

Report to: Audit & Governance Committee Meeting: 19 February 2025

Director or Business Manager Lead: Sue Bearman – Assistant Director Law and Information Governance.

Lead Officer: Lisa Ingram, Principal Legal Officer and RIPA Co-ordinator

Report Summary	
Report Title	REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - ANNUAL REPORT
Purpose of Report	To report to the Committee: <ul style="list-style-type: none"> i. Activity by the Council under RIPA from 2023 to December 2024 ii. IPCO inspection iii. Relevant minor amendments to the RIPA policy iv. An update on mandatory training for officers
Recommendations	For the committee to note the report and agree the minor amendments to the policy.
Reason for Recommendation	To ensure the Council fulfils its statutory obligations and keeps up to date with policy and training.

1.0 Background

The Regulation of Investigatory Powers Act 2000(RIPA) gives the Council certain powers to undertake covert surveillance in relation to some investigations undertaken by the Council. Since 2017 the Investigatory Powers Commissioner’s Office (IPCO) has been responsible for the oversight of the use of RIPA.

- 1.1 There is a strict authorisation process set out in the legislation requiring that all applications are considered by designated members of the Council’s Senior Leadership Team before final authorisation is sought in the Magistrates Court. The Council is required to submit an annual statistical return to the IPCO on the number of authorisations made and the Council is also subject to periodic inspections by the IPCO.
- 1.2 The Council is also able to obtain certain communications data (i.e. data about electronic communications) through the National Anti-Fraud Network (NAFN) who are an expert provider accredited by the IPCO and the Home Office. NAFN submits an annual statistical return to the IPCO of the number of submissions made by the Council requesting information from NAFN.

1.4 A programme of monitoring and review is set out in the Council's RIPA policy and guidance. Annual reports of RIPA authorisations are made to the Audit and Governance committee.

1.5 **Annual Activity**

There has been 1 authorisation sought by the Magistrates court during this period. This related to a flytipping hotspot at an address in Ollerton. Unfortunately, no relevant material was obtained but officers are taking further action in relation to the same.

There have been no authorisations refused by the Magistrates Court.

The Council's use of authorised RIPA surveillance has always been and remains extremely low. This is in line with the majority of other authorities; particularly those who do not have services such as Trading Standards or Consumer Protection teams.

1.6 The Council will submit the annual statistical return to the IPCO for the 2024 period by 31st January 2025 when it is due. There have been Nil returns to the IPCO since 2016.

2.0 **IPCO Inspection**

On 11 June 2024, the Council was notified by IPCO that they intended to carry out an inspection of the Council's application and use of RIPA.

2.1 On 2 July 2024, IPCO sent their report to the Council. The only general recommendation made was as follows:

"key compliance issues continue to receive the necessary internal governance and oversight through yourself and your Senior Responsible Officer: policy refreshes; annual updates to your Elected Members; ongoing training and awareness raising; internal compliance monitoring by lead managers within their business areas; and the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice)."

3.0 **Minor amendments to the Council's RIPA Policy**

The Council is required to have a policy governing the law and procedure for undertaking surveillance and how that integrates with RIPA. The policy should be published on the website and also on the intranet for reference by staff undertaking any investigations involving surveillance.

3.1 The internal policy, including the names of relevant Authorising officers, the Senior Responsible Officer and RIPA Co-ordinator is on the intranet and provides much more detailed information on how surveillance techniques may or may not be used and will be available on the internet and intranet. Minor amendments have been made to the policy to reflect changes in names/job titles of relevant officers and some improvements to level of detail and layout.

4.0 **Training**

Appropriate training is provided to all Authorising officers and training has been provided in July 2024. Ongoing advice and training is provided to investigating officers

on a case by case basis throughout the year. More formal training is planned to be completed by December 2025 to investigating officers in relevant teams.

- 4.1 RIPA is also discussed at the 6 weekly Corporate Enforcement Group meetings to ensure consistency of application of the policy across the Council.

5.0 Implications

In writing this report and in putting forward recommendations' officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

5.1 Legal Implications (LEG2425/3139)

Audit & Governance Committee is the appropriate body to consider the content of this report by virtue of its function in relation to assurance of the Council's governance arrangements, and the RIPA policy.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

21 February 2024 Annual Report to Audit & Governance Committee is published - <https://democracy.newark-sherwooddc.gov.uk/documents/s19158/Item%2016%2021.02.2024%20Regulation%20of%20Investigatory%20Powers%20Act%20Annual%20Report.pdf>