

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

meeting date: 12 SEPTEMBER 2023
title: REGULATION OF INVESTIGATORY POWERS ACT (“RIPA”)
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL

1. PURPOSE

1.1.1 To inform Committee of the Council’s usage of RIPA and seek approval of the revised RIPA policy.

1.2 Relevance to the Council’s ambitions and priorities:

- Council Ambitions – To prevent and/or detect crime or disorder, whilst respecting individuals’ rights under the European Convention on Human Rights (“**ECHR**”) and the Human Rights Act 1998 (“**HRA**”) and ensuring compliance with the Regulation of Investigatory Powers Act 2000 (“**RIPA**”).
- Community Objectives – None.
- Corporate Priorities – None.
- Other Considerations – None.

2. BACKGROUND

2.1 RIPA came into force on 25 September 2000; its aim is to strike a balance between protecting individuals’ rights under Article 8 ECHR and the HRA and the need for investigatory powers to protect the interests of society as a whole. RIPA allows the Council to carry out directed surveillance and/or use covert human intelligence sources (“**CHIS**”) lawfully if it is authorised in accordance with the provisions of RIPA, it is necessary for the purpose of preventing or detecting crime or disorder, it is proportionate to the aims, which it seeks to achieve, and any authorisation receives judicial approval.

2.2 Committee has previously approved the annual consideration of its RIPA policy and the reporting of the usage of RIPA to this Committee.

3. ISSUES

RIPA Policy

3.1 The Council’s RIPA policy was last reviewed in 2021. As agreed by Committee it has been reviewed to ensure it is current and complies with legislation and any amendments to the Home Office Codes of Practice.

3.2 A revised Code of Practice for Covert Human Intelligence Sources was published in December 2022 ([CHIS Code](#)). The new CHIS Code reflects changes made by the CHIS

(Criminal Conduct) Act 2021, and a number of other changes to the authorisation process. The policy has been reviewed in light of this and any resultant changes are shown in track changes within the policy (Appendix 1).

RIPA usage

3. Committee should note that the Council has not used its RIPA powers within the preceding 12 months.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Resources have been expended in amending the policy and will be in ensuring that officer remain trained on and aware of the provisions of RIPA.
- Technical, Environmental and Legal – The Council will be better able to pursue legal action as necessary.
- Political – No implications identified.
- Reputation – The Council's continued review of is policy and its usage of RIPA is in line with the Home Office Codes and enhances it reputation as a well managed council.

5. RECOMMENDED THAT COMMITTEE:

5.1 Note the usage of RIPA during the period to date.

5.2 Approve the amended RIPA policy.

MAIR HILL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

Appendix 1 – Amended RIPA Policy

For further information please ask for Mair Hill, on extension 4418.

REF: MJH/POLICYANDFINANCE/23 September 2023