



**AUDIT AND GOVERNANCE
COMMITTEE:
31 JANUARY 2023**

Report of: Legal and Democratic Services Manager

Relevant Portfolio Holder: Councillor Y Gagen, Leader

Contact for further information: Mrs K Lovelady (Ext 5075)

(E-mail: kay.lovelady@westlancs.gov.uk)

Mrs J Williams (Extn. 3264)

(E-mail: judith.williams@westlancs.gov.uk)

SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT – USE OF POWERS

Wards affected: Borough Wide Interest

1.0 PURPOSE OF THE REPORT

1.1 To report on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

2.0 RECOMMENDATIONS TO AUDIT AND GOVERNANCE COMMITTEE

2.1 That it be noted that the Council has not had cause to use its powers under the Regulation of Investigatory Powers Act 2020 (RIPA) during the last 12 months.

3.0 BACKGROUND

3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in 2000. Both the legislation and Home Office Codes of Practice strictly prescribe the situations in which and the conditions under which councils can use their RIPA powers.

4.0 MONITORING OF RIPA ACTIVITY

4.1 In the last 12 months no covert surveillance has been authorised.

4.2 The Senior Responsible Officer proactively seeks to ensure that the use of covert surveillance in this authority is well regulated. Applications for authorisation to use covert surveillance must be rejected when the Authorising Officer is not

satisfied that the surveillance is necessary or proportionate and legal advice should be sought by Authorising Officers in appropriate cases.

5.0 SUSTAINABILITY IMPLICATIONS

5.1 There are no significant sustainability impacts associated with this report and, in particular, positive impacts on crime and disorder will be achieved by adhering to RIPA and the RIPA Policy.

6.0 FINANCE AND RESOURCE IMPLICATIONS

6.1 There are no significant financial and resource implications arising from this report.

7.0 RISK ASSESSMENT

7.1 The Council could be in breach of the relevant legislation if it does not follow the procedures set out in the RIPA Orders and Codes. This could result in the inadmissibility of evidence.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 There are no health and wellbeing implications envisaged from this report.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

This will be considered in relation to any particular authorisation.