfolio Holder: Councillor David Brown
Subject: Compliance with Regulation of Investigatory Powers Act (2000) – Report from the recent inspection by the Office of the Surveillance Commissioner

1.0 Report Summary

- 1.1 The Regulation of Investigatory Powers Act (RIPA) provides a regulatory framework to enable public authorities to obtain information through the use of certain covert investigatory techniques. A report was brought to Audit & Governance Committee on 28th March, 2013, outlining how the Council complies with RIPA and highlighting the forthcoming inspection by the Office of Surveillance Commissioners on 2nd May. The inspection has now taken place and the Inspection Report received; this paper outlines the Inspector's findings and recommendations.

2.0 Decision Requested

- 2.1 That the Committee notes the findings from the Inspection Report.

3.0 Reasons for Recommendations

- 3.1 In order to form an opinion on the Council's compliance with and to gain the protection afforded by compliance with this legislation, Audit & Governance Committee needs to gain assurance that there are effective arrangements in place to ensure that the Council is handling requests for covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000.

4.0 Wards Affected

- 4.1 All wards.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications including - Carbon reduction - Health

- 6.1 Using RIPA powers can conflict with an individual's human rights, and so it is imperative that, when investigating wrongdoing, certain conditions are met in each case, in order that successful prosecutions can be made. By following the authorisation procedures set out in RIPA legislation and outlined in the Council's Policy and Procedures (Surveillance under the Regulation of Investigatory Powers Act 2000 – Policy and Procedures – 1st November 2012), officers are demonstrating that the surveillance is necessary for a purpose permitted by the Human Rights Act 1998 and that it is a proportionate measure to take, given all the circumstances.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 Failure to comply with the legislation can lead to the Office of the Surveillance Commissioner withdrawing the Council's ability to conduct directed surveillance for a period of time, which would then result in a follow up inspection. This would have a detrimental impact on the Council's ability to Carry out investigations.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The legal implications arising from the legislation referred to in this report are contained within the body of the report, including the importance of ensuring compliance.

9.0 Risk Management

- 9.1 The impact on the Council of not complying with the legislation would be significant, as identified above in 7.1.

10.0 Background and Options

- 10.1 The Inspector's report is very positive about the Council's use of RIPA, but there are some recommendations as to how we can improve standards further. Appendix 1 outlines the key findings and recommendations.

11.0 Access to Information

- 11.1 The background papers relating to this report can be inspected by contacting the report writer:

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