

Report of the Monitoring Officer

REPORT ON RIPA (REGULATION OF INVESTIGATORY POWERS ACT 2000) POLICY1. Purpose of Report

To seek Cabinet approval for the Regulation of Investigatory Powers Act 2000 ('RIPA') policy and to inform Members that none of the RIPA powers have been used in the last 12 months.

2. Recommendation

1. **Cabinet is asked to RESOLVE that the RIPA Policy be approved.**
2. **Cabinet is asked to NOTE the outcome of the IPCO (Investigatory Powers Commissioners Office) inspection and that there has been no use of the RIPA powers in the last 12 months.**

3. Detail

The RIPA Policy document should be reviewed at least once a year by Members to ensure it remains fit for purpose.

Proposed minor amendments to the RIPA Policy are attached at appendix 1 and a change table is attached at appendix 2. No substantive changes have been proposed as the existing policy remains fit for purpose. Three very minor changes have been made, two of which are grammatical corrections and one to reflect the removal of Government Guidance.

The policy also requires Members to consider the use of the RIPA powers (on an annual basis) to ensure it is being used in accordance with the Council's policy. There has been no use of the RIPA powers since July 2015. This is due to the fact that these powers were only used by the Council in relation to the investigations into benefit fraud and this function was transferred to the Department of Work and Pensions in 2015.

The Council were inspected by the IPCO in August 2023 amongst other things this RIPA policy was also reviewed as part of their inspection. The only advice provided by the IPCO following the inspection was to implement a database and monitoring process to track online enquiries on subjects of interest, this is currently being implemented.

The response from the IPCO was that they were satisfied with the replies provided to their initial questions and this provided them with reassurance that on-going compliance with RIPA 2000 will be maintained, as a result no further inspection will be required this year, the next inspection is due in 2026.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no financial implications to consider as part of this report.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

If the Council does not adopt a revised RIPA Policy and there is no common reference point, there is a risk that covert surveillance is inconsistently applied across different service areas. This might increase the risk of legal challenge and reduce the fairness and effectiveness of the Council's approach to covert surveillance. The adoption of a policy is considered to be best working practice and will also assist the Council to demonstrate that it has regard to the relevant legislation and Codes of Practice.

6. Human Resources Implications

Not applicable

7. Union Comments

Not applicable

8. Climate Change Implications

Not applicable

9. Data Protection Compliance Implications

No Data Protection concerns or points, in general RIPA supersedes Data Protection

10. Equality Impact Assessment

Not applicable

11. Background Papers

Nil,