



Report To: Audit and Governance Committee

Date: 21st April 2026

Subject: Regulation of Investigatory Powers Act (RIPA) 2000 – Annual Update

Purpose: To advise Members of any RIPA regulatory activity in the last 12 months and any work needed to ensure arrangements across the Partnership remain compliant and provide assurance that our legal obligations are effectively managed.

Key Decision: N/A

Portfolio Holder: Councillor Dale Broughton, Leader of the Council

Report Of: Christian Allen, Assistant Director – Regulatory and Senior Responsible Officer (SRO) for RIPA

Report Author: Christian Allen, Assistant Director – Regulatory

Ward(s) Affected: All

Exempt Report: No

Summary

The purpose of this report is to provide Committee with an update on the Council's activities in respect of the Regulation of Investigatory Powers Act (RIPA) 2000. The report also seeks to update members on anticipated changes necessary to our Policy and Procedures landscape to reflect current guidance issued by the Home Office and the Investigatory Powers Commissioners Office (IPCO), the regulatory body that oversees compliance with RIPA by public bodies.

Recommendations

Members are invited to note the report and comment as appropriate.

Reasons for Recommendations

To ensure that Members are aware of the duties imposed on the Council by the Regulation of Investigatory Powers Act 2000 and the requirement to adopt policies processes and procedures that are compliant, up to date, relevant and fit for purpose. Ensuring Members are informed about RIPA activity, policy and procedures demonstrates good governance and an organisational commitment to the obligations imposed by RIPA on public bodies and is a mandatory expectation of the IPCO.

Other Options Considered

None

1. Background

- 1.1 An update on RIPA activity was last presented to Boston Audit and Governance Committee on 22nd April 2025.
- 1.2 The South and East Lincolnshire Councils Partnership agreed to adopt a Partnership Regulation of Investigatory Powers Act 2000 Policy in 2024. The Partnership Policy was adopted by Boston Cabinet on 21st February 2024, by ELDC Executive Board on 24th February 2024 and SHDC Cabinet on 13th February 2024. The next review of this policy is due in 2027.
- 1.3 The last audit conducted by IPCO was a remote, self-assessment audit of all three Councils in November/December 2023. IPCO signed off the self-assessment audit as satisfactory and complete in January 2024, subject to a Partnership RIPA Policy being developed. The Policy was duly completed, approved by all three Councils Executive and submitted to IPCO in March 2024 with the Inspector providing final approval.
- 1.4 IPCO require an annual return be provided on RIPA related activity undertaken by each Council in January covering the previous calendar year. A *nil* return was submitted to IPCO for 2025, meeting the obligatory submission dates imposed by the regulator.

2. Report

- 2.1 The Regulation of Investigatory Powers Act (RIPA) 2000 was enacted to regulate the powers of public bodies that carry out surveillance and investigations as part of their functions including the potential interception of communications.
- 2.2 The Partnership RIPA policy, procedures and practices ensure that each Council complies with the requirements of the European Convention on Human Rights and the Human Rights Act 1998 when undertaking any investigative activities which may interfere with a person's right to respect for a private family life, home and correspondence.

- 2.3 The requirements of the European Convention on Human Rights, the Human Rights Act 1998 and RIPA potentially impact any Officers performing investigatory or enforcement activities. Officers, when determining whether to undertake covert investigative activities, must only do so in accordance with the requirements set out in RIPA and associated guidance and must seek approval from a Magistrates Court before doing so.
- 2.4 RIPA governs local authorities use of Directed Surveillance (surveillance of an individual/s without their knowledge for a specific purpose), use of a Covert Human Intelligence Source (use of informants or undercover officers) and access to communications data (obtaining subscriber information of a telephone number or internet user, etc). The investigatory activity involving directed surveillance must only be pursued if it is demonstrably lawful, necessary, proportionate and non-discriminatory.
- 2.5 The Investigatory Powers Commissioner's Office (IPCO) is the regulatory body designated to oversee the compliance arrangements of public bodies in their use of RIPA and from time to time, undertake audits of public authorities to evaluate compliance.

3. Regulation of Investigatory Powers Act 2000 Partnership Policy

- 3.1. The overarching RIPA 2000 Partnership Policy (March 2024 to February 2027) is currently up to date and does not require any amendment or revisions this year.

4. Partnership Body Worn Video (BWV) Policy 2025 - 2028

- 4.1. As part of our RIPA compliance activities last year, a Partnership Body Worn Video Policy was developed and adopted by all three sovereign councils. As well as ensuring compliance with our RIPA obligations the BWV Policy demonstrates an ongoing commitment to the health, safety and welfare of our staff, service users and anyone else affected by our activities.
- 4.2. This new policy ensures that Body Worn Video cameras are available to be used by front line officers where it is lawful, reasonable, justifiable and proportionate to do so.
- 4.3. The policy demonstrates that the most appropriate technical and organisational measures have been considered and implemented, integrating the principles of data protection into the processing of evidence/data gathered on these devices. Body Worn Video Cameras are an excellent tool for obtaining high quality evidence when undertaking regulatory and enforcement activities however, they are highly regulated and must be deployed appropriately and the information/data gathered managed correctly.
- 4.4. BWV devices will only be deployed when it is deemed necessary for the purposes of reducing aggression towards officers or in the gathering of evidence by trained staff. The policy sets out roles and responsibilities, provides staff with the correct procedures for collecting, downloading, processing, presenting and retaining evidence obtained from BWV devices.

