

NORTH LINCOLNSHIRE COUNCIL

CABINET

REGULATION OF INVESTIGATORY POWERS 2000 (RIPA) UPDATE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform Members of the Council's activity relating to surveillance matters under the RIPA regime for the period 1st January 2022 to 31st December 2022

2. BACKGROUND INFORMATION

- 2.1 RIPA provides a legislative framework which details a system of authorisation which exists to secure the lawfulness of surveillance activities and ensure that they are consistent with obligations under the Human Rights Act 1998.
- 2.2 The different types of authorisation include covert surveillance directed at a person(s); the use of a "covert human intelligence source" (CHIS) which involves the establishing of a relationship for the covert purpose of obtaining information and access to communications data such as telephone subscriber details and itemised phone logs.
- 2.3 Between 1st January 2022 and 31st December 2022, the Council presented 3 RIPA applications to the Authorising Officer which were authorised and approved by the Magistrates Court in accordance with the Council's RIPA Policy. This surveillance has assisted in the discovery of a large quantity of illicit tobacco and in addition uncovered the underage sales of Vapes. A successful prosecution has resulted relating to the underage sale of Vapes in which the defendant was ordered to pay £1233.33 in fines and costs. Other investigations are ongoing in relation to the surveillance obtained.
- 2.4 The Investigatory Powers Commissioner's Office advises that as a good practice measure officers who regularly use RIPA should receive refresher training. Training was provided by an external provider and took place in April 2022. Officers attended from various council departments including officers from Children's Services and the Adult Social Care Service.

2.5 As a result of staffing changes within the organisation, the Assistant Director Public Protection and the Assistant Director Resources and Performance have been designated as Authorising Officers and they received training provided by the RIPA Coordinator in October 2022. The Council's existing RIPA Policy has been amended to reflect these changes (Page 14).

2.6 In August 2022 the RIPA Coordinator provided a briefing session to the Chief Executive in relation to RIPA roles and responsibilities.

3. OPTIONS FOR CONSIDERATION

3.1 To note the contents of this Report and approve the existing RIPA Policy amending the Authorising Officer details to reflect organisational changes.

4. ANALYSIS OF OPTIONS

4.1 Guidance indicates that Members should be made aware of RIPA usage within the Council.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

5.1 The RIPA provisions are already in place within existing resources.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 The application of the RIPA provisions will ensure the Council is "safe" and "well" as covert surveillance will only be conducted in accordance with the legislative framework and guidance.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 Not applicable

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

8.1 The provisions are either statutory or good practice which the Investigatory Powers Commissioner will expect to be followed.

9. RECOMMENDATIONS

9.1 That the content of this Report is noted and the amendment to the existing RIPA Policy regarding Authorising Officers is approved.

DIRECTOR OF GOVERNANCE AND COMMUNITIES

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**Background Papers used in the preparation of this report – North Lincolnshire
Council RIPA Policy**