

**CABINET  
5 SEPTEMBER 2023**

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**REGULATORY INVESTIGATORY POWERS ACT (RIPA)**

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**Responsible Cabinet Member -  
Councillor Mandy Porter, Resources Portfolio**

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

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**SUMMARY REPORT**

**Purpose of the Report**

1. This report informs 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 2023. Members are also asked to consider and approve the RIPA Policy.

**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.
5. The RIPA Policy is also attached for Members to consider and approve. This is in line with the Home Office Code of Practice which recommends an annual approval process.

**Recommendations**

6. It is recommended that Members:-
  - (a) Note the issues raised in the report
  - (b) Approve the RIPA Policy at **Appendix 1** to this report.

- (c) Receive further reports on the Council’s use of RIPA and IPA and other associated issues.

**Reasons**

7. 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 raising awareness and 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**

8. 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 reviewed by Cabinet on 6 September 2022.
9. The Policy has not undergone any amendments since it was last approved.

#### **The Investigatory Powers Commissioner's Annual Report**

10. On 20 March 2023 the Investigatory Powers Commissioner ("IPC"), Sir Brian Leveson, published his Annual Report on the use of covert investigatory powers by public authorities. These reports are submitted to the Prime Minister annually.
11. The Investigatory Powers Commissioner's Officer ("IPCO") independently oversees the use of investigatory powers, ensuring they are used in accordance with the law and in the public interest. The Report outlines IPCO's oversight of the use of these covert powers by more than 600 public bodies, including UK intelligence agencies, police forces and local councils. Inspection findings and recommendations are documented in the report, alongside errors and breaches.
12. The report also includes details of activities conducted by the Office for Communications Data Authorisations (OCDA), also under the authority of the Investigatory Powers Commissioner.
13. The IPC keeps under regular review the information that is provided in the Annual Report to ensure that the work of IPCO and OCDA is as transparent as possible.
14. The report contains information on inspection findings, errors and policy matters. The IPC states that he has seen positive engagement from public authorities, with high levels of compliance, and that 2021 marks the first year in which there was no serious errors since IPCO began reporting.

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

##### **Directed Surveillance Authorisations**

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

##### **Communications Data Authorisations**

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