

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	COUNCIL	4 JULY 2022	8
REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY			

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.

It is good practice for the council to evaluate and review its RIPA policy annually. The only substantive changes proposed to the policy this year reflect the new officer management structure.

RECOMMENDATION

Council is recommended to endorse the RIPA policy as updated.

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 5 July 2021.

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

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	

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. Inspectors from the Investigatory Powers Commissioners Office (“IPCO”) can inspect any public authority’s RIPA compliance. The inspections can be rigorous and thoroughgoing.

CONSIDERATION OF RIPA POLICY

6. There have been no changes to legislation, guidance or caselaw since the last review that would support a substantive change to the present policy. However, the policy has been revised to reflect the new officer management structure. The present policy identifies the chief executive and the directors as authorising officers for the purposes of RIPA. The draft policy attached refers instead to the chief executive and the deputy chief executive. One or two other small corrections have been made, as well as some streamlining and reordering of some text, but there is no material change. The policy as revised is attached and is recommended for adoption.

IMPLICATIONS		within the ambit of RIPA
Finance	There are no financial implications arising from this report	would need to be obtained
Legal	Authorisation of surveillance activity gives that surveillance “lawful authority” for the purposes of the European Convention on Human Rights.	See the comments under Human Rights and Equalities
		Sustainability and Environmental Impact: No implications Failure to comply with
Community Safety	CCTV cameras have the capability of being used for purposes falling	Health & Safety and Risk Management: Failure to comply with
		post-incident report by the r

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Employees' Guide: RIPA	June 2021	Town Hall, Lytham St Annes

Attached documents

Appendix 1 – 2022 RIPA Employees' Guide Policy