

REPORT TO: CABINET
COUNCIL

DATE: 9 JULY 2009
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SUBJECT: REGULATION OF INVESTIGATORY POWERS (RIPA)

WARDS AFFECTED: NONE DIRECTLY

REPORT OF: CAROLINE ELWOOD, LEGAL DIRECTOR

CONTACT OFFICER: DEBBIE CAMPBELL, EXTN 2254

**EXEMPT/
CONFIDENTIAL:** NO

PURPOSE/SUMMARY:

To amend the Council's Constitution to allow RIPA activities to be reported to the Overview and Scrutiny Committee (Performance and Corporate Services)

REASON WHY DECISION REQUIRED:

Article 15 of the Constitution provides that changes to the Constitution will only be approved by the full Council after consideration of the proposal and report of the Monitoring Officer.

RECOMMENDATION:

That the Constitution be amended to include the following in the Terms of Reference of the Overview and Scrutiny Committee (Performance and Corporate Services):

"18. That with reference to the management of covert activities under the Regulation of Investigatory Powers Act 2000 (RIPA):-

- (a) a report on RIPA activities be received by this Committee on an annual basis;
- (b) any applications for authorisation under RIPA be reported to this Committee within three Months;
- (c) any significant changes to the number of applications for authorisation under RIPA be reported to this Committee."

KEY DECISION: No

FORWARD PLAN: N/A

IMPLEMENTATION DATE: Following the date of the Council meeting.

ALTERNATIVE OPTIONS:

None

IMPLICATIONS:

Budget/Policy Framework: N/A

Financial:

<u>CAPITAL EXPENDITURE</u>	2009 2010 £	2010/ 2011 £	2011 2012 £	2012 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

There are no financial implications arising as a result of this report.

Legal: Legal obligations will be fulfilled by agreeing this report.

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

Peter Cowley, Senior Solicitor

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None.

BACKGROUND:

At its meeting on 28 April 2009, the Overview and Scrutiny Committee (Performance and Corporate Services) considered the latest of a series of reports / presentations it had received on the Regulation of Investigatory Powers Act (RIPA) 2000.

This report concerned the Inspection Reports issued by the Office of Surveillance Commissioners, with regard to the Council's management of covert activities under RIPA.

Details of an announcement issued by the Home Secretary on 17 April 2009, for plans to prevent the use of RIPA powers for trivial purposes, were circulated for consideration by the Committee. The announcement also included a review of R.I.P.A. and would invite public consultation.

The Committee resolved:

“That

- (1) all applications for authorisation under R.I.P.A. be forwarded to the Legal Director to satisfy requirements that they are necessary and proportionate to the alleged offence, prior to being signed by an authorising officer;
- (2) the Legal Director be authorised to monitor the progress of reviews, renewals and cancellations of all authorisations under R.I.P.A.;
- (3) a report on R.I.P.A. activities be received by this Committee on an annual basis in future;
- (4) any applications for authorisation under R.I.P.A. be reported to this Committee within three months;
- (5) any significant changes to the number of applications for authorisation under R.I.P.A. be reported to this Committee;
- (6) a report be submitted to the next meeting setting out a suggested response to the announcement by the Home Secretary.”

CONCLUSION

An amendment is required to the Council's Constitution in order to reflect the above resolution in the Terms of Reference for the Overview and Scrutiny Committee (Performance and Corporate Services).

RECOMMENDATION:

That the Constitution be amended to include the following in the Terms of Reference of the Overview and Scrutiny Committee (Performance and Corporate Services):

“18. That with reference to the management of covert activities under the Regulation of Investigatory Powers Act 2000 (RIPA):-

- (a) a report on RIPA activities be received by this Committee on an annual basis;
- (b) any applications for authorisation under RIPA be reported to this Committee within three months;
- (c) any significant changes to the number of applications for authorisation under RIPA be reported to this Committee.”