

Bath & North East Somerset Council		
MEETING	Council	
MEETING DATE:	15 September 2022	
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		
List of attachments to this report:		
Appendix 1 Usage Statistics		
Appendix 2 Revised Policy		

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

2.2 Note the changes to the Council's Policy on Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 ("the Policy")

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 The Policy was last revised in July 2019 and there have been no changes to the legislation since the last revision.
- 3.4 The Policy is based on the Home Office published Codes of Practice updated 7 December 2020. That update, however, was to ensure that all codes were in the correct section and no material amendments were made to the content of the codes.
- 3.5 The Policy has undergone minor amendments to include a revision date, page numbering and Schedule 1 has been updated to reflect the council's current personnel structure for Designated Persons/Authorising Officers and Senior Responsible Officers for Communications Data (CD).

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 2020

SURVEILLANCE DATA

None

COMMUNICATIONS DATA*

None

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None

Key Statistics 2021

SURVEILLANCE DATA

None

COMMUNICATIONS DATA*

None

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None