



REPORT TO:	Audit & Governance Committee
DATE:	14 th September 2022
SUBJECT:	East Lindsey District Council (ELDC) and Boston Borough Council (BBC) - Joint Regulation of Investigatory Powers (RIPA) Policy Update
PURPOSE:	To provide the Committee with an update on the Policy for the past year
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Graham Marsh
REPORT OF:	Christian Allen Assistant Director Regulation and Senior Responsible Officer (SRO) for RIPA
REPORT AUTHOR:	Alison Sparks, Legal Adviser & Deputy Data Protection Officer
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	No

SUMMARY

The purpose of this report is to provide the Audit and Governance Committee with an update to the Council's Policy and Procedures on the Regulation of Investigatory Powers Act 2000 (RIPA Policy) and its use and to provide assurance and information. This is a joint Policy with Boston Borough Council and follows a successful inspection by the Investigatory Powers Commissioner (IPCO) who reviewed both Councils use of the Policy under the strategic partnership agreement. The Policy remains in use and relevant across ELDC and BBC.

RECOMMENDATIONS

It is recommended that the Audit and Governance Committee note the Report.

REASONS FOR RECOMMENDATIONS

For Committee awareness of the use of RIPA over the past year and to demonstrate member awareness and commitment to RIPA compliance.

OTHER OPTIONS CONSIDERED

Not Applicable

1.0. BACKGROUND

1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) governs public authorities' use of directed covert surveillance and of "covert human intelligence sources" (CHIS).

1.2 Councils are subject to inspection by Investigatory Powers Commissioner's Office (IPCO) in order to evaluate their compliance with the legislation. The most recent inspection was carried out on 23rd March 2021. The Policy was reviewed and updated after that inspection

1.3 The Inspection took place virtually with a series of questions and answers over Teams. Answers were provided by the relevant Officers who had gathered the evidence needed for the Inspection.

1.4 The Inspector was made aware that there would be a Policy review in order to have a single Policy for the Strategic Alliance in order to maximise the training and experience that Officers have across both Councils and to provide a single point of reference when any regulated activity was undertaken.

2. REPORT

2.1 The Council has not authorised any applications for directed surveillance or CHIS over the past year.

2.2 Five named Officers in the policy with specific roles have undertaken or updated relevant training thereby ensuring knowledgeable across the two Councils.

2.3 Sixty-one other members of staff in roles such as community safety, CCTV, enforcement and environmental health have also completed a short awareness course on the basics of RIPA in order to be able to raise a query if necessary.

2.4 Data security assurances (given by the Deputy DPO) are in place and with no preceding applications no data security issues have arisen.

2.5 The policy is due to be reviewed in 2024 (every three years) by the Senior Responsible Officer, who also acts as the RIPA Co-ordinator.

3. CONCLUSION

3.1 After the successful IPCO inspection in 2021 and the Policy being re-written this update is provided to assure the committee that the requirements of the legislation are being met.

EXPECTED BENEFITS TO THE PARTNERSHIP

This report is for noting only

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

None

CORPORATE PRIORITIES

None

STAFFING

None

CONSTITUTIONAL AND LEGAL IMPLICATIONS

Non-compliance with the legislation associated with covert surveillance leaves the Authority opened to reputational challenge and formal claims for compensation from individuals or corporate bodies should it be found that appropriate guidelines and procedures have not been followed. The Policy ensures all officers considering making an application are aware of the requirements of the legislation.

DATA PROTECTION

Data Protection considerations are included within the Policy and the Deputy DPO had input to the re-writing of the Policy. No issues have arisen.

FINANCIAL

None

RISK MANAGEMENT

None

STAKEHOLDER / CONSULTATION / TIMESCALES

None

REPUTATION

None

CONTRACTS

None

CRIME AND DISORDER

None

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

None

HEALTH AND WELL BEING

None

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None

LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

None

MISSIONS	
This paper contributes to the follow Missions outlined in the Government's Levelling Up White paper.	
Living Standards	By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally competitive city, with the gap between the top performing and other areas closing.
Research and Development	By 2030, domestic public investment in Research & Development outside the Greater South East will increase by at least 40% and at least one third over the Spending Review period, with that additional government funding seeking to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.
Transport Infrastructure	By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.
Digital Connectivity	By 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
Education	By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third.
Skills	By 2030, the number of people successfully completing high-quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high-quality skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.
Health	By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.
Wellbeing	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
Pride in Place	By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
Housing	By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is

	for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.
Crime	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.
Local Leadership	By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.

ACRONYMS

(Use this section to explain any acronyms used in the body of the report. If none, insert the word 'none'.)

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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