



REPORT TO: Audit & Corporate Governance Committee

23rd March 2023

LEAD OFFICER: Monitoring Officer

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) POLICY AND UPDATE ON USE OF RIPA

Executive Summary

1. The purpose of this report is to seek the approval of Members of the Audit and Corporate Governance Committee on the current policy noting that there are no updates from when it was approved last year and to provide an update on the use of RIPA powers since the committee last met.

Key Decision

2. No

Recommendations

3. It is recommended that Audit & Corporate Governance Committee:
 - (a) **APPROVE** the Council's RIPA policy at Appendix A;
 - (b) **NOTE** the Council has not used surveillance powers between December 2022 – February 2023.

Reasons for Recommendations

4. The committee are to receive quarterly updates on the Council's use of RIPA powers and to review the RIPA policy on an annual basis.

Details

- 5. RIPA regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals’ rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
- 6. Following a Home Office Review into counter-terrorism and security powers the Protection of Freedoms Act 2012 was passed in May 2012 requiring all local authority surveillance authorised under RIPA to be approved by a Magistrate from November 2012. The council’s policy and procedures were amended at that time to reflect these changes.
- 7. The Council comprehensively reviewed and updated its policy in September 2012 and last reviewed the policy in March 2022.
- 8. The Investigatory Powers Commissioner’s Office is responsible for the inspection of public authorities with regard to compliance with RIPA. The Council was the subject of a remote inspection on the 24th February 2021 and the report concluded that the information provided demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. The Inspector also commented that the policy was a well written document and easy to read.
- 9. There have been no changes to the legislation since the last revision of the policy in March 2022.

The council’s use of RIPA since December 2022

10. The information in the table below summarises the authorisations granted from December 2022 – February 2023.

	Directed surveillance	CHIS	Total
December 2022 – February 2023	0	0	0

Options

11. Members are required to review the policy on an annual basis and approve the policy with or without amendments.

Implications

12. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Financial

13. None

Legal

14. Authorisation of surveillance activity gives that surveillance “lawful authority” for the purposes of the European Convention on Human Rights.

Staffing

15. None

Risks/Opportunities

16. See legal.

Equality and Diversity

17. See legal.

Climate Change

18. None

Background Papers

None

Appendices

Appendix A: RIPA Policy

Report Author:

Rory McKenna – Monitoring Officer
Telephone: 07872 116523