

Blaby District Council
Scrutiny Commission

Date of Meeting	13 November 2024
Title of Report	Review of the Regulation of Investigatory Powers Act 2000 (RIPA) Policy
Report Author	Corporate Services Group Manager & Monitoring Officer

1. What is this report about?

- 1.1 The Investigatory Powers Commissioners Office (IPCO) requires that Council members are updated annually on the Council's use of powers under the Regulation of Investigatory Powers Act (RIPA) to ensure compliance with the legislation. The Council is also required to review its RIPA policy annually to ensure it remains up to date and fit for purpose.

2. Recommendation(s) to Scrutiny Commission

- 2.1 That the annual RIPA report be noted.

3. Reason for Decision(s) Recommended

- 3.1 Whilst the Council does not actively make use of its RIPA powers as a rule, it is important that members are aware of RIPA, the policy and its usage, or otherwise.

4. Matters to consider

4.1 Background

Under RIPA, local authorities have the power to authorise directed surveillance (usually covert cameras or covert observations by officers) and the use of Cover Human Intelligence Sources (CHIS) (essentially undercover officers conducting surveillance). Authorisation should only be granted for such surveillance if it is considered necessary for the prevention and detection of crime or preventing disorder, and, if the surveillance is proportionate to the aims it seeks to achieve. Since 1 November 2012, any RIPA authorisations or renewals must also have judicial approval from a Justice of the Peace, this would be done at Leicester Magistrates' Court.

The authorisations under RIPA can only be given by 'Authorising Officers' who for Blaby District Council are the Chief Executive and Directors. The

entire process is overseen by the Monitoring Officer as the Senior Responsible Officer (SRO) and Co-ordinating Officer.

The Council's RIPA processes and procedures come under regular scrutiny. Each year, the SRO undertakes an audit of RIPA usage. There were no authorisations given for directed surveillance or the use of covert human intelligence sources in the year 2023/24.

In addition to monitoring RIPA usage, the SRO is required, in line with the Council's policy to ensure training on RIPA is available to relevant officers, both when they join the authority and then subsequently on a refresher basis, to maintain and update their knowledge and understanding of this area. This training is available via an online module and HR maintain a list of those who have completed this training and when this was done. A nominal budget of £500 is allowed for in the event that any enhanced training requirements are identified.

In addition to the internal annual audit, policy review and report to scrutiny, every three years, IPCO carry out an inspection of the Council's records and interview relevant officers to ensure that there is compliance with the appropriate legislation.

The last inspection which took place was a virtual one due to Covid-19 in 2020, this resulted in no recommendations for action.

As part of the annual reporting process, the RIPA policy has been reviewed, no changes were required, the latest version can be found at Appendix A.

4.2 Proposal(s)

That the information report and policy are noted.

4.3 Relevant Consultations

None

4.4 Significant Issues

As addressed earlier within the report. If the Council does not keep its RIPA policy up to date and review it on an annual basis, it will fail to comply with the legislation.

There are no equalities implications arising directly out of this report. No RIPA investigations have been conducted by the Council and so there is no data against which to assess the potential equalities aspects of RIPA use. If the Council sought to use RIPA powers at some point, the equalities aspects would be considered at that time.

In preparing this report, the author has also considered issues related to Human Rights, Human Resources, Public Health Inequalities and there are no areas of concern.

5. Environmental impact

There will be no environmental impact as a result of this policy. No Net Zero and Climate Impact Assessment (NZCIA) is required for this report.

6. What will it cost and are there opportunities for savings?

There are no additional financial implications arising from this report. The cost of training and other related RIPA activity is expected to be met from existing budgets.

7. What are the risks and how can they be reduced?

Current Risk	Actions to reduce the risks
Council fails to keep its RIPA policy up to date and fails to comply with the requirements of the relevant legislation	The Council's RIPA policy is reviewed on an annual basis.
Failure to follow proper procedure as outlined within the RIPA policy	Refresher training is provided for all appropriate officers periodically

8. Other options considered

- 8.1 It is a legal requirement to review the RIPA policy on an annual basis. No other options considered.

9. Appendix

- 9.1 Appendix A – RIPA Policy

10. Background paper(s)

None

11. Report author's contact details

Gemma Dennis	Group Manager Corporate Services & Monitoring Officer
Gemma.dennis@blaby.gov.uk	0116 2727716