

Agenda Item No:	7	
Committee:	Audit and Risk Management Committee	
Date:	20th March 2023	
Report Title:	Regulation of Investigatory Powers Act (RIPA) - Update	

11 Purpose / Summary

This report is intended to provide members of the Audit and Risk Management Committee with an update on Fenland District Council's use of the Regulation of Investigatory Power Act 2000 (RIPA).

12 Key issues

- RIPA allows Councils to carry out certain types of surveillance, when covert surveillance is assessed as being necessary and proportionate. Examples of this in a Council context include usage in relation to the investigation and enforcement of fly tipping, suspected benefit fraud and antisocial behaviour. Evidence resulting from surveillance activities may be used by the Council in court proceedings. The Act details how surveillance must be controlled and undertaken.
- Good practice suggests that the Councils Audit and Risk Management Committee (ARMC) should review the operational use of RIPA as well as undertaking any updates and amendments to the Council's RIPA Policy.
- The Council has not used RIPA on any occasion since its activities were last reported to the ARMC on 21st June 2021.

13 Recommendations

That the Audit and Risk Management Committee is requested to:

- Note this report.

Wards Affected	All
Forward Plan Reference	N/a
Portfolio Holder(s)	Cllr Chris Boden – Portfolio Holder for Finance
Report Originator(s)	Peter Catchpole – Corporate Director & s.151 Officer
Contact Officer(s)	Amy Brown – Assistant Director
Background Paper(s)	RIPA Policy

Report:

11 Introduction

1.1 RIPA allows Councils to undertake covert surveillance that can lead to gaining private information about individuals. Such surveillance is only lawful if the actions are:-

- Necessary for the purpose of preventing or detecting crime or preventing disorder,
- Proportionate. They must balance the effect on an individual's human rights with the gains from conducting the surveillance;
- Non-discriminatory;
- Lawful;
- Approved by a Justice of the Peace in addition to an Authorising Officer of the Council.

1.2 RIPA has been utilised on 8 occasions during the past ten years as follows:

1. During 2013 and 14, the Council did not use RIPA.
2. RIPA was used four times in 2015.
3. RIPA was used twice in 2016.
4. RIPA was used twice in 2017.
5. From 2018 to date, RIPA has not been used.

1.3 The current RIPA policy is attached for information. The current RIPA Policy was approved by Council in September 2019 and is currently in the process of being reviewed and updated. The revised draft RIPA Policy will be presented to the ARMC for consideration and approval early in the forthcoming municipal year.

1.4 The Council is also in the process of providing updated training to all relevant officers. In that regard, training was provided to enforcement officers and heads of service during Autumn 2022 and SIRO/Authorising Officer training is taking place on 15th March 2023.

- 1.5 Once the training and revised Policy have been finalised, there will be a re-launch with important reminders issued to all staff about the circumstances in which RIPA will be engaged as well as the process for seeking authority. This will be via the Council's What's Breaking publication and the intranet webpage will be updated to include the same overview together with links to the relevant documentation and personnel. More information about this will be provided when the draft Policy is presented for approval.

12 Next steps

2.1 Members are asked to note the contents of this report.

- It should be noted that the Council's RIPA policy is inspected by the Office of the Surveillance Commissioner every three years, the next inspection is due in 2024 and all of the necessary preparation for this is already underway and as set out in this Report.