

## **Report of Head of Legal Services**

### **Regulation of Investigatory Powers Act (RIPA) – Annual Review**

#### **Purpose of report**

1. To review the Authority's policy on the authorisation of covert surveillance techniques under the Regulation of Investigatory Powers Act 2000.
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#### **Recommendations**

***It is recommended that the Committee note there has been no use of covert investigatory techniques during the past year.***

#### **Introduction and Background**

2. The Regulation of Investigatory Powers Act 2000 ("RIPA") sets out procedural rules to enable specified public authorities to use covert investigatory techniques which might otherwise infringe legal rights to privacy and respect for family life under the Human Rights Act 1998. In particular they govern when and how hidden surveillance, covert witnesses and interception of communications can be used. Fire Authorities are included in the list of public authorities that can rely on RIPA.
3. The Authority has no history of using the covert surveillance techniques covered by RIPA but nonetheless we are required to have a policy in place and are subject to periodic inspection. The Office of Surveillance Commissioners who previously had responsibility for this has now become part of the Investigatory Powers Commissioners Office, which was created as a result of the Investigatory Powers Act 2016 and provides independent oversight of the use of investigatory powers by intelligence agencies, police forces and other public authorities.
4. The Fire Authority's current policy was adopted by this committee in March 2013 and it was agreed that in accordance with the Home Office code of practice, an annual report would be made to the Policy and Resources Committee with a review of the policy and the Authority's use of powers under the Act.

#### **Review of RIPA Authorisations**

5. The following table shows that the Authority has not dealt with any cases during the past year in which covert investigatory powers were necessary. There is no expectation that there will be a need to use them in the future. The Authority will usually be able to gather all the information required for its statutory functions without resorting to covert techniques.

Applications for RIPA authorisation	nil
Applications granted	nil
Applications refused	nil
Authorisations renewed or extended	nil

6. Although the Authority has not needed to rely on the use of RIPA, the policy nonetheless:
- reinforces advice to officers that the use of covert investigatory techniques should be avoided in most circumstances;
  - ensures that should the unforeseen and exceptional eventuality arise when reliance on RIPA is needed there will be a clear procedure for handling its use;
  - ensures that any application to use the techniques covered by RIPA will be made using the appropriate Home Office forms and approved by one of the designated 'Authorised Officers'; and
  - meets the requirements of the Investigatory Powers Commissioners Office.

### Conclusion/Summary

7. Best practice under the code of practice requires members of local authorities, including fire authorities, to set the policy on the use of RIPA and to review it annually. However under the codes, Members are not to have any role in considering any particular application to rely on RIPA.
8. The Authority has not relied on covert investigatory powers during the past year.

### Corporate Considerations

<b>Resource Implications</b> (identify any financial, legal, property or human resources issues)	It is a requirement to have a policy in place but there are no on-going resource implications
<b>Strategic Policy Links</b> (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	This report enables Fire Authority Members to exercise an oversight role on behalf of the wider community
<b>Risk Management / Health &amp; Safety</b> (identify any risks, the proposed control measures and risk evaluation scores).	None
<b>Consultation</b> (identify any public or other consultation that has been carried out on this matter)	None
<b>Equalities</b> (has an Equalities Impact Assessment been completed? If not, why not?)	Not applicable

## **Supporting Information**

Background papers:  
RIPA Policy

## **Contact Officer**

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