

Meeting of:	CABINET
Date of Meeting:	19 DECEMBER 2023
Report Title:	REGULATION OF INVESTIGATORY POWERS ACT 2000
Report Owner / Corporate Director:	MONITORING OFFICER
Responsible Officer:	LAURA GRIFFITHS GROUP MANAGER LEGAL AND DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	There is no effect upon the Policy Framework and Procedure Rules.
Executive Summary:	To provide details of the current policy under the Regulation of Investigatory Powers Act 2000 (RIPA) and the use of RIPA within the Authority.

1. Purpose of Report

1.1 The purpose of this report is to provide details of the current policy under the Regulation and Investigatory Powers Act 2000 (RIPA).

2. Background

2.1 RIPA provides a framework for certain public bodies, including local authorities, to use covert surveillance to gather information about individuals without their knowledge for the purposes of undertaking statutory functions in connection with the prevention and detection of crime.

2.2 For local authorities, the only ground for authorisation is for the purpose of preventing or detecting crime which:

- (a) constitutes one or more criminal offences, or
- (b) is, or corresponds to, any conduct which, if it all took place in England and Wales, would constitute one or more criminal offences.

And the criminal offence or one of the criminal offences is or would be-

- (a) an offence which is punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months of imprisonment, or
- (b) an offence under:

- section 146 of the Licensing Act 2003 (sale of alcohol to children);
- section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);

- section 147A of the Licensing Act 2003 (persistently selling alcohol to children);
- section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc, to persons under eighteen).

2.3 RIPA activity and authorisations are governed by Codes of Practice and Guidance issued by the Investigatory Powers Commissioner's Office (IPCO) and the Home Office.

3. Current situation / proposal

3.1 Members are required to review the use of RIPA and set the policy at least once a year. Elected Members cannot be involved in decisions on specific authorisations, but have oversight of the process.

3.2 The Council has always been very sparing in its use of RIPA. It is only used in cases where it is important to obtain information to support potential criminal proceedings, and only where that information cannot be obtained by any other means. There have been no authorisations for RIPA since April 2014. It is clear that the general policy is that it should not be used unless absolutely necessary.

3.3 Other reasons likely to account for the reduction in the number of authorisations being sought are:

- a reduction in the number of incidents requiring investigation, and
- increased awareness of the scope of RIPA and the alternatives to covert surveillance as a result of training delivered to all Investigating and Authorising officers.

3.4 Overall responsibility for the use of RIPA lies with the Monitoring Officer who acts as the Senior Responsible Officer (SRO). The policy attached as **Appendix 1** has been reviewed to ensure it remains fit for purpose and in accordance with the Codes of Practice issued by the Home Office.

3.5 Local authorities are subject to regular inspections every three years from the IPCO, the most recent Council inspection having taken place successfully in October 2020. The SRO has been notified that the IPCO remain satisfied that our ongoing compliance with RIPA will be maintained and as such, the Council's next inspection will be in 2026. The IPCO requested that the Council ensure that the key compliance issues continue to receive the necessary internal governance and oversight through the SRO, annually update Elected Members, policy refreshes and ongoing training and awareness raising.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report and therefore it is not necessary to carry out an Equality Impact assessment in the production of this

report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for information only it is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no climate change implications.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding and corporate parent implications.

8. Financial Implications

8.1 There are no financial implications arising from this report.

9. Recommendation

9.1 Cabinet is recommended to note the report.

Background documents:

None