

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

meeting date: 23 JANUARY 2024
title: RIPA UPDATE
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL

1. PURPOSE

1.1.1 To inform Committee of the Council's usage of Regulation of Investigatory Powers Act ("RIPA") and the result of the position in respect of the 2023 inspection.

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 September 2023. 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. No amendment is required currently.

RIPA usage

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

IPCO Inspection 2023

- 3.3 The Council's Senior Responsible Officer for RIPA received an email in July 2023, from the Investigatory Powers Commissioners Office requesting information in order for them to consider the Council's RIPA arrangements. There had been a change from the previous inspection regime and a full inspection would only take place if deemed necessary following consideration of the information submitted. The Council submitted this information and on 3 November 2023 received a letter from the Investigatory Powers Commissioner confirming that:

"I am satisfied that your reply provides your assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained. As such, Ribble Valley Borough Council will not require further inspection this year."

The letter confirms that the next inspection will be in 2026.

4. RISK ASSESSMENT

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

- Resources – Resources will be expended in ensuring that the policy is reviewed annually, RIPA usage is reported to Committee and in ensuring that officers 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 though proper compliance with the provisions of RIPA.
- Political – No implications identified.
- Reputation – The Council's continued review of its policy and its usage of RIPA is in line with the Home Office Codes and enhances its reputation as a well-managed council.

5. CONCLUSION

- 5.1 Committee is requested to note the content of this report.

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HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

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

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