

Regulation of Investigatory Powers Act 2000 – Annual Report and Review of the RIPA Guidance

Report number:	PAS/WS/23/021	
Report to and date(s):	Performance and Audit Scrutiny	28 September 2023
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Decisions Plan: This item is not required to be included in the Cabinet Decisions Plan.

Wards impacted: No specific wards are impacted by this report.

Recommendation: It is recommended that the Performance and Audit Scrutiny Committee note the update on the use of RIPA and other associated matters.

1. Context to this report

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a framework to ensure investigatory techniques are used in a way that is compatible with the Article 8 right to respect for private and family life enshrined in the European Convention on Human Rights. RIPA ensures that these techniques are used in a regulated way and provides safeguards against the abuse of such methods. Use of these covert techniques will only be authorised if considered legal, necessary and proportionate.
- 1.2 The Covert Surveillance and Property Interference Code of Practice (Code of Practice) provides guidance on the use by public authorities of Part II of RIPA.
- 1.3 RIPA and the Code of Practice require Councillors to have regular oversight of activities authorised under RIPA. The Code of Practice also requires Councillors to review the Council's RIPA Guidance (an appendix to the Council's Enforcement Policy) at least once a year.

2. RIPA activity at West Suffolk Council

- 2.1 The overwhelming majority of surveillance undertaken by the Council will be done overtly, meaning there will be nothing secretive or hidden about the way it is conducted. In many cases officers will be going about Council business openly (e.g. a routine inspection by an Environmental Health Officer) or will have notified the subject of the investigation that they are likely to be under surveillance (e.g. where a noisemaker is warned that noise will be recorded if it continues).
- 2.2 The Council's RIPA guidance makes sure that when we do use covert techniques (i.e. persons subject to the surveillance are unaware that it is or may be taking place) to help prevent or detect crime or disorder we do so in compliance with RIPA.
- 2.3 Officers will only carry out covert surveillance where such action is justified and proportionate and we have a small pool of senior officers who are trained to authorise such applications (Authorising Officers) which must then be granted by a Magistrate.
- 2.4 Authorisations are regularly reviewed by an Authorising Officer and a confidential register detailing all covert surveillance authorisations is held by the legal service.
- 2.5 No RIPA authorisations have been requested in the preceding year.

3. RIPA Guidance

- 3.1 The RIPA guidance (**Appendix 1**) is currently fit for purpose having recently been updated to include more detailed guidance on Social Media (**Appendix 2**).

4. Risks

- 4.1 There are no significant residual risks that cannot be fully minimised by existing or planned controls or additional procedures.

5. Implications arising from the proposals

- 5.1 Legal Compliance – as a public authority, the Council must ensure it is fully compliant with all relevant legislation. RIPA ensures that covert surveillance, or the use of a CHIS is properly authorised, necessary and proportionate.

6. Appendices referenced in this report

- 6.1 Appendix 1: RIPA Guidance (incorporates a link to the Code of Practice)
Appendix 2: Social Media Guidance