

Subject:	RIPA Quarterly Report	Status:	For Publication
Report to:	Performance Overview & Scrutiny	Date:	25 th July 2011
Report of:	Director of Business	Portfolio Holder:	Finance & Resources
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	The Committee is recommended to review the Council's use of RIPA powers for the period from the 1 st April 2011 to 30 th June 2011.

2. PURPOSE OF REPORT

2.1 To provide the Committee with a quarterly report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND AND OPTIONS

5.1 The Council has a number of statutory functions that involve officers investigating the conduct of others with a view to bringing legal action against them. These functions include investigating flytipping, noise nuisance control, planning contraventions, benefit fraud, licensing and food safety.

5.2 Whilst the majority of investigations are carried out openly, some investigations must be carried out using covert surveillance techniques. The Regulation of Investigatory Powers Act regulates the authorisation and monitoring of these investigations to safeguard the public from unwarranted intrusion of privacy.

5.3 Following guidance from the Home Office, at the meeting of full Council on the 23rd March 2011, it was agreed that the Performance Overview and Scrutiny Committee would receive a quarterly report on the Council's use of RIPA, to ensure that it is

being used consistently with the Council's Policy.

Authorisations this Quarter

- 5.4 For the period from the 1st April 2011 to the 30th June 2011 the Council has authorised directed surveillance on two occasions. No requests have been refused.
- 5.5 The first authorisation involved monitoring a site to establish whether an abatement notice was being complied with relating to noise and dust. Breach of an abatement notice constitutes an offence under the Environmental Protection Act 1990. This authorisation has now been cancelled, the notice appears to have been complied with and no further complaints have been received from neighbouring residents. The surveillance included direct officer observation, cameras and notebooks.
- 5.6 The second authorisation relates to suspected offences under food safety/health and safety/planning legislation. This investigation is still ongoing and the outcome will be reported next quarter.
- 5.7 Members are also asked to note that the Council received an inspection from the Office of the Surveillance Commissioners on 26th May 2011 on its use of RIPA. The inspection report should be available for next quarter's report.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 There are no material financial implications arising.

7. MONITORING OFFICER

- 7.1 No comments to add.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 8.1 No Human Resources Implications arising from the report.

9. CONSULTATION CARRIED OUT

- 9.1 None.

10. CONCLUSION

- 10.1 Members are asked to note and review the Council's use of RIPA this quarter.

Background Papers

Document	Place of Inspection
Rossendale Borough Council Code of Practice for carrying out Surveillance under the Regulation of Investigatory Powers Act	http://www.rossendale.gov.uk/downloads/RIPA_POLICY_-_AMENDED_VERSION_1_2_11.pdf