

POLICY, FINANCE & ADMINISTRATION COMMITTEE

2 MARCH 2011

REPORT OF STRATEGIC DIRECTOR

REGULATION OF INVESTIGATORY POWERS ACT

1.0 PURPOSE OF REPORT

- 1.1 To allow Members to consider a proposed new internal policy relating to the Regulation of Investigatory Powers Act 2000 (RIPA).
- 1.2 To inform Members of changes to RIPA legislation relating to the role of the Council.
- 1.3 To inform Members of the Council's use of RIPA for the period April 2010 onwards.

2.0 RECOMMENDATIONS

- 2.1 **The Committee consider and approve the revised Melton Borough Council RIPA Policy and Guidance as set out in Appendix A to this report. The Policy was approved for referral to Policy, Finance & Administration Committee by Overview Scrutiny and Audit Committee, on 8 February 2011.**
- 2.2 **The Members approve that the Overview Scrutiny and Audit Committee reviews the authority's use of RIPA and set the policy on an annual basis and also consider internal reports on the use of RIPA on at least a quarterly basis to ensure that it is being used consistently with the Council's policy. Such reports will be sent to the Members of this Overview Scrutiny and Audit Committee in the form of an exempt report following any use of RIPA alternatively by email in respect of a nil return.**
- 2.3 **The Committee note that Melton Borough Council has had no requirement to use RIPA procedures for the period 1 April 2010 to 31 December 2010.**

3.0 KEY ISSUES

- 3.1 RIPA legislates for the use by local authorities of covert methods of surveillance and information gathering to assist the detection and prevention of crime in relation to an authorities core functions. Melton Borough Council has its own internal policy and guidance relating to RIPA. The authority's use of RIPA is inspected by the Office of Surveillance Commissioner (OSC) approximately every three years, the last inspection of which took place in July 2010, the results of which were very complimentary.
- 3.2 As a result to changes to the RIPA legislation during 2010, a number of alterations were needed, this has led to the drafting of the proposed new policy that can be found at Appendix A. The changes can be summarised as follows: a reduction in the number of Authorised Officers, the introduction of a Senior Responsible Officer (Verina Wenham), an extension of the policy to include communications data, and a change to the role of the authority.

3.3 RIPA legislation now provides that scrutiny should review the authorities' use of RIPA on an annual basis, it is therefore recommended that the Monitoring Officer for the authority report to this Overview Scrutiny and Audit Committee on an annual basis in order to meet this requirement. The legislation also provides that Members should review the local use of RIPA on a quarterly basis to ensure consistent use with the Council Polices. It is recommended that due to the low numbers involved such a summary be circulated to Members of this Overview Scrutiny and Audit Committee by email on a quarterly basis; reports can then be made as required. For the period April 2010 to 31 December 2010 Melton Borough Council has had no requirement to use RIPA procedures.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 Effective RIPA Policy and Guidance will ensure robust covert surveillance and intelligence gathering.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There are no Financial implications arising directly from this report.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Adoption of the proposed policy will ensure compliance with RIPA legislation.

7.0 COMMUNITY SAFETY

7.1 There are no community safety issues directly arising from this report.

8.0 EQUALITIES

8.1 There are no equality issues directly arising from this report

9.0 RISKS

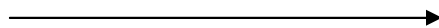
9.1 To consider and give any Risks related to this report.

Probability



Very High A				
High B				
Significant C				
Low D		1		
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

Impact



Risk No.	Description
	The lack of a robust policy will lead to ineffective use of RIPA

10.0 CLIMATE CHANGE

10.1 There are no climate change issues directly arising from this report

11.0 CONSULTATION

11.1 Management Team has been consulted on the changes involved.

12.0 WARDS AFFECTED

12.1 All Wards

Contact Officer: David Riddle
Date: 28 January 2011

Appendices: Appendix A: Melton Borough Council RIPA Policy and Guidance

Background Papers: N/A

Reference: X: Committees/OSA/080211