

Division(s):

AUDIT & GOVERNANCE COMMITTEE – 17 SEPTEMBER 2014
OFFICE OF SURVEILLANCE COMMISSIONERS – INSPECTION
REPORT

Report by the Monitoring Officer

Introduction

1. The Regulation of Investigatory Powers Act 2000 ('the Act') regulates the use of covert activities by Local Authorities. It creates the statutory framework by which covert surveillance activities may be lawfully undertaken. Special authorisation arrangements need to be put in place whenever a Local Authority considers commencing covert surveillance or considers obtaining information by the use of informants or officers acting in an undercover capacity.
2. As part of the inspection regime, the Office of Surveillance Commissioners carry out inspections from time to time to examine an authority's policies, procedures, operations and administration.
3. On 29 May 2014, a Surveillance Inspector visited the County Council to inspect the processes of the Council and the Oxfordshire Fire and Rescue Service. This report summarises the findings of the Surveillance Inspector's investigation and invites the Committee to raise any questions or comments.
4. A copy of the Inspector's report is included as Annex 1 to this committee report. The outcome was positive with the Inspector expressing no issues of concern and making only one procedural recommendation, which has been accepted.

Key aspects of the review

5. The inspection looked at three previous recommendations to see if these had complied with. In each case, the Inspector was satisfied that they had been. These related to the previous recommendations to:
 - Dispense with the appendix to the Council's policy which had previously given examples of RIPA usage
 - Establish a centrally retrievable record of RIPA authorisations
 - Use only the latest versions of the RIPA forms in all future applications
6. As to the Council's policies and procedures, the Inspector was pleased that these properly reflected changes in the light of the Protection of Freedoms Act 2012. He considered the policy to be "comprehensive and easy to understand and gives guidance to both applicants and authorising officers". In particular,

the Inspector was impressed by “the unusual and innovative step of producing a briefing note for the local magistracy that outlines the roles and responsibilities of both the local authority and the judiciary”.

7. In summary, the letter from the Commissioner commented that:

“I am pleased the recommendations...three years ago have been discharged. I note that in the single authorisation by the Fire and Rescue Service since 2011 the issues were cogently addressed. Good practice is recognised by your innovative use of an IT based central record, production of a briefing document and joint training for magistrates and publication on the Council website completed, suitably redacted, applications and authorisations.”

8. He concluded that: “ Your Council and the Fire and Rescue Service have a sound RIPA structure and policies and the Council has a positive approach to ensuring that legislative compliance and transparency in relation to covert activity”.

Conclusion

9. The Commissioner has confirmed that the Council’s policies and practices with regard to covert activity are sound and up to date. I am pleased that the Council’s positive approach to ensuring such proactive compliance has been validated. As such, I feel the Committee, and the public, can be assured that the Council’s policies and practices are proportionate, practical and compliant.

RECOMMENDATIONS

The Committee is RECOMMENDED to consider and note the report.

P G CLARK
Monitoring Officer & County Solicitor

Background Papers: Nil

Contact Officer: P G Clark Tel: (01865) 323907

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