

| Bath & North East Somerset Council | | |
|---|--|--|
| MEETING | Council | |
| MEETING DATE: | 30 November 2023 | |
| | | |
| TITLE: | Annual Report on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016 | |
| WARD: | All | |
| AN OPEN PUBLIC ITEM | | |
| <p>List of attachments to this report:</p> <p>Appendix 1 Usage Statistics 2022-2023</p> <p>Appendix 2 RIPA & IPA training module</p> | | |
| | | |

1 THE ISSUE

1.1 This report updates council on the use of Regulation of Investigatory Powers Act and Investigatory Powers Act, policies, and procedures.

2 RECOMMENDATION

The Council is asked to:

2.1 Note the summary on the use of Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 (RIPA/IPA) by the Council (Appendix 1)

2.2 Note the RIPA & IPA training module (Appendix 2)

2.3 Adopt the Home Office Covert Human Intelligence Sources Code of Practice (revised December 2022) set out at paragraph C.1.13 of the Council's Policy on the use of Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016 (Appendix 3).

3 THE REPORT

- 3.1 The Regulation of Investigatory Powers Act 2000 permits Councils to carry out covert (secret) surveillance of alleged offenders for the prevention and detection of crime and the protection of public health. This is undertaken by either the use of Directed Surveillance or the use of a Covert Human Intelligence Source (CHIS). The Investigatory Powers Act 2016 allows the Council to apply to telecommunications providers for data information (but not the contents of communications) about individuals who are suspected of committing crimes. When RIPA & IPA are applied, it ensures that the actions taken by the Council comply with the Human Rights Act 1998.
- 3.2 The Investigatory Powers Commissioner's Office (IPCO) is responsible for the inspection of public authorities with regard to compliance with RIPA & IPA. The Council has previously been inspected in May 2014 and June 2017 and in 2020 a 'desk top' inspection was undertaken. The frequency of inspection for Local Authorities is every 3 years and in all likelihood the Council will be inspected in the near future.
- 3.3 A summary of the Council's Annual Return on its use of RIPA and IPA powers to the IPCO is at Appendix 1.
- 3.4. The Council is committed to the continued professional development of Officers using RIPA and IPA powers. Officers using RIPA and IPA powers, therefore, are required to undergo annual training. The RIPA and IPA training module has been updated this year and made available through the Council's online 'Learning Zone' portal with a Certificate generated on successful completion of the training module. The Learning Zone is available to all Officers and will be available to the IPCO on inspection. A link to the RIPA and IPA training module is at Appendix 2.
- 3.5 The Council's Policy on the use of Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016 is at Appendix 3 and note that paragraph C.1.13 provides a link to the Home Office Covert Human Intelligence Sources Revised Code of Practice revised December 2022.

4 STATUTORY CONSIDERATIONS

- 4.1 The revised code on Covert Surveillance and Property Interference recommends that elected members should review the use of RIPA/IPA powers and set the policy annually.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no direct implications arising from this report. Although the Council is an infrequent user of RIPA/IPA powers, the IPCO requires the Council 's procedures to remain in a good state of readiness should these need to be implemented. Consequently, the financial implications are limited to the cost of periodic refresher training for officers in the use of RIPA powers.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

7 CLIMATE CHANGE

7.1 There are no impacts on climate change arising from this report.

8 OTHER OPTIONS CONSIDERED

8.1 None

9 CONSULTATION

9.1 The Monitoring Officer and Council S.151 Officer have been consulted on the contents of this report.

| | |
|--|--|
| Contact person | Shaine Lewis, Legal Services Manager tel: 01225 395279 |
| Background papers | None |
| Please contact the report author if you need to access this report in an alternative format | |

Key Statistics 2022-23

SURVEILLANCE DATA

None

COMMUNICATIONS DATA*

None

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None

Key Statistics 2022-23

SURVEILLANCE DATA

None

COMMUNICATIONS DATA

1

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None

[RIPA - IPA Training 2022-23](#)

