

Report To:	CABINET
Date:	20 JANUARY 2025
Heading:	REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - UPDATE
Executive Lead Member:	COUNCILLOR VICKI HESLOP – EXECUTIVE LEAD MEMBER FOR GOVERNANCE
Ward/s:	N/A
Key Decision:	NO
Subject to Call-In:	YES

Purpose of Report

This report is to update Cabinet on the use of the Council’s Regulation of Investigatory Powers Act (RIPA) Policy in the past 3 years.

Recommendation(s)

Cabinet is asked to:

- 1. Note that the Council has not authorised any Directed Surveillance in the past 3 years pursuant to the RIPA powers;**
- 2. Note and adopt the minor amendments to the Policy;**
- 3. Note that refresher staff training on RIPA powers will be offered in 2025.**

Reasons for Recommendation(s)

An update report was presented to Cabinet in January 2024. The current Code of Practice and Council Policy requires that Members are updated on RIPA authorisations on an annual basis. This report complies with that requirement.

The Policy should also be reviewed regularly to ensure it remains up to date and fit for purpose. The Policy was reviewed, and minor amendments were made to the Policy in January 2024 to reflect changes in job titles for authorising officers (Executive Directors) and also for the Assistant Director - Legal.

Alternative Options Considered

To not report to Members an update which could put the authority at risk of challenge for breach of policy.

Detailed Information

Regulation of Investigatory Powers Act 2000 (RIPA) – Update

The Regulation of Investigatory Powers Act 2000 (RIPA) sets out the legal framework for the conducting of surveillance by public authorities in the course of criminal investigations. RIPA ensures compliance with the Human Rights Act 1998, in particular the right to respect for private and family life. This right is qualified where interference in these rights is necessary and proportionate and carried out in accordance with the law.

The Council can only authorise directed surveillance under RIPA where the matter involves a criminal offence punishable by a custodial sentence of six months or more (e.g. serious criminal damage, dangerous waste dumping, health and safety offences, serious or serial benefit fraud) or is related to underage sale of alcohol and tobacco. The Council cannot authorise directed surveillance for less serious offences such as littering and dog control and cannot authorise intrusive surveillance which takes place either in a residential premises or in any private vehicle. Authorisation is not required however in a case of immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought or for general observation activities in a crime hotspot area.

Update on the Use of RIPA:

1. If the Council is required to carry out covert surveillance in the course of its enforcement work, it must comply with the Regulation of Investigatory Powers Act 2000 and related Codes of Practice.
2. The Council has a Policy in place which sets out a process for ensuring covert surveillance activity is carried out in accordance with the law. In accordance with the Policy and the Code of Practice, the Cabinet must receive an annual report.
3. In the past 3 years no covert surveillance was authorised.
4. Members are asked to note the update.

The Policy:

1. The RIPA Policy was last reviewed and amended in January 2024 to make minor changes to the Policy to update details of authorising officers (Executive Directors) and to update details for the Assistant Director - Legal. Prior to that review the RIPA Policy was reviewed and amended in December 2022 following recommendations made by the Investigatory Powers Commissioner's office (IPCO) after they carried out a desktop RIPA inspection in March 2022.
2. It is proposed that further minor amendments are made to the Policy to correct minor typographical errors (see highlighted text).
3. Members are asked to note and adopt the proposed minor amendments within the Policy.

Training:

1. In March 2022, IPCO also noted that formal training for relevant staff has been impacted by the pandemic and assurances were given that training would commence later in the year.
2. The Assistant Director - Legal and Service Manager Legal Services provided training on RIPA to all staff in Legal Service, SLT members (Authorising Officers) and to other relevant officers in November/December 2022.
3. Members are asked to note that the refresher training on RIPA powers is proposed to take place in 2025.

Implications

Corporate Plan:

Safer and Stronger: We will work with our partners to ensure people feel safe and are safe by tackling crime and antisocial behaviour (ASB). Our vision is to provide a safer Ashfield where residents, businesses and visitors feel safer in the District.

Legal:

All legal issues are outlined within the report and detailed in the policy. There have been no changes to legislation or national practice during the period reported. The Senior Responsible Officer and RIPA Coordinating Officer will continue to monitor any changes in legislation and guidance and where necessary will implement changes in policy and practice to reflect those changes. [RLD04/12/2024]

Finance:

There are no direct financial implications from the content of this report. [PH 06/12/2024]

Budget Area	Implication
General Fund – Revenue Budget	n/a
General Fund – Capital Programme	n/a
Housing Revenue Account – Revenue Budget	n/a
Housing Revenue Account – Capital Programme	n/a

Risk:

Risk	Mitigation
No risks associated with the recommendations in this report.	The Policy is in place to ensure the Council complies with the law.

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Human Resources: There are no direct HR implications [KB 06.12.24]

Environmental/Sustainability:

There are no environmental or sustainability implications relating to the report.

Equalities:

Implications are considered in the policy, in particular, in relation to article 8 of the Human Rights Act. RIPA does not target or exclude any groups or individuals within the community. RIPA ensures that surveillance is only carried out in a limited and specific way to identify only those conducting criminal activity and that it is both necessary and proportionate.

Other Implications:

n/a

Reason(s) for Urgency

n/a

Reason(s) for Exemption

n/a

Background Papers

RIPA Policy and Guidance attached

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