5. New Partnership CCTV Policy 26/27

- 5.1. On behalf of the Partnership, Boston Borough Council manages a comprehensive public realm CCTV service that covers key public spaces, car parks, playing fields and other council owned assets. There is a Partnership CCTV Policy in place for public realm CCTV which is reviewed every three years.
- 5.2. The intention is that a new Partnership CCTV Policy will be developed to cover all CCTV cameras and systems currently in use across our three councils that fall outside of our public realm system, ensuring that these cameras/systems are lawful, reasonable, justifiable and proportionate and that the data held within these systems is stored, retained, reproduced and disposed of appropriately and in accordance with IPCO/Home Office guidance.
- 5.3. Approval and adoption of a new (non-public realm) Partnership CCTV Policy will be sought from the relevant Councils executive(s) during 26/27.

6. Training of Officers

- 6.1. It is essential that we are able to demonstrate to IPCO that Officers with designated responsibilities within our RIPA Policy and all other Officers that undertake enforcement activity and may need to gather evidence cognisant of our obligations under RIPA, have received appropriate training.
- 6.2. RIPA Refresher training for all Officers is on a 3-year rolling cycle. ActNow are our RIPA training provider and sufficient e-learning licences will be secured through our Partnership Training and Development Plan 2026/27 to ensure all officers due training are able to access e-learning.

7. Conclusion

- 7.1. There has been no audit undertaken by IPCO since the last update to this committee in 2025.
- 7.2. There has been no RIPA approved activity undertaken by any of the three Councils in the last year. A nil return was submitted to IPCO in January of this year through the regulators mandatory returns process.
- 7.3. The RIPA 2000 Partnership Policy (March 2024 to February 2027) is currently up to date and does not require any amendment or revisions this year.
- 7.4. The Partnership Body Worn Video Policy has been introduced and was approved by all three Councils last year.
- 7.5. Intent is to bring forward a Partnership CCTV policy in the 26.27 work programme to ensure that all council owned CCTV systems that fall outside of the public realm CCTV system managed by Boston Borough Council, are compliant with RIPA and associated guidance produced by IPCO and the Home Office.

7.6. All Officers in key roles and with RIPA designated responsibilities have access to training/refresher training commensurate with their obligations and at intervals required under IPCO guidance. Ongoing training/refresher needs will be captured in the Partnership Training and Development Plan 2026/27.

Implications

South and East Lincolnshire Councils Partnership

By adopting a common approach to RIPA across all three councils, economies of scale, efficiencies and shared learning can be optimised across the Partnership. This sub regional approach also accords with the objectives set out in the Memorandum of Agreement and the Business Case for the South and East Lincolnshire Councils Partnership.

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

Non - compliance with the legislation associated with covert surveillance leaves the Council open to evidential challenge to enforcement activities in the courts and potentially formal claims for compensation from individuals or corporate bodies should it be found that RIPA policy, guidance and procedures have not been followed. The Policy and training ensure all officers considering surveillance and making an application to do so are aware of the requirements of the legislation and the evidential burden they need to demonstrate when making an application to the courts.

Data Protection

The protection of data is implicit in our obligations and compliance with RIPA, guidance from the Home Office or IPCO and our own policies.

Financial

There are no specific costs inherent in compliance with RIPA. Mandatory training is identified in the annual Partnership Training Plan with costs met from the central training budget.

Risk Management

The Council may be exposed to legal, financial and reputational risk were it to undertake enforcement activity inconsistent with the obligations of RIPA. Hence it is important that

our policy, practices and procedures are regularly reviewed to ensure that they are up to date with IPCO and Home Office guidance. Adopting common policy, practices and procedures also provides the Partnership with improved resilience, capability and capacity to our RIPA arrangements.

Stakeholder / Consultation / Timescales

Consultation has been undertaken with the relevant Portfolio Holder, Monitoring Officer, Group Manager for Information Governance and Data Protection Officer and Section 151. The report has also been shared with those Officers with designated responsibilities in the overarching Partnership RIPA Policy.

Reputation

Non-compliance with the legislation associated with covert surveillance leaves the Council open to reputational damage should a formal claim for compensation from individuals or corporate bodies find RIPA policy, guidance and procedures have not been followed.

If any prosecution is undertaken, and that through disclosure it becomes clear that either our RIPA policy is not robust or it has not been followed, it may compromise the outcome of the prosecution as a result.

Contracts

None

Crime and Disorder

Compliance with the obligations of RIPA must be intrinsic to all enforcement activities undertaken by the Council.

Equality and Diversity / Human Rights / Safeguarding

Adopting an approach to RIPA that is consistent with IPCO and Home Office guidance will help to ensure that the Council is meeting its equality and diversity, human rights and safeguarding obligations.

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

None

Acronyms

IPCO – Investigatory Powers Commissioners Office
RIPA – Regulation of Investigatory Powers Act (2000)
BWV – Body worn video
CCTV – Closed circuit television
BBC – Boston Borough Council

ELDC – East Lindsey District Council
SHDC – South Holland District Council
S&ELCP – South and East Lincolnshire Councils Partnership

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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