



**Report Reference: A/21/10**

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**To:** Audit & Governance Committee  
**Date:** 29 September 2021  
**Status:** Non-Executive  
**Ward(s) Affected:** All  
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**Title:** Corporate Policy: Regulation of Investigatory Powers Act 2000  
Version: 2021

**Summary:**

Following the Investigatory Powers Commissioner's Office inspection on 9<sup>th</sup> February 2021 and the report to A&G Committee dated 21 April 2021 confirming the Council's action plan, a revised draft RIPA Policy is attached.

**Recommendations:**

To note the revised draft RIPA Policy that is intended to take effect from 1<sup>st</sup> October 2021.

**Reasons for recommendation**

The Council has a duty under RIPA 2000 to demonstrate how requests for covert directed surveillance activities are determined and recorded. Part of the role of the Audit and Governance Committee is to monitor the Council's use and authorisation of covert surveillance under the Regulation of Investigatory Powers Act 2000; providing the inspection findings to the Committee and the revised Policy enables oversight.

**1. Introduction and background**

The Regulation of Investigatory Powers Act ("RIPA") controls and regulates surveillance, and other means of gathering information, which public bodies employ in the discharge of their functions, and that process can be used as a defence against certain human rights claims. The Investigatory Powers Commissioner (IPCO) oversees the authorisation and use of covert tactics by statutorily empowered public authorities and as part of this the Council is inspected every three years to review management of covert activities.

The Council was inspected in February 2021. The inspection report made no recommendations but commented that the draft RIPA Guidance and Procedure could be amended to reflect up to date Codes of Practice and recognise that IPCO is the new governing body.

The revised RIPA Policy has regard to up-to-date Codes of Practice and is amended to update reference to the Investigatory Powers Commissioner's Office as the overseeing body.

To reflect the rarity of use of the powers by SDC, the number of authorising officers has been restricted to five at a senior level.

The process of authorisation and recording has been revised so that it links to the guidance and up to date home office forms on the internet.

The policy now includes reference to reviewing the RIPA policy and reporting of use or non-use of RIPA authorisations to A&G annually.

Some relevant SDC Officers (working in enforcement roles) have attended refresher RIPA training this month. Bespoke refresher training is currently being delivered to the five Authorising Officers.

## **2. Alternative Options Considered**

n/a

## **3. Implications**

### **3.1 Legal Implications**

It would put the Council at risk of legal challenge for breach of legislation if the Policy were not in place.

### **4.2 Financial Implications**

There are no financial implications as a direct result of this report. Failure to comply with RIPA would put the Council at risk of legal challenge for breach of legislation. Breach of the legislation can result in a fine.

### **4.3 Policy and Risk Implications**

Failure to comply with RIPA would put the Council at risk of legal challenge for breach of legislation.

### **4.4 Corporate Plan Implications**

n/a

#### 4.5 Resource Implications

n/a

#### 4.6 Other Implications

n/a

#### 4.7 Equalities Impact Assessment

n/a

### 5. Conclusion

The updated RIPA Policy reflects the current legislation and guidance following the IPCO Inspection, to ensure that any consideration regarding use of **covert** surveillance by SDC Officers complies with the law.

**NOTE:** There is a separate report on this agenda to bring the SDC Policy relating to the use of **overt** surveillance to the Committee's attention. Overt surveillance includes CCTV used for general non-directed surveillance where the public are made aware through signage that cameras are in place. There is a Code of Practice and a separate CCTV Surveillance Commissioner's Office that maintains an oversight on use of such equipment for overt surveillance.

### 6. Background Documents

[RIPA codes - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Application for use of directed surveillance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Changes to local authority use of RIPA - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

### 7. Appendices

Revised RIPA Policy 2021

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