# AUDIT COMMITTEE – TUESDAY, 30 JANUARY 2024

## Report of the Director of Finance, Governance & Contracts

## Part A

## COUNCIL'S USE OF REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

### Purpose of Report

To provide the Committee with a summary of the Council's use of RIPA powers.

### Recommendation

The Committee notes that there has been no use of RIPA powers by the Council for the period from 1 September 2023 to 31 December 2023.

### Reason

To enable the Committee to comply with the request from Cabinet that the Audit Committee assumes responsibility for receiving a quarterly report on the use of RIPA, and to report to Cabinet any concerns arising from those reports that may indicate that the use of RIPA is not consistent with the Policy or that the Policy may not be fit for purpose.

### Policy Justification and Previous Decisions

The use of RIPA to conduct covert surveillance in appropriate instances supports many of the Council's enforcement and anti-fraud policies. The Home Office Code of Practice, which relevant bodies are obliged to follow when using RIPA, requires that elected Members should consider reports on the use of RIPA on at least a quarterly basis to ensure that is it being used consistently with the policy and the policy remains fit for purpose.

### Implementation Timetable including Future Decisions

Reports will continue to be submitted to the Committee on a quarterly basis.

### Report Implications

**Financial Implications**

None.

**Risk Management**

There are no specific risks associated with this decision.

***Equality and Diversity***

None identified.

**Climate Change and Carbon Impact**

None identified.

***Crime and Disorder***

None identified.

**Wards Affected**

None directly.

**Publicity Arrangements**

Not applicable.

***Consultations***

Not applicable.

**Links to the Corporate Strategy**

| | |
|---|---|
| Caring for the Environment | No |
| Healthy Communities | No |
| A Thriving Economy | No |
| Your Council | Yes |

Background Papers:       None

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# Part B

<u>Background</u>

1.  RIPA provides for the authorisation of covert surveillance by the Council where that surveillance is likely to result in the obtaining of private information about a person.

2.  Surveillance includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. Surveillance is covert if it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place.

3.  The Council only has the power to authorise covert surveillance under RIPA for the purpose of preventing or detecting crime, or of preventing disorder. Since 2012, RIPA applications are required to be approved by a Justice of the Peace (JP) at the Magistrates' Court in addition to the existing application and authorisation process. The amendments in the Protection of Freedoms Act 2012 mean that local authority authorisations and notices under RIPA for the use of particular covert investigation techniques can only be given effect once an order approving the authorisation or notice has been granted by a JP.

4.  At its meeting on 9th February 2023 Cabinet agreed to resolve that the Audit Committee continue to assume responsibility for receiving a quarterly report on the use of RIPA, and to report to Cabinet any concerns arising from those reports that may indicate that the use of RIPA is not consistent with the Policy or that the Policy may not be fit for purpose. This Committee will therefore continue to receive a regular report on the Council's use of RIPA powers.

5.  During the period from 1st September 2023 to the 31st December 2023 the Council made no use of RIPA powers.

6.  The Committee has the option to report to Cabinet any concerns arising from RIPA monitoring reports that may indicate that the use of RIPA is not consistent with the Council's RIPA Policy or that the Policy may not be fit for purpose.