

Report to:	AUDIT COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Date of Meeting	30 June 2016

REGULATION OF INVESTIGATORY POWERS ACT (2000) POLICY AND PROCEDURE

1.0 Purpose of the report:

1.1 To consider the Regulation of Investigatory Powers Act (2000) (RIPA) policy and procedure.

2.0 Recommendation(s):

2.1 To consider and approve the policy and procedures relating to the Regulation of Investigatory Powers Act (2000).

3.0 Reasons for recommendation(s):

3.1 The Council has had a policy and procedure in place for a number of years, however there has been a need to review the policy and procedures to ensure that they remain relevant.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 The relevant Council Priorities are

“The economy: Maximising growth and opportunity across Blackpool”

“Communities: Creating stronger communities and increasing resilience”

5.0 Background Information

- 5.1 The Regulation of Investigatory Powers Act 2000 regulates covert investigations by various bodies, including local authorities. It was introduced to ensure that individuals' rights are protected whilst ensuring that law enforcement and security agencies have the powers they need to do their job effectively. The Act provides a framework within which activities, which it covers, can be carried out in a manner consistent with the individuals Human Rights. It also provides statutory protection for the authority concerned if its provisions are adhered to.
- 5.2 The purpose of the policy is to:
- Explain the scope of the 2000 Act and where it applies
 - Provide guidance on the internal authorisation procedures to be followed
 - Provide guidance on applications for judicial approval
- 5.3 The Council has had regard to the Codes of Practice produced by the Home Office and the Office of Surveillance Commissioners in preparing this Policy.
- 5.4 The 2000 Act requires that when the Council undertakes "directed surveillance" or uses a "covert human intelligence source" these activities must only be authorised by an officer with delegated powers when the relevant statutory criteria are satisfied.
- 5.5 Authorisation and judicial approval under the 2000 Act gives lawful authority to carry out surveillance and the use of a source. Obtaining authorisation and judicial approval protects the Council and its officers from complaints of interference with the rights protected by Article 8 (1) of the European Convention on Human Rights enshrined in English law through the Human Rights Act 1998.
- 5.6 Provided activities undertaken are also "reasonable and proportionate", they will not be in contravention of Human Rights legislation.

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 9a – RIPA Policy and Procedure

6.0 Legal considerations:

- 6.1 Non-adherence to the Policy and Procedures could result the Council contravening the Human Rights Act and may prevent the successful prosecutions of those identified as committing criminal activities.

7.0 Human Resources considerations:

7.1 Staff involved in the process are offered the opportunity to attend training on the requirements of RIPA.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 The RIPA process is already embedded into the Council's investigatory activities and therefore will not result in an additional cost.

10.0 Risk management considerations:

10.1 There is a risk that the Council is subject to legal action due to non-compliance with the RIPA legislation and Human Rights Act.

11.0 Ethical considerations:

11.1 All applications submitted are assessed to determine whether they are proportionate to the activity taking place and controls implemented to reduce the impact of collateral damage.

12.0 Internal/ External Consultation undertaken:

12.1 The Policy and Procedures have been prepared by the Corporate RIPA Group, which includes representation from Risk Services, Democratic Governance, Legal Services, Human Resources, Public Protection, ICT, Community Safety, CCTV, and Street Cleaning.

13.0 Background papers:

13.1 None.