



Regulation of Investigatory Powers Act 2000 [RIPA] Update 2023-24

Report Author:	Clive Tobin , Monitoring Officer 01664 502541 ctobin@melton.gov.uk
Chief Officer Responsible:	Clive Tobin , Monitoring Officer 01664 502541 ctobin@melton.gov.uk
Lead Member/Relevant Portfolio Holder	Monitoring Officer

Corporate Priority:	Ensuring the right conditions to support delivery (inward)
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 To update members in relation to the Council’s use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA) from April 2023 to March 2024.
- 1.2 To review and update the RIPA Policy.

2 Recommendations

RECOMMENDATION(S)	
That Committee:	
2.1	Notes the update for the period April 2023 to March 2024.
2.2	Approve the reviewed RIPA Policy (Appendix A) noting minor proposed changes as detailed in para 5.9 of this report.

3 Reason for Recommendations

- 3.1 To provide an annual update in order to comply with the RIPA Policy and statutory Code of Practice.

4 Background

- 4.1 RIPA sets out a regulatory framework for the use of covert investigatory techniques by public authorities. The Statutory Code of Practice issued under RIPA states that local authority members should review use of RIPA and set ensure that its policy remains fit for purpose annually. That role is discharged by the Audit and Standards Committee.
- 4.2 Local Authorities are limited to using three covert techniques for the purpose of preventing or detecting crime or preventing disorder. Use of these techniques must be authorised internally by a trained authorising officer and can only be used where it is considered necessary and proportionate. The three techniques are:
- i) Directed covert surveillance;
 - ii) The use of Covert Human Intelligence Source (CHIS) i.e., undercover officers and public informants;
 - iii) Access to communications data i.e., mobile telephone or internet subscriber checks but not the content of any communication.

The first two techniques should be used as a last resort, when other overt techniques have proved to be unsuccessful however, where communications data is required, RIPA should be used instead of any other process.

- 4.3 Once approved internally, any RIPA authorisations or renewals must also have judicial approval from a Justice of the Peace sitting in a Magistrates' Court.

5 Main Considerations

- 5.1 Under RIPA local authorities have the power to authorise directed surveillance (usually covert cameras or covert observations by officers) and the use of Covert Human Intelligence Sources (CHIS) (undercover officers or members of the public conducting surveillance) if the authorisation is necessary for the prevention and detection of crime or preventing disorder and if the surveillance is proportionate to the aims it seeks to achieve.
- 5.2 Save for a small number of licensing offences, directed surveillance, may only be used to investigate or prevent disorder or a criminal offence which would result in a sentence of 6 months or more in custody, known as the "serious crime" threshold.
- 5.3 Authorisations under RIPA can only be given by Directors and/or the Chief Executive, and the entire process is overseen by the Monitoring Officer as the Senior Responsible Officer for RIPA (SRO).
- 5.4 Whilst the Council's use of RIPA powers has declined over the years, there are offences which the Council investigate, for example fly-tipping, which do cross the serious crime threshold, and officers can still use the RIPA powers in certain circumstances for such investigations where it is necessary and proportionate to do so.
- 5.5 The Council has not needed to rely on RIPA at any time during 2023/24, but it is still an important power which should be considered in appropriate cases. Even where the Council's current RIPA usage is low, it is still essential that the Council keep the RIPA processes and procedures up to date and that members can subject them to scrutiny.
- 5.6 The Council is subject to the Investigatory Powers Commissioners Office (IPCO)' revised inspection regime in relation to use of RIPA as detailed below and as such the Council's policy, processes, training and review of RIPA usage must continue to ensure our processes remain fit for purpose.

The Investigatory Powers Commissioners Office (IPCO)

5.7 In September 2023 the Council was subject to an inspection using the new 'light touch approach' which IPCO has now adopted for low use organisations. The report and the Council's proposed response was reported to this Committee last November.

5.8 The Council sent that response to IPCO in January 2024 and has completed the few minor actions required at that time. Most notably, RIPA training was held for senior officers in February 2024.

Policy Review

5.9 A thorough review of the Councils RIPA Policy was completed prior to that inspection and presented to the Committee in November 2023. Members approved that update. A further copy of the Policy is attached (Appendix A). This is subject only to a very minor change, namely updating the policy to reflect that following his appointment and designation, the Council's current Monitoring Officer is also the Council's RIPA Senior Responsible Officer.

Training

5.10 In order to ensure authorising officers and investigating officers remain up to date and knowledgeable in respect of RIPA powers, the Council's RIPA policy includes an annual training requirement.

5.11 As stated above, training was held in February this year and a further session will be arranged early in 2025. As the training held this year was extensive a shorter refresher course will be arranged for 2025.

5.12 The Monitoring Officer as Senior Responsible Officer will continue to monitor, review and report on RIPA usage in line with the legislation and the Council's policy.

6 Options Considered

6.1 None – the policy requires an annual update to Members, and this ensures good governance.

7 Consultation

7.1 There is no requirement for the Council to undertake consultation as part of this update.

8 Next Steps – Implementation and Communication

8.1 Training will be scheduled for early 2025.

9 Financial Implications

9.1 There are no financial implications identified in this report.

9.2 It is intended that the next training session will also be organised in conjunction with Rutland County Council in order to achieve a cost saving.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

10.1 RIPA sets out a regulatory framework for the use of covert investigatory techniques by public authorities.

10.2 All legal implications have been addressed within the body of the report.

10.3 The RIPA Policy provides that annual update reports will be received by the Audit and Standards Committee.

Legal Implications reviewed by: Monitoring Officer.

11 Equality and Safeguarding Implications

- 11.1 There are no equality or safeguarding implications arising from this update as there are no proposed changes to the policy.
- 11.2 Equality and safeguarding considerations will be made prior to any enforcement which may involve surveillance.

12 Data Protection Implications

- 12.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons arising from the update or the revised Policy.

13 Community Safety Implications

- 13.1 There are no community safety implications identified from this update.

14 Environmental and Climate Change Implications

- 14.1 There are no environmental and/or climate implications arising from this update.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to comply with the Policy	Low	Marginal	Low Risk
2	Failure to have an up to date Policy	Low	Marginal	Low Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1,2		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Regular communication and training to ensure officers are aware of the requirements.
2	Regular reviews of the policy and upon changes to legislation and guidance to ensure it is up to date and reflects current best practice.

16 Background Papers.

16.1 None

17 Appendices

17.1 Appendix A – RIPA Policy (November 2024 Review)