



**CABINET:
27 JUNE 2023**

**AUDIT AND GOVERNANCE
COMMITTEE
30 MAY 2023**

Report of: Legal and Democratic Services Manager

Relevant Portfolio Holder: Councillor Y Gagen, Leader

Contact for further information: K Lovelady (Ext 5075)

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

Mrs J C Williams (Extn. 3264)

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

**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT – ANNUAL
SETTING OF THE POLICY**

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 Power's Act (RIPA) and to present the RIPA Policy document for approval.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the Council's RIPA activity and the RIPA Policy at Appendix 1, be noted.

3.0 RECOMMENDATIONS TO AUDIT AND GOVERNANCE COMMITTEE

3.1 That the Council's RIPA activity and the RIPA Policy at Appendix 1, be noted.

4.0 BACKGROUND

4.1 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.

5.0 MONITORING OF RIPA ACTIVITY

- 5.1 The Council has not had cause to use its powers under RIPA during the last 12 months.
- 5.2 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.

6.0 THE RIPA POLICY

- 6.1 The RIPA Policy is presented to Cabinet for approval each year as required by guidance (Section 4.47 of the Home Office Covert Surveillance and Property Interference Revised Code of Practice of August 2018 and Section 3.46 of the Home Office Covert Human Intelligence Sources Revised Code of Practice of December 2022). Officers ensure the use of RIPA is consistent with the Council's Policy and regularly report on activity, again as is required.
- 6.2 The Council's current RIPA Policy is annexed at Appendix 1. This contains (in Appendix 3 of the policy) the current RIPA management structure. The current policy has been considered in the light of government guidance and best practice and, save for updating the references to the revised Code of Practice for Covert Human Intelligence Sources no changes are considered necessary to the policy at this time.

7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 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.

8.0 FINANCE AND RESOURCE IMPLICATIONS

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

9.0 RISK ASSESSMENT

- 9.1 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.

10.0 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 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.

Appendices

1. Appendix 1 – RIPA Policy