

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

1 September 2008

Standards Committee Work Programme 2008

0.0 PURPOSE OF REPORT

1.1 To consider the Committee's Work Programme.

2.0 BACKGROUND

2.1 At each of its meetings, the Standards Committee reviews its programme of work. The current Work Programme is attached at Appendix 1 for ease of reference.

2.2 The Work Programme incorporates action points from the Ethical Audit Action Plan.

3.0 WORK PROGRAMME

3.1 The entries for this meeting of the Committee have been amended by deferring the item re the Complaints and Ethical Indicators Report until the next full meeting of the Committee.

3.2 Members are requested to consider the Work Programme and whether they would wish to make any changes or include any other items.

3.2.1 One area which Members may wish to add to the Work Programme, given the ethical dimension, is that of Council procedures for employee surveillance under regulatory powers in the Regulation of Investigatory Powers Act 2000 ("RIPA") and under the Data Protection Act 1998.

3.2.2 Not all surveillance of employees is covered by RIPA. Local authorities can only undertake 'directed surveillance' under RIPA for the purposes of crime prevention, detection and preventing disorder. Even then, it must be for a core authority function linked to a regulatory function, eg trading standards.

3.2.3 In terms of the Council's procedures in this regard, an application for authorisation to carry out directed surveillance under RIPA must be made by an assistant chief officer or the officer in charge of the investigation (head of the relevant service). The application is made to the Council's Trading Standards and Regulatory Services and any authorisation must be made in accordance with the Act. Authorising officers should not be responsible for authorising matters in which they are directly involved. Any authorisation given makes the surveillance lawful for all purposes and there is no civil liability for any incidental conduct.

3.2.4 Council Directorates report to Trading Standards and Regulatory Services every quarter on how often they use surveillance procedures. This information is firstly collated by Legal and Democratic Services. Six monthly audit reports are also collated and forwarded to Trading Standards and Regulatory Services for their records. The Council is periodically audited by the Surveillance Commissioner and on the two occasions that the Council has been audited, it has been praised by the auditor.

3.2.5 Where surveillance is not being conducted for the purposes of the prevention or detection of crime, then this falls outside the RIPA regime, and is dealt with by Internal Audit under the provisions of the Data Protection Act 1998.

3.2.6 Members are requested to consider whether they wish to add an item to the Committee's future Work Programme to enable the Committee to consider any standards implications re the Council's procedures and activity regarding employee surveillance.

3.3 A full Work Programme for 2009 will be submitted to the next meeting of the Committee.

4.0 RECOMMENDATIONS

4.1 That Members consider this report and review the Standards Committee's Work Programme.

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Background Documents:
The Regulation of Investigatory Powers Act 2000

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