



**Report Reference Number: A/22/6**

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**To:** Audit & Governance Committee  
**Date:** 26 October 2022  
**Status:** Non-Executive  
**Ward(s) Affected:** All  
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**Title:** Applications for Use of Regulation of Investigatory Powers Act 2000:  
Oct 2021- Oct 2022

### **Summary:**

A revised RIPA Policy was approved and took effect from 1<sup>st</sup> October 2021. It is best practice to report to Members annually as to the number of applications for RIPA Authorisation even where there have been none.

### **Recommendations:**

To note that there have been no applications for authorisations pursuant to the Regulation of Investigatory Powers Act 2000 between 1<sup>st</sup> October 2021 and 1<sup>st</sup> October 2022.

### **Reasons for recommendation**

The Council has a duty under RIPA 2000 to demonstrate how requests for covert directed surveillance activities are determined and recorded. Part of the role of the Audit and Governance Committee is to monitor the Council's use and authorisation of covert surveillance under the Regulation of Investigatory Powers Act 2000; providing the information enables oversight.

#### **1. Introduction and background**

The Regulation of Investigatory Powers Act ("RIPA") controls and regulates surveillance, and other means of gathering information, which public bodies employ in the discharge of their functions, and that process can be used as a defence against certain human rights claims. The Investigatory Powers Commissioner (IPCO) oversees the authorisation and use of covert tactics by statutorily empowered public authorities and as part of this the Council is inspected every three years to review management of covert activities.

The Council was inspected in February 2021.

The revised RIPA Policy has regard to up-to-date Codes of Practice and is amended to update reference to the Investigatory Powers Commissioner's Office as the overseeing body.

To reflect the rarity of use of the powers by SDC, the number of authorising officers has been restricted to five at a senior level.

The process of authorisation and recording has been revised so that it links to the guidance and up to date home office forms on the internet.

The policy now includes reference to reviewing the RIPA policy and reporting of use or non-use of RIPA authorisations to A&G annually.

The purpose of this report is to confirm non-use of RIPA authorisations during the period Oct 2021 – Oct 2022

## **2. Alternative Options Considered**

n/a

## **3. Implications**

### **3.1 Legal Implications**

It would put the Council at risk of legal challenge for breach of legislation if the Policy were not in place.

### **4.2 Financial Implications**

There are no financial implications as a direct result of this report. Failure to comply with RIPA would put the Council at risk of legal challenge for breach of legislation. Breach of the legislation can result in a fine.

### **4.3 Policy and Risk Implications**

Failure to comply with RIPA would put the Council at risk of legal challenge for breach of legislation.

### **4.4 Corporate Plan Implications**

n/a

### **4.5 Resource Implications**

n/a

#### **4.6 Other Implications**

n/a

#### **4.7 Equalities Impact Assessment**

n/a

### **5. Conclusion**

The current RIPA Policy reflects the current legislation and guidance following the IPCO Inspection in 2021 to ensure that any consideration regarding use of **covert** surveillance by SDC Officers complies with the law. In accordance with the IPCO recommendations Members are informed that there have been no applications for RIPA Authorisations made at SDC between Oct 2021 and Oct 2022.

### **6. Background Documents**

[RIPA codes - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Application for use of directed surveillance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Changes to local authority use of RIPA - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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