

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....6th September 2012

1. Title of Item/Report

Regulation of Investigatory Powers Act 2000 ("RIPA")

2. Record of the Decision

Cabinet considered a report that provided feedback regarding the Office of Surveillance Commissioners ("OSC") inspection which took place on 2 April 2012; sought confirmation of the Council's Corporate Policy and Procedures Document; provided details of the surveillance activity carried out during 2011/12 and outlined the position regarding legislative changes to the RIPA regime.

It was explained that an inspection by the OSC took place on 2 April 2012.

As a result of the inspection, the Chief Surveillance Commissioner indicated that he was pleased to see that the Council continued to be a high performing Council in relation to its RIPA activities and that the Council's approach to using covert surveillance only when no other means of obtaining evidence is possible is commendable.

The Inspector suggested certain minor changes to the format of the central register (eg including the Authorising Officer's job title) and outlined a number of points regarding authorisations (eg emphasizing the requirements of necessity and proportionality).

Steps would be taken to make the changes suggested to the register and to implement the points made about authorisations.

Recommendations were also made in the review report in relation to the following matters:-

- Raising RIPA awareness within the Council
- Reducing the number of authorising officers
- Establishing a corporate RIPA training programme
- Amending the Corporate Policy and Procedure Document

The Chief Surveillance Commissioner had been informed that the Council

accepted the recommendations and that the necessary action would be taken to ensure that the recommendations were each implemented. Members noted how recommendations with regard to raising awareness and training would be dealt with.

As a result of the recommendation made by the Inspector, the Council's Authorising Officers had already been reviewed and reduced to 5 from 19. The reduced number of Authorising Officers were considered to be sufficient to accommodate the likely surveillance activity which past experience suggests would take place. The remaining Authorising Officers were the Chief Executive; Corporate Director of Resources; Director of Law and Democracy; Head of Community Protection and Trading Standards and Licensing Manager.

The Council's policy and procedures document had been reviewed and revised in order to reflect the comments and recommendation made at the Inspection. The changes in the document had been highlighted for ease of reference. As examples, a new section had been included to highlight the responsibilities of the senior responsible officer (the Director of Law and Democracy) and the role which members had in relation to RIPA, as well as changing some stale dates and adding "aspects of professional and business life" to the definition of private information. Members were provided with access to the updated document.

Cabinet was provided with details of covert surveillance activity which had taken place during 2011/12.

It was explained that the Home Office code of practice on Covert Surveillance and Property Interference recommended that members consider quarterly reports on their authority's use of RIPA. Currently Cabinet received six monthly Finance and Performance information, which included details of RIPA surveillance and communications data authorisations/applications. It was proposed that from 2012/13 onwards, the six monthly reports were supplemented by two further quarterly reports, consisting of RIPA activity details (which would be anonymised information) which would be circulated to all members by email.

Members noted legislative changes to RIPA through the Protection of Freedoms Act. In particular there would be a surveillance camera code of practice which local authorities would have to have regard to.

The Council's policy and procedures would need to be reviewed and revised to reflect these new provisions and arrangements. When this had been done, a further report would be submitted to Cabinet.

RESOLVED that

1. the outcome of the OSC inspection which took place on 2 April 2012 and the action proposed to implement its recommendations be noted.
2. the changes to the Council's Authorising Officers be affirmed and the role of the Director of Law and Democracy as the senior responsible officer for RIPA be confirmed.
3. the RIPA Corporate Policy and Procedures Document be confirmed, as revised, following the OSC inspection;
4. the details relating to RIPA activity carried out during 2011/12 and the proposal to circulate similar details to Members during 2012/13 on a quarterly basis, including the two six monthly Finance and Performance reports to Cabinet be noted.
5. the current position regarding the legislative changes to RIPA detailed in the report and the intention to submit a further report to Cabinet in that respect be noted.

3. Reasons for the Decision

The recommendations would ensure that Members were aware of the outcome of the OSC inspection and its implications for the Council's corporate policy and procedures, and that the Authority's arrangements regarding RIPA met legislative requirements and Home Office good practice guidance.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

Not applicable

6. Details of any Dispensations

None

7. Date and Time by which Call In must be executed

Midnight on Friday 14 September 2012

Proper Officer  
10 September 2012