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**REGULATION OF INVESTIGATORY POWERS ACT 2000**

**POLICY STATEMENT**

**Introduction**

1. Part I and II of the Regulation of Investigatory Powers Act 2000 (RIPA) regulates the conduct of covert surveillance and the use of covert human intelligence sources of public authorities, including the Council. RIPA (the Act) therefore applies to the full range of Council enforcement activities including fraud investigation, trading standards, environmental health and planning enforcement.
2. Part II of RIPA introduces a system of authorisations which, if fully and properly observed and implemented, serves to secure the lawfulness of activity undertaken by the Council. In particular, to ensure that covert surveillance is a justified infringement of Article 8 of the Convention rights and freedoms (the right to respect for private and family life) contained in the Human Rights Act 1998.
3. North East Lincolnshire Council is committed to implementing RIPA in a manner which is consistent with the spirit and the intent of the Act.

Applications for the deployment of covert surveillance or use of a Covert Human Intelligence Source will only be authorised where it:-

* is lawful under the Act
* complies with Human Rights legislation
* is necessary for the prevention/detection of crime[[1]](#footnote-1)
* is proportionate to what is sought to be achieved

1. In order to ensure compliance with its statutory obligations, the Council will:-

* ensure all authorisations are approved by a Magistrate
* observe the codes of practice issued under the Act
* issue guidance to officers and members
* maintain a central record of RIPA authorisations
* provide regular reports on use of RIPA to elected members for scrutiny
* appoint a Senior Responsible Officer to ensure the integrity of the RIPA process
* ensure that training is provided to key officers

**Closed Circuit Television (CCTV)**

1. CCTV systems are normally not within scope of RIPA since they are in clear public view and used for general safety and crime prevention purposes only.
2. The Council recognises however that on some occasions CCTV may be used for specific enforcement activities. In such cases covert directed surveillance authorisations must be obtained, setting out what is authorised, how it will be carried out (e.g. which cameras are to be used), and what activity is to be recorded.
3. The Council will ensure that Control room staff, or others using CCTV across the Council:

* understand when RIPA applies, and
* comply with the provisions of RIPA and the terms of any authorisation.

1. The Council will also ensure that authorisations are properly implemented even when acting on behalf of others, such as the police. The Council has adopted a Protocol for the use of CCTV (available on the Council’s website).

**Roles and Responsibilities**

1. Only the Head of Paid Service and Monitoring Officer shall be an “Authorising Officer” for the purposes of authorising applications for directed surveillance.
2. Only the Monitoring Officer may delegate the authority to authorise directed surveillance to a named officer of an equivalent level to Strategic Director, Head of Service or Service Manager where they are satisfied that the officer has completed the appropriate training.
3. The Council will at all times appoint a Senior Responsible Officer (SRO). The SRO will be a member of the Council Management Team.
4. The SRO is responsible for monitoring the Council’s compliance with its RIPA obligations and this policy statement. This will include:-

* maintaining the integrity of the process in place for the management of CHIS and covert surveillance under RIPA
* maintenance of a central register of authorisations
* ensuring authorising officers are of the required standard
* maintaining a corporate working group
* engagement with the Investigatory Powers Commissioner’s Officer (IPCO)
* ensuring that actions plans recommended by the IPCO are implemented
* reporting to members.

1. The Enforcement working group will be responsible for ensuring that awareness of RIPA is maintained throughout the Council in addition to developing any policies and procedures to assist the Council in delivering its statutory obligations.
2. All Council employees will be expected to have regard to the Employees’ Guide to the Regulation of Investigatory Powers Act 2000 & Investigatory Powers Act 2016 (available on the Council’s website) when undertaking any relevant duties.

# Review of Policy Statement

1. This policy shall be reviewed by elected member(s) to ensure its consistent application and fitness for purpose as and when necessary, in light of any new legislation or case law.

**Access to Information about RIPA**

1. This policy statement will be published on the Council's website. Further information about RIPA, Codes of Practice and guidance may be downloaded from the [Home Office website](https://www.gov.uk/government/collections/ripa-codes).

The IPCO independently authorises and oversees the use of investigatory powers, ensuring they are used in accordance with the law and in the public interest.

IPCO contact details are:-

**Address**

Investigatory Powers Commissioner's Office

PO Box 29105  
London  
SW1V 1ZU

[Home page - IPCO](https://www.ipco.org.uk/)

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**X**

[@IPCOffice](https://twitter.com/IPCOffice)

1. Crime in this context is any offence that carries a maximum sentence of at least 6 months imprisonment or that would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 [↑](#footnote-ref-1)