Report To:	Governance and Audit Committee
Date:	20th March 2025
Subject:	Regulation of Investigatory Powers Act (RIPA) 2000 – Update
Purpose:	To advise Members of any RIPA regulatory activity in the last 12 months and any work needed to ensure arrangements across the Partnership remain up to date and provide assurance that our legal obligations are effectively managed.
Key Decision:	N/A
Portfolio Holder:	Councillor Jim Astill, Portfolio Holder for Corporate, Governance, Communications and Environmental Services.
Report Of:	Christian Allen Assistant Director Regulatory and Senior Responsible Officer (SRO) for RIPA
Report Author:	Christian Allen
Ward(s) Affected:	All
Exempt Report:	No

Summary

The purpose of this report is to provide Committee with an update on the Councils activities in respect of the Regulation of Investigatory Powers Act (RIPA) 2000. The report also seeks to update members on anticipated changes necessary to our Policy and Procedures to reflect current guidance issued by the Home Office and the Investigatory Powers Commissioners Office (IPCO), the regulatory body that oversees compliance with RIPA by public bodies.

Recommendations

Members are invited to note the report and comment as appropriate.

Reasons for Recommendations

To ensure that Members are aware of the duties imposed on the Council by the Regulation of Investigatory Powers Act 2000 and the requirement to adopt policies processes and procedures that are up to date, relevant and fit for purpose.

Ensuring Members are informed about RIPA activity, policy and procedures demonstrates good governance and an organisational commitment to the obligations imposed by RIPA on public bodies, as required by IPCO.

Other Options Considered

None

1. Background

1.1 An update on RIPA activity was last presented to Boston Audit and Governance Committee on 5th September 2023, ELDC Audit and Governance Committee on 22nd November 2023 and SHDC Governance and Audit Committee on 9th November 2023.

1.2 The South and East Lincolnshire Councils Partnership agreed to adopt a Partnership Regulation of Investigatory Powers Act 2000 Policy in 2024. The Partnership Policy was adopted by Boston Cabinet on 21st February 2024, by ELDC Executive Board on 24th February 2024 and by SHDC Cabinet on 13th February 2024.

1.3 The last audit by Investigatory Powers Commissioners Office (IPCO) was a remote, self-assessment audit of all three Councils. This commenced on 6th November 2023 with a self-assessment evidential pack being submitted to IPCO on 21st December 2023. IPCO signed off the self-assessment audit as satisfactory and complete on 9th January 2024, subject to our Partnership RIPA Policy, which was in development at the time, being submitted to the Commissioner's Office when complete and adopted by each Council. The Partnership RIPA Policy was submitted to IPCO on 21st March 2024 and signed off by the Inspector the next day.

1.4 IPCO require an annual return be provided on RIPA related activity undertaken by each Council in January of each year covering the previous calendar year. Since the last report to this committee, ***nil*** returns have been submitted to IPCO for calendar year 2023 and 2024 and have met the obligatory submission dates.

2. Report

2.1 The Regulation of Investigatory Powers Act (RIPA) 2000 was enacted to regulate the powers of public bodies that carry out surveillance and investigations as part of their functions including the potential interception of communications.

2.2 The Partnership RIPA policy, procedures and practices ensure that each Council complies with the requirements of the European Convention on Human Rights and the Human Rights Act 1998 when undertaking any investigative activities which may interfere with a person's right to respect for a private family life, home and correspondence.

2.3 The requirements of the European Convention on Human Rights, the Human Rights Act 1998 and RIPA potentially impact any Officers performing investigatory or

enforcement activities. Officers, when determining whether to undertake covert investigative activities, must only do so in accordance with the requirements set out in RIPA and associated guidance and following approval from a Magistrates Court.

2.4 RIPA governs local authorities use of Directed Surveillance (surveillance of an individual/s without their knowledge for a specific purpose), use of a Covert Human Intelligence Source (use of informants or undercover officers) and access to communications data (obtaining subscriber information of a telephone number or internet user, etc) provided the investigatory activity is shown to be lawful, necessary, proportionate and non-discriminatory.

2.5 The Investigatory Powers Commissioner's Office (IPCO) is the regulatory body designated to oversee the compliance arrangements of public bodies in their use of RIPA and undertake audits of public authorities to evaluate compliance.

3. Regulation of Investigatory Powers Act 200 Partnership Policy

3.1. The overarching RIPA 2000 Partnership Policy (March 2024 to February 2027) is currently up to date and does not require any amendment or revisions this year.

4. New Partnership Body Worn Camera Policy 25/26

4.1. As we enter 2025/26, we are anticipating bringing forward a new Partnership Body Worn Camera Policy demonstrating an ongoing commitment to the health, safety and welfare of our staff, service users and anyone else affected by our activities.

4.2. This new policy, which is currently in development, will enable front line officers to utilise Body Worn Video Camera (BWVC) devices where it is lawful, reasonable, justifiable and proportionate to do so.

4.3. The policy will need to demonstrate that appropriate technical and organisational measures have been considered and implemented, integrating the principles of data protection into the processing of evidence/data. Body Worn Video Camera devices provide an excellent standard of evidence when undertaking regulatory and enforcement activities however, they must be deployed appropriately and the information/data gathered correctly managed.

4.4. The purpose of this new policy will be to ensure that the operational use of BWVC is lawful, reasonable, justifiable and proportionate, and that BWVC devices will only be deployed when it is deemed necessary for the purposes of reducing aggression towards officers or in the gathering of evidence by trained staff in accordance with legal requirements, policy and mandatory guidance. It will set out roles and responsibilities, provide staff with the correct procedures for collecting, downloading, processing, presenting and retaining evidence obtained from BWVC devices.

