



Wednesday, 19 March 2025

Report of Councillor Philip Knowles
Member for Corporate Governance and
Licensing

Regulation of Investigatory Powers Act Policy

Report Author

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Purpose of Report

To undertake an annual review of the Council's Regulation of Investigatory Powers Act Policy.

Recommendations

The Committee is recommended to:

- 1. Note the content of the report**
- 2. Agree that no amendments are required to the Council's Regulation of Investigatory Powers Act Policy**

Decision Information

Does the report contain any exempt or confidential information not for publication? **No**

What are the relevant corporate priorities? **Effective council**

Which wards are impacted? **(All Wards)**

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no financial implications arising from this report.

Completed by: David Scott, Assistant Director of Finance and Deputy Section 151 Officer

Legal and Governance

- 1.2 Cabinet approved the Council's Regulation of Investigatory Powers Act Policy at its meeting on 6 February 2024 where it recommended that the Governance and Audit Committee undertakes an annual review of the Policy. This report facilitates the annual review of the Council's Policy.
- 1.3 Other significant legal and governance implications are covered in the body of the report.

Completed by: Graham Watts, Monitoring Officer

2. Background to the Report

- 2.1 The Regulation of Investigatory Powers Act 2000 (RIPA) enables Local Authorities to carry out certain types of surveillance activity, as long as prescribed procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings, providing RIPA is complied with. Such activity can include:
 - Directed Surveillance (covert surveillance conducted as part of a specific investigation likely to result in obtaining private information about an individual or individuals)
 - Use of Covert Human Intelligence Sources (CHIS) (a person who maintains a personal or other relationship with a person for the covert purpose of obtaining or gaining access to information)
- 2.2 The Investigatory Powers 2016 (IPA) is the primary legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with. Full details of the RIPA requirements and compliance are set out in the Council's RIPA Policy at **Appendix A**.

3. Key Considerations

- 3.1. Authorisation for a RIPA follows a strict procedure governed by the Home Officer, with a Senior Responsible Officer being designated as the Council's signatory in respect of any application to utilise RIPA. The Head of Paid Service (Chief Executive) is named as the Council's Senior Responsible Officer for RIPA.
- 3.2. Training on use of RIPA is provided to senior officers, as well as operational officers in frontline services who may undertake investigatory work as part of their roles, on an annual basis. This ensures awareness of the Council's obligations associated with RIPA.
- 3.3. The Home Office publishes national Codes of Practice on the use of RIPA powers by Local Authorities which help to assess and understand whether, and in what circumstances, it is appropriate to use covert techniques to obtain information as part of investigatory operations. These Codes also provide guidance on what procedures need to be followed in each case. The Council must have regard to the relevant Code of Practice whenever exercising powers covered by RIPA.
- 3.4. It is important that the Council continues to operate in accordance with RIPA to ensure that it can manage its reputational risks, whilst also exercising its legitimate evidence gathering powers in connection with enforcement activity when necessary.
- 3.5. RIPA is a mechanism rarely utilised by the Council and the application process must include significant justification for its use. In the last four years it has been used on one occasion at South Kesteven District Council in relation to a significant flytipping case which resulted in a successful prosecution.
- 3.6. The Council is required to annually review its RIPA Policy to ensure it remains fit for purpose and legally compliant. No legislative changes have been made, and no revised guidance has been published which requires the Council to amend its Policy since its approval at Cabinet on 6 February 2024.

4. Other Options Considered

- 4.1. To suggest any amendments to the Council's RIPA Policy for recommendation to Cabinet.

5. Reasons for the Recommendations

- 5.1. The Council is required to review its RIPA Policy on an annual basis.

6. Appendices

- 6.1. Appendix A – South Kesteven District Council’s Regulation of Investigatory Powers Act Policy