

TO: STANDARDS COMMITTEE – 21ST JUNE 2005
SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT 2000
FROM: LEGAL SERVICES

1. PURPOSE OF REPORT –

- 1.1 To recommend members adopt an amended policy stating how the Council will deal with its obligations under the above legislation.

2. BACKGROUND.

- 2.1 The Regulation of Investigatory Powers Act 2000 became law on 2nd October 2000. The Act requires certain safeguards to be put into place if the Council wishes to carry out covert surveillance on individuals, intercept communications or use covert human intelligence sources. The Act mainly impacts on organizations such as the Police and Customs and Excise but can affect some Council activities such as detecting Housing Benefit Fraud and gathering evidence for prosecutions. The Standards Committee adopted an inaugural policy on 10th March 2003. So far the Council has only issued two authorizations under this legislation but the Police have conducted surveillance on Council CCTV equipment on a fairly regular basis.
- 2.2 The Act falls under two inspectorates, The Office of Surveillance Commissioner and the Interception of Communications Commissioner. The former inspected the Council on 18th December 2003. The inspection report is attached. The inspection was satisfactory but the initial policy was the subject of some criticism and the amended policy seeks to deal with this. The original policy is also attached for reference.
- 2.3 Referring to the Inspectors other recommendations resources have been unavailable to fund a computerized authorization register however we are seeking to purchase and adapt one from North Yorkshire County Council in the next few months. A training day was held for Officers in August 2004. A further one with senior Counsel is planned for the same time this year. The Act can now only apply to operations tackling crime and disorder which would appear to reduce the impact of the legislation on council activities.

3. RECOMMENDATION

- 3.1 That the amended policy be approved by the Committee..

David Elliott
Solicitor

BACKGROUND PAPERS .

Inspection Report from OSC;
Original Policy-RIPA 2000;
Proposed policy RIPA 2000.

Areas in District Affected:All

Key Decision: No

Included in Forward Plan: No

Consultation method: Not applicable

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