

**Subject:** Regulations of Investigatory Powers Inspection

**Status:** For Publication

**Report to:** Standards Committee

**Date:** 22<sup>nd</sup> September 2008

**Report of:** Executive Director - Business

**Portfolio**

**Holder:** Finance and Resources

**Key Decision:** No

Forward Plan  General Exception  Special Urgency

**1. PURPOSE OF REPORT**

1.1 The report outlines the findings, recommendations from the office of Surveillance Commissioners, following their recent Inspection.

The office inspect every two years and interview all officers at the Council involved with using the Regulation of Investigatory Powers Act 2000

**2. RESULTS OF INSPECTION**

2.1 The 2006 inspection made one recommendation regarding reorganisation of the policy document in order to improve the content of authorisation forms.

The necessary changes to the policy document have been made and there is now only one, corporate policy in existence – whereas previously the Benefit Fraud Team had their own. This recommendation can be considered as discharged.

2.2 The *Code of Practice for Carrying Our Surveillance under RIPA (Sept 06)* is the main policy document, supported by a Refresher Guidance Note for applicants and Authorising Officers. These provide adequate and clear advice and include a list of the appointed Authorising Officers. The most recent Home Office forms are included within the policy document.

- Applicants should clearly document the information on which an investigation/operation is being mounted and the relevant factors to address the issues of proportionality, necessity and collateral intrusion.

There should also be a clear description of the covert activity for which authorisation is sought.

- Authorising Officers must be able to evidence their case by case consideration of the above mentioned key principles (necessity, proportionality and collateral intrusion), notwithstanding that these may have been comprehensively dealt with by an applicant. The Authorising Officer must also make a clear and specific statement of the covert surveillance activity that they are authorising and against whom it is directed.
- Directed Surveillance authorisations are for a period of three months and the expiry date should be set down at the time of authorisation.
- Review dates should be set by the Authorising Officer at the time of granting and should be tailored to the specific circumstances of the case and in any case should in reality be no longer than at monthly intervals. This is in order to demonstrate active management of the covert surveillance operation.
- Cancellations should always be completed and should detail what covert activity has taken place and the result of that activity.

### **3. RECOMMENDATION**

- 3.1 That the Executive Director (Business) accepts the recommendations and communicates them to all staff concerned.

### **BACKGROUND REPORTS**

None