

Audit Committee

28 January 2025



Title	Update on the use of the Regulation of Investigatory Powers Act Policy (RIPA policy)
Purpose of the report	To inform the Audit Committee regarding the Council's use of Directed Surveillance and Covert Human Intelligence Sources for 2024
Report Author	Linda Heron, Interim Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	The use of surveillance powers supports all the Council's corporate priorities
Recommendations	Committee is asked to: Acknowledge there has been no use of RIPA powers during the period 1 January – 31 December 2024
Reason for Recommendation	To ensure transparency in respect of the Council's use of its powers under RIPA.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none">The Regulation of Investigatory Powers Act (RIPA) came into force in 2000 and the Council is required to have a policy in place to demonstrate how these powers are utilisedThe RIPA Policy was approved by Corporate Policy and Resources Committee on 27	<ul style="list-style-type: none">On 29 January 2024 this Committee was informed of the use of RIPA powers for the years 2020 to 2023This report provides information for the period 1 January – 31 December 2024

<p>November 2023 and the Committee resolved to:</p> <ul style="list-style-type: none"> - adopt the RIPA Policy; and - delegate to the Group Head Corporate Governance to keep the Policy under regular review and update the Audit Committee on any updates to the Policy and use of the power thereunder 	
<p>This is what we want to do about it</p>	<p>These are the next steps</p>
<ul style="list-style-type: none"> • Carry out annual review of the Policy and the use of RIPA powers 	<ul style="list-style-type: none"> • Consider the information provided regarding the use of RIPA powers for the period 1 January – 31 December 2024

2. Key issues

- 2.1 RIPA regulates surveillance carried out by public authorities in the conduct of their business, specifically the monitoring, recording and interception of communications and the use of directed covert surveillance. The Act allowed:
- Councils to carry out covert surveillance of alleged offenders and to instruct individuals to form relationships with the intention of obtaining information for the prevention and detection of crime.
 - Compliance with RIPA ensures that the surveillance actions taken by the Council are acceptable interference of qualified rights within the Human Rights Act 1998, in particular the right to privacy and the right to a fair trial, when gathering evidence in preparing cases for Court.
- 2.2 The Investigatory Powers Commissioner's Office (IPCO) carries out scheduled audits of the use of RIPA by Local Authorities to monitor quality of applications and compliance with the Codes.
- 2.3 In addition, all authorisations for surveillance activities carried out by the Council under RIPA must be independently reviewed and approved by a Magistrates' Court.
- 2.5 By law, elected members are not permitted to be involved in any individual application/authorisation, however paragraph 3.46 of the Covert Human Intelligence Sources Revised Code 2022 ('the Code') states that: " Elected members of a local authority should review the authority's use of Part II of the 2000 Act and set the policy at least once a year. They should also consider internal reports on use of the 2000 Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose."
- 2.6 Annual statistics on use of RIPA powers are reported to IPCO.

2.7 The Council's RIPA Policy and related documents can be found on the intranet.

3. Options analysis and proposal

3.1 To ensure that the Council complies with the Code, we are required to update the Committee on the use of RIPA powers during the period 1 January – 31 December 2024.

3.2 Since the last report in January 2024 the Council has not authorised any directed surveillance:

Year	Activity authorised	Nature of investigation	Total no. of authorisations in that year
2024	None	N/A	None

4. Financial implications

4.1 None arising from this report.

5. Risk considerations

5.1 There are no specific risks arising from this report, but it should be noted that the Council must ensure that it complies with the requirements of RIPA and the associated Codes of Practice. Failure to have the appropriate policies and procedures in place may lead to the Council not meeting its statutory obligations, exceeding its powers, and placing it at risk of complaints.

6. Procurement considerations

6.1 Not applicable.

7. Legal considerations

7.1 The legal considerations are covered in the main body of the report.

8. Other considerations

8.1 There are none.

9. Equality and Diversity

9.1 The RIPA Policy is accessible by all.

10. Sustainability/Climate Change Implications

10.1 There are none.

11. Timetable for implementation

The next update on the RIPA Policy to the Audit Committee will be in January 2026.

12. Contact

12.1 Linda Heron l.heron@spelthorne.gov.uk.

Background papers: None

Appendices: None