

Part A

Report to: Audit Committee

Date of meeting: Thursday, 15 September 2022

Report author: Group Head of Democracy and Governance

Title: RIPA Update

1.0 Summary

1.1 This Committee is responsible for oversight of the council's use of the Regulation of Investigatory Powers Act (RIPA).

1.2 To note that since the last report in March 2019 the council has not requested any authorisations under the Act.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Officers fail to apply for RIPA authorisation as required by the Act	The evidence collected using directed surveillance will be inadmissible and could result in a failure to convict	Officers are trained in RIPA	treat	2

3.0 Recommendations

3.1 The Committee notes that no RIPA authorisations have been made for the financial years 2019/20, 2020/21 and 2021/22.

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4.0 Detailed proposal

- 4.1 This Committee oversees the council's use of RIPA. Since the restrictions imposed on councils on the use of RIPA by the Protection of Freedoms Act, which limited the ability to undertake directed surveillance to offences where the penalty was six months or more imprisonment or selling alcohol or tobacco to children, and the need to get approval from a magistrate where it was applicable, the council now rarely uses the powers.
- 4.2 Since the last report to this Committee in March 2019 no authorisations have been requested.
- 4.3 RIPA training was undertaken by officers who are able to grant authorisations under the RIPA policy in July 2021.
- 4.4 The RIPA policy has been regularly reviewed since 2019 and the changes to the senior management structure have been reflected in title changes to authorising officers. A copy of the policy is attached as appendix 1 for information.

5.0 Implications

5.1 Financial

- 5.1.1 The Shared Director of Finance comments that there are no financial implications in this report

5.2 Legal Issues (Monitoring Officer)

- 5.2.1 The Group Head of Democracy and Governance comments that there are no legal implications in this report

5.3 Equalities, Human Rights and Data Protection

- 5.3.1 It is a requirement of considering any application for authorisation under RIPA to have regard to the human rights of those likely to be subject of the surveillance as well as any one indirectly affected and any collateral intrusion.

Appendices

- Appendix 1 RIPA Policy 2022

Background papers

No papers were used in the preparation of this report.