

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Corporate Governance Committee 16 December 2011

**AUTHOR/S:** Executive Director (Corporate Services) / Legal & Democratic Services  
Manager

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### REGULATION OF INVESTIGATORY POWERS ACT 2000 OFFICE OF SURVEILLANCE COMMISSIONERS INSPECTION REPORT & QUARTERLY UPDATE ON USE OF RIPA

#### Purpose

1. In September 2011 Council agreed that the Corporate Governance Committee should take on the responsibility of receiving quarterly updates on the Council's use of Regulation of Investigatory Powers Act 2000 (RIPA) powers and of reviewing the RIPA policy on an annual basis and making amendments as necessary. This report includes the first quarterly update on the use of RIPA.
2. The Council was inspected by the Office of Surveillance Commissioners (OSC) on 12 October 2011 and 9 November the Council received the outcome of the inspection. The Council was commended for its overall good performance and the report is attached as Appendix A.

#### Recommendations

3. That Corporate Governance Committee:
  - (a) **NOTE** the inspection report attached as Appendix A;
  - (b) **ACCEPT** the recommendations set out in the report;
  - (c) **AGREE** that the Executive Director (Corporate Services), the Council's Senior Responsible Officer in respect of the operation of RIPA, be asked to ensure that the recommendations in the report are implemented;
  - (d) **NOTE** the information contained in the report about the council's use of surveillance powers in the period October to December 2011.

#### Background

4. The Regulation of Investigatory Powers Act 2000 regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
5. South Cambridgeshire District Council is included within the RIPA framework with regard to the authorisation of both directed surveillance and the use of covert human intelligence sources.
6. Under RIPA, the council must have in place a system of authorising, recording and reviewing any surveillance that it carries out that is covered by the Act. This system

must comply with the Act, regulations and codes of practice and every Council must have its own RIPA Policy.

7. Directed surveillance includes the covert surveillance of an individual in circumstances where private information about that individual may be obtained. The council's policy makes it clear that this should only be authorised where it is both necessary and proportionate to the investigation or operation being undertaken and to what is being sought to achieve in terms of evidence gathering.
8. A covert human intelligence source ("CHIS") is a person who, pretending to be someone that they are not, builds up a relationship of trust with another person for the purpose of obtaining information as part of an investigation. The Council has not sought to make use of the CHIS provision.
9. The Office of the Surveillance Commissioners can inspect any public authority's RIPA compliance and these inspections are designed to be rigorous and thorough. South Cambridgeshire District Council has been inspected four times since RIPA came into force, the most recent inspection being on 12<sup>th</sup> October 2011 by an Assistant Surveillance Commissioner, His Honour Norman Jones QC.
10. The Chief Surveillance Commissioner, Sir Christopher Rose, wrote to the Chief Executive endorsing the inspection report and stating that he was pleased to see that "your Council is commendably determined and successful in achieving RIPA compliance".
11. The Council is asked to inform the OSC that it accepts the recommendations in the report and that it will see that they are implemented.

### **Considerations**

12. The inspection report made the following recommendations:
  - (a) Ensure that the Central Record of Authorisations is compliant with the Codes of Practice (paragraph 9)
  - (b) Establish a RIPA training programme to embrace refresher training (paragraphs 17 and 19)
10. In respect of the first Recommendation, the Central Record of Authorisations does hold all the relevant information but not all on one spread sheet and this will be altered to reflect the inspector's comments. In future officers will be asked to obtain a unique reference number (URN) from the RIPA Monitoring Officer instead of using their own departmental reference number and then obtaining a second number from the central control.
13. In respect of Recommendation (b), a full day training session for all relevant officers, including all members of Senior Management Team (SMT), was held on 19<sup>th</sup> May 2011 by an external trainer. Previous corporate RIPA training had been held in 2002 and 2006. The recommendation is that a full training course is continued to be held "every four years or so" with regular refresher courses to be conducted internally at "about eighteen month intervals" by either/both the Senior Responsible Officer and/or the RIPA Monitoring Officer. This refresher training could take place in November 2012.

### The council's use of RIPA in Quarter 4 2011

14. The information in the table below outlines the authorisations granted by the council during the fourth quarter of the year 2011.

Quarter	Directed surveillance	CHIS	Total	Purpose
Oct - Dec 2011	1	0	1	To assist in the detection of fly tipping

### Implications

15. Financial	No implications
Legal	Authorisation of surveillance activity gives that surveillance "lawful authority" for the purposes of the European Convention on Human Rights
Staffing	No implications
Risk Management	See comments under "Legal"
Equality and Diversity	See comments under "Legal"
Equality Impact Assessment completed	No adverse impact
Climate Change	No implications

### Effect on Strategic Aims

20. None identified.

### Conclusions / Summary

21. This report provides an update on the Council's use of RIPA over the previous three months and outlines the recommendations contained in the Office of Surveillance Commissioners Inspection Report.

**Background Papers:** the following background papers were used in the preparation of this report:

None

**Contact Officer:** Fiona McMillan – Legal & Democratic Services Manager  
Telephone: (01954) 713027