

## **FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **AUDIT COMMITTEE**

**DATE:**               **TUESDAY, 25 SEPTEMBER 2012**

**REPORT BY:**       **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**SUBJECT:**           **INSPECTION REPORT FROM THE OFFICE OF  
SURVEILLANCE COMMISSIONERS**

### **1.00   PURPOSE OF REPORT**

1.01   For the committee to receive and consider the report from the Office of Surveillance Commissioners following an inspection on the 26 July 2012.

### **2.00   BACKGROUND**

2.01   Paragraph 9.20 of the statutory guidance on the Local Government (Wales) Measure 2011 indicates that Audit Committees should receive and consider reports from regulators or inspectors.

2.02   The Office of Surveillance Commissioners undertake periodic inspection visits of local authorities procedures for complying with the Regulation of Investigatory Powers Act 2000 (RIPA). Such inspection visits are normally undertaken by an Assistant Surveillance Commissioner on behalf of the Chief Surveillance Commissioner.

2.03   On the 26 July 2012 an Assistant Surveillance Commissioner, Sir David Clarke, visited the Council to review its management of covert activities and compliance with RIPA.

2.04   RIPA empowers local authorities to undertake certain types of covert activities. On occasion it is only through covert activities that local authorities can obtain the requisite evidence to bring proceedings before the Civil or Criminal Courts.

### **3.00   CONSIDERATIONS**

3.01   Attached as Appendix 1 to this report is the letter of the 22 August from the Chief Surveillance Commissioner and the report of Sir David Clarke on his inspection visit.

3.02   The letter of the 22 August indicates that the Chief Surveillance Commissioner is pleased to see that Flintshire continues to have a sound RIPA structure with good policies and procedures and a generally high standard of authorisations.

- 3.03 The previous inspection visit was conducted by His Honour Norman Jones QC in June 2009 and the recent inspection report confirms that the previous recommendations were promptly complied with. The report explains that Flintshire is a decreasing user of its RIPA powers, having granted only 7 authorisations in the 3 years since the last visit.
- 3.04 The report contains two recommendations. The first of these relates to suggested amendments to enhance the clarity of the Council's existing procedural guide yet further, as explained in paragraphs 13 and 14 of the report. The second recommendation is for RIPA training to take place soon, attended not only by authorising officers but also by a pool of investigators from across the Council's regulatory activities.
- 3.05 The procedural guide has been amended to reflect the first recommendation. As indicated in paragraph 20 of the report arrangements for further training were in hand at the time of the inspection and these have now been fixed for the 31 October 2012 and during that day training will be given to the Chief Executive, authorising officers and investigating officers.

#### **4.00 RECOMMENDATIONS**

- 4.01 For the committee to note the letter and report from the Office of Surveillance Commissioners.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

- 8.01 None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

- 9.01 None as a result of this report.

#### **10.00 CONSULTATION REQUIRED**

- 10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 None as a result of this report.

**12.00 APPENDICES**

12.01 Appendix 1 - Letter dated 22 August and report.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

None.

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