



**REPORT TO THE MEETING OF CABINET – 19 JUNE 2024**  
**PORTFOLIO: PEOPLE & COMMUNITY – CLLR R SAVAGE**  
**REPORT FROM ASSISTANT DIRECTOR LEGAL & DEMOCRATIC SERVICES**  
**REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) POLICY: ANNUAL UPDATE OF USE OF POWERS**

**1 PURPOSE OF REPORT**

- 1.1 To provide an update to the Cabinet on the current Regulation of Investigatory Powers Act 2000 (RIPA) policy and its use.

**2 LINKS TO COUNCIL'S PRIORITIES AND OBJECTIVES**

- 2.1 This report is linked to the Council priorities of community, health and wellbeing.

**3 RECOMMENDATION**

- 3.1 It is proposed that Cabinet **RESOLVES**

To note the contents of the report.

**4 INTRODUCTION**

- 4.1 The Regulation of Investigatory Powers Act (the Act) was introduced by Parliament in 2000. The Act sets out the reasons for which the use of directed surveillance and covert human intelligence source may be authorised.
- 4.2 Local Authorities' abilities to use these investigation methods are restricted in nature and may only be used for the prevention and detection of crime or the prevention of disorder. Local Authorities are not able to use intrusive surveillance.

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- 4.3 When undertaking an investigation, the Council would more than likely use overt technology such as CCTV or open source methods rather than covert methods (without the individual's knowledge) of gathering information.
- 4.4 As a result, the Council has not found it necessary to make any RIPA applications to the Magistrates' Court in the past year. However, should overt means of gathering of information for investigations prove to be insufficient the Council has the necessary policy and procedures in place whether the surveillance is to be unregulated or regulated by the Act.
- 4.5 In addition to defining the circumstances when these investigation methods may be used, the Act also directs how applications will be made and how, and by whom, they may be approved, reviewed, renewed, cancelled and retained.
- 4.6 When carrying out covert surveillance the Act must be considered in tandem with associated legislation including the Human Rights Act 1998 (HRA) and the Data Protection Act 2018.
- 4.7 The purpose of Part II of the Act is to protect the privacy rights of anyone in Castle Point Borough Council's area, but only to the extent that those rights are protected by the HRA. A public authority, such as Castle Point Borough Council, has the ability to infringe those rights provided that it does so in accordance with the rules, which are contained within Part II of the Act. Should the public authority not follow the rules, the authority loses the immunity otherwise available to it. This immunity may be a defence to a claim for damages or a complaint to supervisory bodies, or as an answer to a challenge to the admissibility of evidence in a trial.

## **5 PROPOSALS**

- 5.1 Local Authorities may conduct covert surveillance in order to perform their duties and core functions. The Council also has a responsibility to its community to investigate and protect the community from potentially criminal and disorderly conduct which may not be possible to detect or stop through overt surveillance.
- 5.2 The Council's RIPA policy sets out the approach that the Council is taking towards the Regulation of Investigatory Powers Act 2000 (RIPA) in relation to its policies, practices and services.

It is a requirement under paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice 2018 that use of the Council's RIPA policy is reported to Council annually as to whether there have been any such applications made under the Act and that the policy remains fit for purpose.

## **6 FINANCIAL IMPLICATIONS**

- 6.1 This is managed within existing service budgets.

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**7 LEGAL IMPLICATIONS**

- 7.1 The Council updates its RIPA policy every two years in accordance with recommendations made following a successful inspection by the Investigatory Powers Commissioner in 2020 who found that the Council was demonstrating compliance with policies and had satisfactory arrangements in place in relation to RIPA. The RIPA policy was updated in 2022 and will be updated again later in the year. By reporting to the Cabinet on the use of the RIPA policy in the last year, the Council is continuing to demonstrate compliance with the policy and its associated Codes of Practice.
- 7.2 This report complies with paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice 2018 to report to Council annually whether there have been any such applications made under the Council's RIPA policy. No applications have been made in the last 12 months and the policy remains fit for purpose.

**8 HUMAN RESOURCES IMPLICATIONS**

- 8.1 This is managed within existing resources.

**9 EQUALITY AND DIVERSITY IMPLICATIONS**

- 9.1 Equality impact assessments will be undertaken for any RIPA applications.

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**Background Papers:-**

None.

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