

**CABINET**  
**10 SEPTEMBER 2024**

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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 2024. 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**

General Information: Investigatory Powers Commissioners Office website: [Home page - IPCO](#)

Luke Swinhoe : Extension 5490

Council Plan	The appropriate use of powers can help improve the quality of lives, local communities and the environment.
Addressing inequalities	The RIPA Policy treats all groups equally
Tackling Climate Change	There are no issues that this report needs to address
Efficient and effective use of resources	Clarity about the lawful use of RIPA and IPA will help in understanding their efficient and effective use
Health and Wellbeing	There are no specific implications for Health and Wellbeing
S17 Crime and Disorder	The appropriate use of and oversight of RIPA and IPA powers can help the Council to provide evidence to support prosecutions and tackle crime.
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.
	The appropriate use of powers is a legislative requirement
Efficiency	
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 5 September 2023.
9. The policy has been reviewed and it is not considered that any amendments are needed at this time.

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

10. On 26 March 2024 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. The IPC has a statutory obligation to publish his findings and activities to the Prime Minister each year before it is laid in Parliament.
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 covers work undertaken in 2022 by the IPCO and its sister organisation, the OCDA. In 2022, most authorisations for the use of the investigatory powers were for the purpose of preventing or detecting crime. For communications data authorisations, the most common crime type under the "prevent and detect" statutory purpose related to drug offences. IPCO staff undertook a total of 380 inspections in 2022, overseeing the use of powers including the interception of communications, the acquisition of communications data, and the use of covert human intelligence sources.
15. The Investigatory Powers Commissioner, Sir Brian Leveson said:

"Once again, our findings reveal high levels of compliance with the relevant legislation and codes of practice across the many organisations we oversee. There are areas of concern that need to be addressed, but it is reassuring that public authorities are reporting only a very low number of serious errors.

"I am confident that IPCO continues to provide robust oversight and scrutiny to ensure public authorities in the UK are using investigatory powers in a manner that is compliant with the law, including their human rights obligations."

### **Changes to the remit of the Investigatory Powers Commission**

16. On 1 March 2024, the Investigatory Powers Commissioner's Office (IPCO) and the Office for Communications Data Authorisations (OCDA) merged, achieving administrative savings and creating a single body dealing with regulation in this area. The name chosen for the merged organisation is the Investigatory Powers Commissioner's Office with the IPCO taking on the responsibility for oversight of coms data authorisations. The IPCO now has a new strapline "Ensuring lawful compliance through independent authorisation and oversight."

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

#### **Directed Surveillance Authorisations**

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

#### **Communications Data Authorisations**

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