

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	6 FEBRUARY 2017	11
<b>REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY</b>			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

Under the Regulation of Investigatory Powers Act 2000, the council must have in place a system of authorising, recording and reviewing any surveillance that it carries out that is covered by the act. Its system must comply with the act, regulations and codes of practice. It must have its own RIPA policy. Legislation under RIPA requires annual review and re-adoption of the RIPA policy by the full council.

The report asks the council to endorse the guidance comprising its RIPA policy, and provides information in the council's use of RIPA in 2015/16 and in the current municipal year 2016/17 to date.

### RECOMMENDATIONS

1. Note the information contained in the report about the council's use of surveillance powers.
2. Endorse the RIPA policy.

### SUMMARY OF PREVIOUS DECISIONS

The council is invited annually to note the use made by the council of surveillance powers and adopt or endorse the council's RIPA policy. The council last did so at its meeting on 8 February 2016.

The Audit and Standards Committee receives quarterly reports on the council's use of surveillance powers.

### CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	√
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	√
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	√

## **REPORT**

### **THE RIPA FRAMEWORK**

1. The Regulation of Investigatory Powers Act 2000 (RIPA) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
2. Fylde Council is therefore included within RIPA framework with regard to the authorisation of both directed surveillance and of the use of covert human intelligence sources.
3. Directed surveillance includes the covert surveillance of an individual in circumstances where private information about that individual may be obtained. A covert human intelligence source ("CHIS") is a person who, pretending to be someone that they are not, builds up a relationship of trust with another person for the purpose of obtaining information as part of an investigation.
4. RIPA introduced a mandatory system of authorisation and review for surveillance activities. Only certain people can be designated to authorise surveillance. Authorisations must be approved by the Magistrates' Court. There must be a centrally-retrievable record of authorisations.
5. As well as the act, the RIPA framework includes statutory instruments and codes of practice issued by the Home Office. Each public authority that can use RIPA must have its own RIPA policy. The Office of the Surveillance Commissioners can inspect any public authority's RIPA compliance. The Commissioners' inspections are rigorous and thoroughgoing.

### **CONSIDERATION OF RIPA POLICY**

6. Under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010:
  - The full council should set the RIPA policy and review use of RIPA at least once each year; and
  - Councillors should consider reports on use of RIPA at least quarterly to ensure that it is being used consistently with the council's policy and that the policy remains fit for purpose (a quarterly report goes to the council's Audit and Standards Committee for this purpose).
7. The present policy is available at the link below for members to endorse. There have been no changes since the policy was previously approved by the Council in February 2016.

### **THE COUNCIL'S USE OF RIPA IN 2015-16 AND 2016-17 TO DATE**

8. The council did not use RIPA in 2015-16. In the current municipal year 2016-17 to date, the Council has not used RIPA.

IMPLICATIONS	
Finance	No implications
Legal	Authorisation of surveillance activity gives that surveillance “lawful authority” for the purposes of the European Convention on Human Rights.
Community Safety	CCTV cameras have the capability of being used for purposes falling within the ambit of RIPA. If they were so used, a RIPA authorisation would need to be obtained.
Human Rights and Equalities	See the comments under “Legal”
Sustainability and Environmental Impact	No implications
Health & Safety and Risk Management	Failure to comply with the statutory requirements would lead to an adverse report by the Surveillance Commissioners.

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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
<a href="#">Employee’s Guide: Regulation of investigatory Powers Act 2000, 2015 revision</a>	January 2015	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>