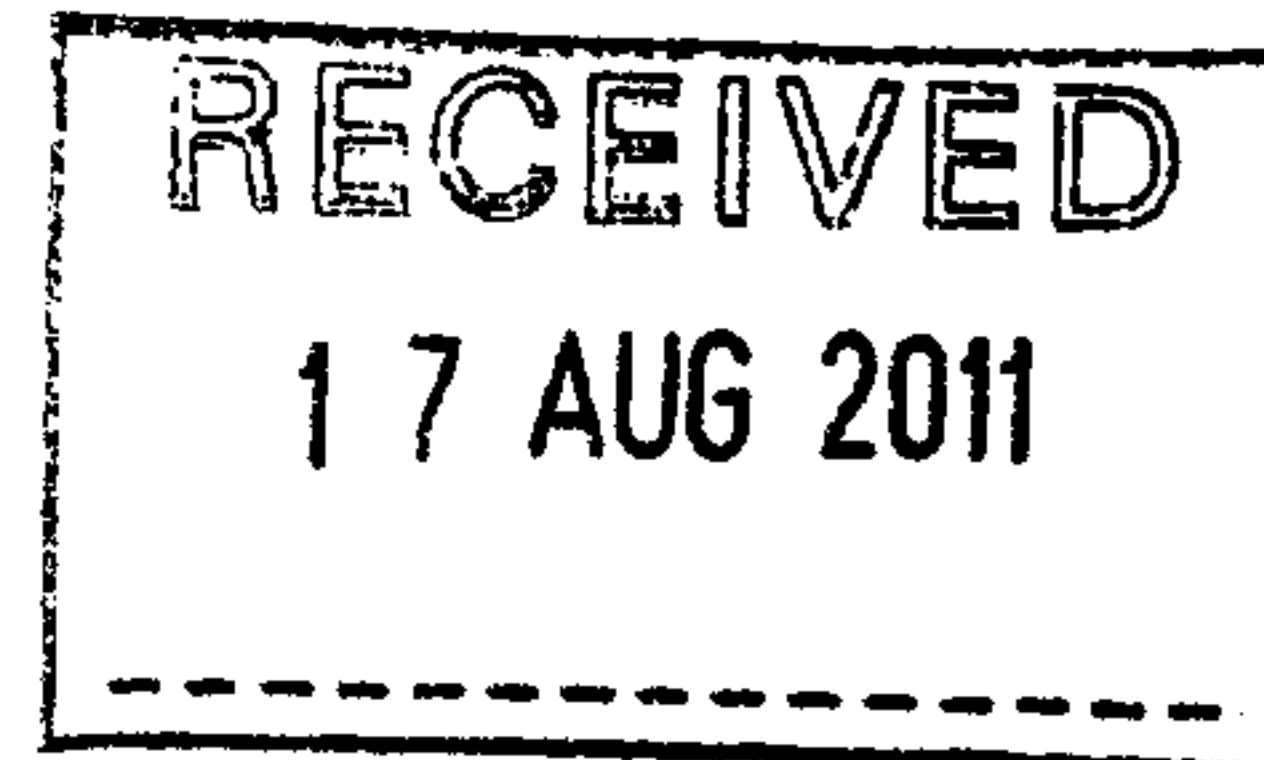


ANDREW TYRIE MP



HOUSE OF COMMONS
LONDON SW1A 0AA



Peter E Jones Esq
Chairman
Chichester District Council Corporate Governance
and Audit Committee
Chichester District Council Offices
East Pallant House
1 East Pallant
Chichester
West Sussex
PO19 1TY

12th August 2011

Dear Mr Jones

Further to my letter dated 6th July to the Home Secretary, I have now received a reply from James Brokenshire MP, the Parliamentary Under-Secretary of State for Crime and Security at the Home Office with responsibility for this policy area.

As promised, I enclose a copy of the letter for your information.

Many thanks for taking the time to write to me.

Yours sincerely

A handwritten signature in cursive script that reads 'James Cartlidge'.

