

Report to	Governance and Audit Committee
Date of meeting	30 th January 2024
Lead Member / Officer	Gary Williams, Corporate Director: Governance and Business, RIPA Senior Responsible Officer.
Report author	Lisa Jones, Legal Services Manager
Title	RIPA Annual Report

1. What is the report about?

This is the annual report to the Governance and Audit Committee on the Council's use of its powers of surveillance under RIPA (Regulation of Investigatory Powers Act 2000)

2. What is the reason for making this report?

The Home Office Codes of Practice relating to the use of these powers recommend that local authorities should report on their surveillance powers on a regular basis.

3. What are the Recommendations?

That the Committee receives and acknowledges the report and provides any comments in respect of its contents and the attached policy document.

4. Report details

- 4.1. The Committee is familiar with the Annual Report on RIPA that is brought to Members where a summary of activity and governance arrangements around this area is provided to Members.
- 4.2. The level of RIPA activity, which relates only to 'covert' surveillance, rather than 'overt' surveillance, has reduced dramatically over the past ten years to the point now where little or no covert surveillance is taking place. The Council will

utilise its RIPA powers only as a very last resort and this means where all other means of gathering the evidence has been considered and explored. In the event of a RIPA application being taken forward there are legal hurdles in which to overcome before the surveillance can take place which includes a detailed application form completed by the applicant, a face to face meeting with one of the Council's Authorising Officers (a member of CET) and then attendance for formal approval from the Magistrates Court. Irrespective of the process, one of the reasons for a reduction in this activity is that the Council has other transparent methods in place in a world where public bodies share more data than they may have done previously as a way of combatting fraud and crime.

- 4.3. Since the last Annual Report to the Committee there has been no covert surveillance activity conducted, and this is a trend that is the same throughout all local authorities.
- 4.4. The two main areas where the Council is more likely to require a RIPA authorisation is in respect of underage sales and fly tipping. However, the Council is required to consider other less intrusive means of preventing or combatting such activities such as signage or working transparently with publicans and off licences to ensure they are complying with their duties on alcohol sales.
- 4.5. The Investigatory Powers Commissioners' Office is the regulatory body responsible for oversight of investigatory powers by public authorities. The Council was last inspected by one of the Commissioner's Chief Inspectors, Graham Wright, in February and March 2021 and a copy of that Inspection Report was presented to members of this Committee in June 2021 and available for members on the Council's Committee section of the website.
- 4.6. The Home Office Covert Surveillance and Property Interference Code of Practice requires the Senior Responsible Officer for RIPA to provide Elected Members with an annual report on whether the Council's RIPA policy is fit for purpose and to report the level of covert surveillance activity. The inspection in 2021 confirmed that the Inspector had reviewed the Council's RIPA Policy and advised it provided very accurate, complete and practical advice and guidance to practitioners. The policy was amended slightly at the time to accord with recommendations made by the Inspector.

4.7. Refresher training to Investigating Officers and Authorising Officers is an area that the Regulator is particularly keen on seeing implemented; this is best delivered in a face to face to setting as there are practical scenarios which will be worked through and are better delivered in a face to face interactive session. A training event was last held in November 2022 for officers who need to be aware of the Council's Policy and Procedures and the human rights considerations in relation to privacy that the function requires. The Inspector in 2021 was sighted on the proposed slides and training materials and was satisfied that they were of the appropriate standard.

5. How does the decision contribute to the Corporate Priorities?

This area of practice supports cleaner and safer places to live and visit and the Councils environmental ambitions and priorities. Fraudulent activity, which can impact on Councils' revenue and budgets, may necessitate taking surveillance action.

6. What will it cost and how will it affect other services?

The costs are met within existing resources, including the training events, as this is prepared and delivered in house in a bespoke manner.

7. What are the main conclusions of the Well-being Impact Assessment?

A well-being impact assessment is not required for this report and decision.

8. What consultations have been carried out with Scrutiny and others?

There has not been any formal consultation in respect of this report.

9. Chief Finance Officer Statement

Not required.

10. What risks are there and is there anything we can do to reduce them?

A Council that has a robust policy and supporting governance framework around the policy is less likely to fall foul of RIPA and the right to respect for one's private and family life. Evidence gathered in a compliant manner can be used in court proceedings and may not be relied upon if not obtained lawfully. It is therefore essential that council staff follow advice and policy in this area.

11. Power to make the decision

Regulation of Investigatory Powers Act 2000 and related Codes of Practice.