4.5. Approval and adoption of the Body Worn Camera Policy will be sought from the relevant Councils executive during 25.26.

5. New Partnership CCTV Policy 25/26

5.1. Boston Borough Council manages a comprehensive public realm CCTV service which covers key public spaces, car parks, playing fields and other Council assets. Boston has a CCTV Policy, reviewed every three years, that covers public realm CCTV as well as standalone CCTV systems at various council premises and on its operational vehicles.

5.2. Boston Borough Council also provides these CCTV services to SHDC and ELDC and there is an opportunity to consolidate, harmonise and improve our Policy arrangements across the Partnership.

5.3. The intention is that the new Partnership CCTV Policy which will cover all CCTV cameras and systems currently in use across our three councils ensuring that these cameras/systems are lawful, reasonably, justifiable and proportionate and that the data held within these systems is stored, retained, reproduced and disposed of appropriately and in accordance with IPCO/Home Office guidance.

5.4. Approval and adoption of a Partnership CCTV Policy will be sought from the relevant Councils executive during 25.26.

6. Training of Officers

6.1. It is essential that we are able to demonstrate to IPCO that Officers with designated responsibilities within our RIPA Policy and all other Officers that undertake enforcement activity and may need to gather evidence cognisant of our obligations under RIPA, have received appropriate training.

6.2. RIPA Refresher training for all Officers is on a 3-year rolling cycle. ActNow are our RIPA training provider and sufficient e-learning licences were secured through the Partnership Training and Development Plan 2024/25 to ensure all officers due training are able to access e-learning.

6.3. Provision has been requested through the Partnership Training and Development Plan 2025/26 for sufficient eLearning licenses to ensure mandatory training/refresher training can be facilitated in 2025/26.

7. Conclusion

7.1. There has been no audit undertaken by IPCO since the last update to this committee which was in autumn 2023.

7.2. There has been no RIPA activity undertaken by any of the three Councils in the last two calendar years. This information has been reported to IPCO in the annual mandatory returns submitted to the Commissioner in January 2024 and January 2025.

7.3. The RIPA 2000 Partnership Policy (March 2024 to February 2027) is currently up to date and does not require any amendment or revisions this year

7.4. There will be two partnership polices developed during 2025/26; Partnership Body Worn Camera Policy and Partnership CCTV policy. These policy improvements will ensure that the three councils remain fully compliant with RIPA and associated guidance produced by IPCO and the Home Office.

7.5. All Officers in key roles and with RIPA designated responsibilities have access to training/refresher training commensurate with their obligations and at intervals required under IPCO guidance. Ongoing training/refresher needs will be captured in the Partnership Training and Development Plan 2025/26.

Implications

South and East Lincolnshire Councils Partnership

By adopting a common approach to RIPA across all three councils, economies of scale, efficiencies and shared learning can be optimised across the Partnership. This sub regional approach also accords with the objectives set out in the Memorandum of Agreement and the Business Case for the South and East Lincolnshire Councils Partnership.

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

Non - compliance with the legislation associated with covert surveillance leaves the Council open to evidential challenge to enforcement activities in the courts and potentially formal claims for compensation from individuals or corporate bodies should it be found that RIPA policy, guidance and procedures have not been followed. The Policy and training ensure all officers considering surveillance and making an application to do so are aware of the requirements of the legislation and the evidential burden they need to demonstrate when making an application to the courts.

Data Protection

The protection of data is implicit in our obligations and compliance with RIPA, guidance from the Home Office or IPCO and our own policies.

Financial

There are no specific costs inherent in compliance with RIPA. Mandatory training is identified in the annual Partnership Training Plan with costs met from the central training budget.

Risk Management

The Council may be exposed to legal, financial and reputational risk were it to undertake enforcement activity inconsistent with the obligations of RIPA. Hence it is important that our policy, practices and procedures are regularly reviewed to ensure that they are up to date with IPCO and Home Office guidance. Adopting common policy, practices and procedures also provides the Partnership with improved resilience, capability and capacity to our RIPA arrangements.

Stakeholder / Consultation / Timescales

Consultation has been undertaken with the relevant Portfolio Holder, Monitoring Officer, Group Manager for Information Governance and Data Protection Officer and Section 151. The report has also been shared with those Officers with designated responsibilities in the Partnership RIPA Policy.

Reputation

Non-compliance with the legislation associated with covert surveillance leaves the Council open to reputational damage should a formal claim for compensation from individuals or corporate bodies find RIPA policy, guidance and procedures have not been followed.

If any prosecution is undertaken, and that through disclosure it becomes clear that either our RIPA policy is not robust or it has not been followed, it may compromise the outcome of the prosecution as a result.

Contracts

None

Crime and Disorder

Compliance with the obligations of RIPA must be intrinsic to all enforcement activities undertaken by the Council.

Equality and Diversity / Human Rights / Safeguarding

Adopting an approach to RIPA that is consistent with IPCO and Home Office guidance will help to ensure that the Council is meeting its equality and diversity, human rights and safeguarding obligations.

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

None

Acronyms

IPCO – Investigatory Powers Commissioners Office
RIPA – Regulation of Investigatory Powers Act (2000)
BWVC – Body worn video camera
CCTV – Closed circuit television
BBC – Boston Borough Council
ELDC – East Lindsey District Council
SHDC – South Holland District Council
S&ELCP – South and East Lincolnshire Councils Partnership

Appendices

None

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

None

Report Approval

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