

Report of	Meeting	Date
Director of Governance and Monitoring Officer	Governance Committee	Tuesday, 25 January 2022

## RIPA update - 2021 - 2022

Is this report confidential?	No
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Is this decision key?	No
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### Purpose of the Report

1. To provide a brief update to members on the council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA)

### Recommendations to Governance Committee

2. That Members should note the report.

### Reasons for recommendations

3. The reason for the report is to provide an update to members.

### Other options considered and rejected

4. An annual update report is considered to constitute good practice. We brought such a report last year.

### Corporate priorities

5. The report relates to the following corporate priorities:

<b>An exemplary council</b>	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

## **Background to the report**

6. RIPA – amongst other things – provides the legislative framework within which covert surveillance operations must be conducted in order to ensure that investigatory powers are used in accordance with human rights.

## **Detailed Considerations**

7. There are two main ways a council may carry out surveillance activity under the authority of RIPA. Firstly it may carry out directed covert surveillance – this is surveillance carried out in a manner calculated to ensure that the person the subject of the surveillance is unaware it is or may be taking place. Secondly it may make use of a Covert Human Intelligence Source – in the main this is something that the Police make use of, very rarely councils.
8. For a number of years after RIPA came into force (in the year 2000) the council – like most other councils – did make some use of its RIPA powers. This was primarily directed covert surveillance. Such powers were used sparingly. An example where we used such powers was when we were investigating noise complaints about residential properties.
9. However, we have not used our RIPA powers for many years now. This is typical of many district councils. The last recorded use was in 2008.
10. The principal reason why we have not used our RIPA powers since 2008 is that there was a change in legislation. The threshold to authorise the use of such powers was raised. Essentially the council can only use directed covert surveillance for the purpose of preventing or detecting crime. Further the offence in question must attract a potential custodial sentence of at least 6 months or involve the sale of alcohol or tobacco to minors. In addition judicial authority is now required prior to the use of such powers. The vast majority of offences that a district council may investigate do not attract a custodial sentence of more than six months.
11. The change of legislation forced councils to change their practices. For example in the case of monitoring a noise complaint we would typically now write to the household concerned telling them that we are aware of a potential issue and we will be monitoring – in other words we make the surveillance overt.
12. So for the sake of clarity members should be aware that we have not used our RIPA powers on any occasions during the last 12 months. Members should also be aware though that if we are investigating a potential offence of sufficient seriousness then consideration could still be given to the use of RIPA powers if considered appropriate, proportionate and necessary.
13. Members may recall that in the year 2020 we were subject to an inspection of our RIPA regime by the Investigatory Powers Commissioner's office. The Commissioner raised no issues of concern.
14. In 2021 our RIPA policy was amended and updated. The primary reason for this was to reflect changes in the management structure of the council.

15. In January 2022 RIPA training has been arranged for key officers by an external trainer. This will be in conjunction with Chorley Borough Council.

### **Climate change and air quality**

16. The work noted in this report does not impact the climate change and sustainability targets of the council's Green Agenda and all environmental considerations are in place.

### **Equality and diversity**

17. Not relevant to this report

### **Risk**

18. There are no adverse risk considerations arising from this.

### **Comments of the Statutory Finance Officer**

19. There are no financial implications arising from the report.

### **Comments of the Monitoring Officer**

20. There are no concerns from a Monitoring Officer perspective. The report is for noting and is in the interests of openness and transparency.

There are no background papers to this report

There are no Appendices

Report Author:	Email:	Telephone:	Date:
Dave Whelan (Shared Services Lead - Legal & Deputy Monitoring Officer)	david.whelan@southribble.gov.uk	01772 625247	