



Title of meeting:	Governance & Audit & Standards Committee
Date of meeting:	22 nd November 2023
Subject:	Regulation of Investigatory Powers Act 2000 (RIPA) and Investigatory Powers Act 2016
Report by:	Elizabeth Goodwin, Chief Internal Auditor
Wards affected:	All
Key decision:	N/A
Full Council decision:	N/A

1. Summary

- 1.1 In June 2023 the Authority were subject to a desktop assessment by the Investigatory Powers Commissioner's Office (IPCO) to assess the arrangements in place relating to Regulatory Investigative Powers Act 2000 (RIPA) and Investigatory Powers Act 2016. The results were positive with one minor point noted below. Two RIPA applications have been approved since the last reporting period and the RIPA policy had been updated to incorporate changes in legislation.

2. Purpose of report

- 2.1 To update Members on the IPCO desktop exercise, the Authority's use of Regulatory Powers for the period from 6th January 2021 to 8th November 2023 and policy changes.

3. Recommendations

It is recommended that Members of the Governance and Audit and Standards Committee

- 3.1 **Note the desktop inspection carried out by IPCO Surveillance Inspector and results presented.**
- 3.2 **Note that there have been two RIPA applications authorised since the last report to this Committee on the 15 January 2021.**
- 3.3 **Note the changes highlighted within the policy following legislative changes.**

4. Background

- 4.1 Since 1st September 2017 the Investigatory Powers Commissioner’s Office (IPCO) took over the inspection and oversight functions in the single independent function which had been carried out by previous commissioners’ offices’, (Office of the Surveillance Commissioner - OSC, Chief Surveillance, Interception of Communications, and Intelligence Services Commissioners).
- 4.2 On an approximate three year cycle the Authority is subject to inspections by IPCO. The previous on-site inspection was carried out in February 2020 and a desktop exercise was performed in June 2023. One minor point was raised following the latter relating to an approval for surveillance for one month, when the code of practice requires approval for a three-month period. Any authorised surveillance can be subject to cancellation at any time within the three-month period. The next inspection is due to be carried out by IPCO during 2026.
- 4.3 Two RIPA applications have been authorised during the period 6th January 2021 to 8th November 2023. The Protection of Freedoms Act 2012 requires that Local Authorities seeking RIPA authorisation are subject to judicial approval. This means that approval of the RIPA authorisation or renewal of an authorisation must be approved by a judicial authority in the local Magistrates Court.
- 4.4 PCC has Policy and Procedures to ensure that officers comply with the Regulation of Investigatory Powers Act 2000 requirements to mitigate any risk of legal challenge. These documents are updated when there are changes in the codes of practice or legislation, including case law and personnel. These were last updated in January 2021 and are updated again and highlighted in yellow on the accompanying policy document.

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Signed by: Elizabeth Goodwin, Chief Internal Auditor (Senior Responsible Officer for RIPA).

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
1 Covert Surveillance Code of Practice Issued by the Home Office and Covert Human Intelligence sources Code of Practice issued by the Home Office	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf

2	Regulation of Investigatory Powers Act 2000	http://www.legislation.gov.uk/ukpga/2000/23/contents
3	Protection of Freedoms Bill	http://www.homeoffice.gov.uk/publications/about-us/legislation/protection-freedoms-bill/