

TITLE OF REPORT: MONITORING OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

REPORT OF THE CORPORATE LEGAL MANAGER AND MONITORING OFFICER

1. SUMMARY

1.1 This Report presents to the Overview and Scrutiny Committee an update on the position in relation to the Regulation of Investigatory Powers Act 2000 (RIPA).

2. FORWARD PLAN

2.1 This report does not contain a recommendation on a key decision and has not been referred to in the forward plan.

3. BACKGROUND

3.1 Members will recall that the two Codes of Practice state that elected Members should review the local authority's use of RIPA.

4. ISSUES

4.1 Council's Use of RIPA

4.1.1 There have been no RIPA authorisations since the last Report to the Committee on 6 December 2011.

4.1.2 Members will recall from the last Report that the Corporate Legal Manager in her statutory role as Monitoring Officer had reminded all Senior Officers of the need to ensure that Officers have regard to the RIPA Policy, and has also asked that any requests for a RIPA Authorisation are first informally discussed with Legal Services. This was endorsed by the Chief Executive. Informal experience shows this request appears to have been taken on board by senior officers and is being acted upon, with the Corporate Legal Manager being contacted for advice.

4.1.3 The Council's internal Officer Enforcement Forum considers issues including RIPA. That Forum last met on 21 November 2011 and is due to meet again in the very near future.

4.1.4 The Corporate Legal Manager will continue to have in place a regular review of RIPA authorisation forms, and will ensure that the informal communication with officers is maintained to ensure good practice.

4.2 Update on the Future of RIPA

4.2.1 Members will recall from the previous Reports to the Committee that the Protection of Freedoms Bill is before Parliament. That is currently being considered by the House of Lords. The Lords third Reading is on 13th March 2012.

5. LEGAL IMPLICATIONS

- 5.1 The Report is before the Overview and Scrutiny Committee for consideration in accordance with its Terms of Reference.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 It is important that the Council continues to operate in accordance with RIPA to ensure that it is able to effectively manage its reputational risk whilst also exercising its legitimate evidence gathering powers in connection with enforcement activity.
- 6.2 There are no financial implications arising from this Report.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 The officer involvement required to comply with these statutory obligations are factored into service plans and work plans. Where necessary, specialist skills may be required to deal with matters such as legal support and advice.
- 7.2 The Council incorporates the statutory equalities duties which apply to all its activities into policies and services as appropriate, as set out in the Council's Corporate Equality Strategy. We also recognise that in our society, groups and individuals continue to be unfairly discriminated against and we acknowledge our responsibilities to actively promote good community relations, equality of opportunity and combat discrimination in all its forms.
- 7.3 The contents of this report do not directly impact on equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 None.

9. RECOMMENDATIONS

- 9.1 Members are asked to note the matters contained in this Report.

10. REPORT AUTHOR

Katie White, Corporate Legal Manager and Monitoring Officer.
Telephone 01462 474315. E-mail address katie.white@north-herts.gov.uk