

CABINET
6 SEPTEMBER 2022

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

**Responsible Cabinet Member -
Councillor Scott Durham, Resources Portfolio**

**Responsible Director -
Elizabeth Davison, Group Director of Operations**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to inform and update Members about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in March 2022.

Summary

2. The Regulation of Investigatory Powers Act 2000 (“RIPA”) enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with.
3. The Investigatory Powers Act 2016 (“IPA”) is the main legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with.
4. This report updates members on issues relevant to this area of work and gives details of RIPA directed surveillance applications and IPA communications data applications that have been authorised since the last report to Cabinet.

Recommendation

5. It is recommended that Members:-
 - (a) Approve the RIPA Policy at **Appendix 1** to this report
 - (b) Receive further reports on the Council’s use of RIPA and IPA and other associated issues.

Reasons

6. The recommendations are supported by the following reasons:-

- (a) As stated in the Home Office Code of Practice, the RIPA Policy should be approved by Members on an annual basis.
- (b) In order to ensure that the Council complies with the legal obligations under RIPA, IPA and national guidance.
- (c) To help in giving transparency about the use of RIPA and IPA in this Council.

Elizabeth Davison
Group Director of Operations

Background Papers

Home Office, Covert Surveillance and Property Interference, Revised Code of Practice, August 2018

Amy Wennington : Extension 5466

S17 Crime and Disorder	The appropriate use of and oversight of RIPA and IPA powers will enable the Council to provide evidence to support appropriate prosecutions and tackle crime.
Health and Wellbeing	There are no specific implications for Health and Wellbeing
Carbon Impact and Climate Change	There are no issues that this report needs to address
Diversity	The RIPA Policy treats all groups equally
Wards Affected	All wards
Groups Affected	All groups
Budget and Policy Framework	This does not represent a change to the Council's budget and policy framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	The appropriate use of powers is a legislative requirement
Efficiency	Clarity about the lawful use of RIPA and IPA will help in the efficient use of powers
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

Annual Approval of this Council's RIPA Policy

7. Paragraph 4.47 of the Home Office, Covert Surveillance and Property Interference, Revised Code of Practice, August 2018, states that elected members of a local authority should set the RIPA policy at least once a year. The policy is therefore due for approval again having last been approved by Members on 9 March 2021.
8. The Policy has undergone some very minor amendments since it was last approved. These amendments simply relate to the updating of job titles and some renumbering of sections and pages as a result of changes to formatting.

Bi-Annual Report Regarding this Council's RIPA and IPA usage

Directed Surveillance Authorisations

9. There have been no authorisations granted since the last Cabinet Report.

Communications Data Authorisations

10. There have been no authorisations granted since the last Cabinet Report.