



Haringey Council

Report for:	Cabinet 16 September 2014	Item number	
Title:	Regulation of Investigatory Powers Act (RIPA) 2000: Use within the Council 2013/14; and updates to the Council's policy		
Report authorised by :	Assistant Director of Corporate Governance <i>Berwin Rfou</i>		
Lead Officer:	Anne Woods, Head of Audit and Risk Management Tel: 020 8489 5973 Email: anne.woods@haringey.gov.uk		
Ward(s) affected: ALL	Report for: Non-Key Decision		

1. Describe the issue under consideration

1.1 To inform Cabinet about issues relevant to the use of the Regulation of Investigatory Powers Act (RIPA) 2000 during 2013/14; and provide an updated policy for approval.

2. Cabinet Member for Resources and Culture

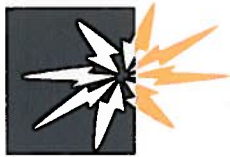
2.1 The Council uses its powers under RIPA infrequently, but needs to comply with legislation and report the use of directed surveillance to members on an annual basis. I am satisfied that the Council uses the powers afforded to it under the RIPA legislation appropriately, as signified by the outcome of the inspection in December 2013 by the Office of the Surveillance Commission.

2.2 The changes to the policy accord with Home Office guidelines and on that basis I recommend that Cabinet approve these.

2. Recommendations

3.1 The Cabinet notes the use of RIPA by the council in 2013/14;

3.2 The Cabinet approves the amended RIPA policy at Appendix 1 and agrees that the officers listed in the policy be permitted to authorise directed



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surveillance and the use of covert intelligence under s.28 and S.29 of RIPA 2000 prior to judicial approval; and

3.3 The Cabinet notes that the Assistant Director of Corporate Governance is the Council's Senior Responsible Officer for oversight of RIPA, in accordance with Home Office guidance.

3. Other options considered

4.1 Not applicable.

4. Background information

5.1 On 25 September 2000 the Regulation of Investigatory Powers Act (RIPA) was brought into effect in England and Wales. The purpose of the Act was to ensure that all public authorities were able to carry out directed (covert) surveillance on a statutory basis without breaching The Human Rights Act 1998, Article 8, the right to privacy. RIPA enables local authorities to carry out certain types of surveillance activity as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings provided RIPA is complied with.

5.2 The Protection of Freedoms Act 2012 requires local authorities to obtain judicial approval before using RIPA, in addition to the application being approved internally by an Authorising Officer. Since 1 November 2012, all applications must be authorised by a Justice of the Peace before they can take effect and the Council has to apply to the Magistrates Court to grant an order approving the authorisation. This requirement applies to all areas of RIPA, including directed surveillance, and communications data.

5.3 In addition, the legislation limits the use of RIPA to offences that have a custodial sentence of six months or more, with some exceptions relating to the sale of alcohol and tobacco to children.

5.4 The use and application of RIPA legislation is monitored by two government offices who both report to parliament and the Secretary of State. The Office of the Surveillance Commissioner (OSC) monitors the use of RIPA in relation to directed surveillance. The Interception of Communications Commissioner's Office (IOCCO) is responsible for monitoring the use of RIPA in relation to communications data. Visits are made to local authorities to monitor compliance with RIPA legislation by both the OSC and the IOCCO. Both organisations require annual returns and performance information to be made by the Council.

5.4 The Code of Practice on Covert Intelligence Sources states that elected members should review the authority's use of RIPA at least once a year.



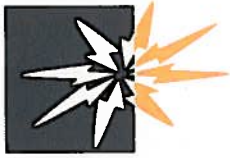
5. Operational Procedures in Haringey

- 6.1 The Home Office Code of Practice recommends that a member of the organisation's corporate leadership team should be the Senior Responsible Officer for oversight of RIPA. Within Haringey, the Senior Responsible Officer is the Assistant Director of Corporate Governance, who has been provided with guidance on the SRO role and its responsibilities.
- 6.2 It is proposed that the officers listed in the RIPA policy at Appendix 1 authorise RIPA application forms prior to seeking judicial approval. These officers have been trained in the use and application of RIPA. Refresher training is provided on a regular basis to ensure all officers are kept up to date with their roles and responsibilities.
- 6.3 Haringey has produced its own local guidance notes for RIPA, separate from the policy, which are in accordance with the Home Office's requirements; and these are circulated to all officers involved in RIPA when updates to the legislation or standard forms are issued. These guidance notes are also published on the Council's intranet site.
- 6.4 The latest OSC inspection in December 2013 confirmed that Haringey's policy and procedures are in accordance with Home Office guidance. The policy and procedures have been updated to include firstly guidance for officers on the use of social media and internet sites; and secondly to clarify the RIPA requirements on the use of targeted operations to identify premises selling alcohol and tobacco to minors.
- 6.5 Haringey makes limited use of RIPA legislation and the Council has always complied fully with the legislative requirements. A summary of the total number of applications to use RIPA from 2011/12 to 2013/14 is detailed in Table 1 below.

Table 1

Year	2011/12	2012/13	2013/14
Department			
Place & Sustainability	1	8	1
Corporate Resources	0	1	0
Total	1	9	1

- 6.6 The one application in 2013/14 for directed (covert) surveillance related to a targeted operation to identify premises believed to be selling alcohol and tobacco to minors. The Council, however, consequently reviewed the RIPA legislation and up-to-date Codes of Practice and determined that such standard test purchase operations could be undertaken without the need for RIPA authorisation. The guidance on this issue has been clarified in the policy and procedures in line with the Codes of Practice.



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7. Comments of the Chief Financial Officer and Financial Implications

7.1 There are no direct financial implications arising from this report. The work within Audit and Risk Management and other service areas to undertake and manage RIPA in accordance with statutory requirements is contained and managed within the relevant revenue budgets.

8. Comments of the Assistant Director, Corporate Governance and Legal Implications

8.1 The Assistant Director for Corporate Governance has been consulted in the preparation of this report. The Legal issues have been set out in the body of the report.

9. Equalities and Community Cohesion Comments

9.1 There are no direct equality implications arising out of this report. The revisions contained in the Protection of Freedoms Act 2012 strengthen existing Human Rights legislation, protecting individuals from inappropriate levels of covert surveillance.

10. Head of Procurement Comments

10.1 Not applicable.

11. Policy Implications

11.1 There are no direct implications for the Council's existing policies, priorities and strategies.

12. Use of Appendices

12.1 Appendix 1 – RIPA Policy (updated July 2014).