

Part A

Report to: Audit Committee

Date of meeting: Thursday, 14 September 2023

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 September 2022 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.	Investigating 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 year 2022/23 or to date.

3.2 To note the updated RIPA Policy 2023 in appendix 1.

Further information:

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4.0 **Detailed proposal**

- 4.1 This Committee oversees the council's use of RIPA. Since 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 No authorisations have been requested for the financial year 2022/23, nor to date.
- 4.3 The RIPA policy document has been reviewed and reference to the OSC Procedure and Guidance document in the Policy has been removed as this has been withdrawn by the Investigatory Powers Commissioner. The 2023 Policy is attached as appendix 1.

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 anyone indirectly affected and any collateral intrusion.
- 5.3.2 There are strict requirements on the handling and storage of any information gleaned as a result of any authorised direct surveillance to prevent unauthorised access.

5.4 **Staffing**

- 5.4.1 Investigating and Authorising Officers have had appropriate training on RIPA.

5.5 **Accommodation**

- 5.5.1 N/A

5.6 **Community Safety/Crime and Disorder**

5.6.1 N/A

5.7 **Sustainability**

5.7.1 N/A

Appendices

- Appendix 1 RIPA Policy 2023

Background papers

No papers were used in the preparation of this report.