PP: ANDREW TYRIE



Home Office

James Brokenshire MP
PARLIAMENTARY UNDER SECRETARY FOR CRIME AND SECURITY
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Andrew Tyrie MP
House of Commons
London
SW1A 0AA

-4 AUG 2011

CTS Reference: M12440/11

Dear Andrew,

Thank you for your letter of 6 July 2011 to the Home Secretary on behalf of Mr Peter E Jones, Chairman of Chichester District Council's Corporate Governance & Audit Committee. Your correspondence has been passed to me as Minister responsible for policy in this area.

Mr Jones has written that our proposals to introduce a threshold of 6 months for directed surveillance cases and to establish a judicial approval system for local authority use of the Regulation of Investigatory Powers Act 2000 (RIPA) techniques will severely limit Chichester District Council's ability to detect and prevent benefit fraud. He has also raised concerns regarding the bureaucracy of the judicial approval system.

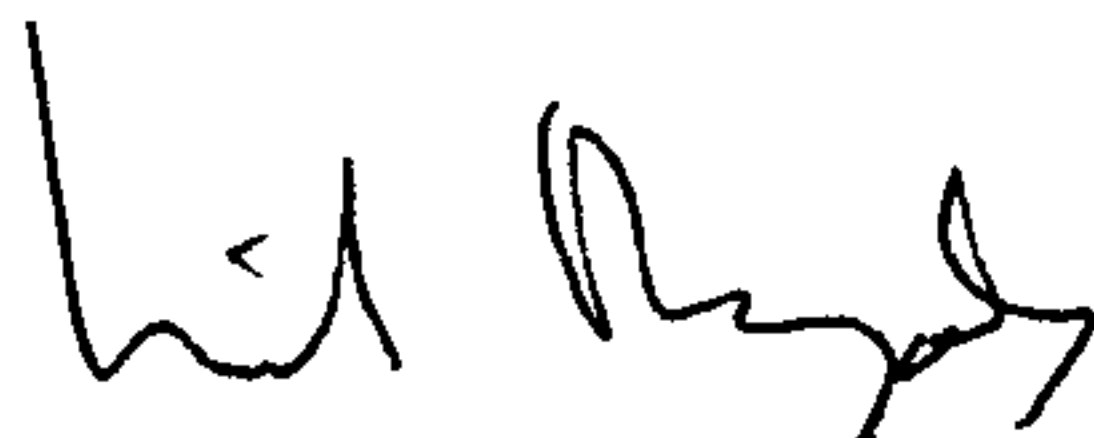
I accept that the majority of councils have used covert techniques in their investigations to obtain private information in a way that is proportionate and lawful. However, there are many in Parliament and others who have criticised local authority use of these invasive techniques and believe that use should be limited to the police and Security Service in their investigations of serious crime. As you have indicated, our intention is not to stop local authorities from using RIPA completely, but to ensure councils can no longer self-authorise use of these sensitive techniques. Ensuring use is subject to independent judicial oversight will instil public confidence in local authority use of these techniques.

The Counter-Terrorism and Security Review considered setting the threshold at 3 years, 1 year and six months and whether a threshold should be adopted across all techniques. The Review concluded that the threshold would only

apply to councils' use of directed surveillance, the most controversial of the three techniques available to them; and that the threshold should be set at six months.

Setting the threshold at six months imprisonment will exclude the more trivial offences that have caused concern whilst still allowing directed surveillance to be used in the investigation of more serious crime. As such, local authorities will be able to use directed surveillance in more serious benefit fraud cases where the threshold is met and they have obtained judicial approval. When investigations are unlikely to attract a six month custodial sentence local authorities may continue to investigate and are of course free to use other tools at their disposal.

Regarding bureaucracy concerns, work is being undertaken closely with the Ministry of Justice and Her Majesty's Court Service on implementing the approval system. In developing the process we are engaged with the Local Government Group and we aim to limit the bureaucracy as much as possible for local authorities.



pp James Brokenshire

