



Northumberland County Council

Audit Committee

Wednesday, 31 January 2024

Regulation of Investigatory Powers Act 2000 (RIPA) Policy

Report of: Stephen Gerrard, Director of Law and Corporate Governance

Responsible Officer(s): Stephen Gerrard, Director of Law and Corporate Governance

1. Link to Key Priorities of the Corporate Plan

This report is relevant to the priorities included in the NCC Corporate Plan 2023 - 2026

Achieving value for money – operating efficiently and effectively. The policy will assist those in enforcement to comply with RIPA and the codes of practice, ensuring effective and efficient practices through good governance.

Tackling Inequalities – supporting everybody to live their best lives. We will use our enforcement powers in accordance with the policy to protect and support the community at large.

Driving Economic Growth – enabling prosperity across the country. Through good governance and proportionate / necessary enforcement communities and businesses can thrive and prosper.

2. Purpose of report

To advise members of the requirements of the Regulation of Investigatory Powers Act 2000 and to ask Audit Committee to adopt a revised policy under this legislation.

3. Recommendations

- 3.1 The Committee consider the report and approve the updated policy.
- 3.2 The Committee to agree to review and approve the RIPA policy on an annual basis.

- 3.3 The Committee agree to monitor the Council's use of RIPA powers and undertake a review of those powers annually.

4. **Forward plan date and reason for urgency if applicable**

This report does not require a key decision

5. **Background**

- 5.1 This report brings to the attention of the Audit Committee, the requirements of the Regulation of Investigatory Powers Act 2000 ('RIPA') through an updated policy which covers the approach to covert investigation techniques undertaken by the council and the steps needed to demonstrate compliance with RIPA and the associated Codes of Practice to the Investigatory Powers Commissioners Office (IPCO).
- 5.2 It should be noted that the Revised Code of Practice issued by the Home Office in August 2018 – Covert Surveillance and Property Interference, states at Paragraph 4.47:
- 5.3 *“Elected members of a local authority should review the authority's use of the 1997 Act and the 2000 Act and set the policy at least once a year. They should also consider internal reports on use of the 1997 Act and the 2000 Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose.”*
- 5.4 The purpose of RIPA – RIPA provides a legal framework for the control and regulation of surveillance and information techniques which eligible public authorities under RIPA undertake as part of their duties.
- 5.5 The scope of the Policy – the Policy is intended to cover the covert surveillance and information gathering techniques which are most likely to be carried out by the Council. The policy is necessary to ensure that the Council complies with RIPA and the Codes of Practice in accordance with the principles of consistency, balance and fairness.
- 5.6 Use of RIPA by Northumberland County Council – whilst it is necessary for the council to have a policy in place to ensure we carry out our surveillance activities correctly, in recent years, there has been little use of the powers. There were no authorisations applied for in 2020/21, 2021/22 or 2022/23.
- 5.7 A central register must be kept of any applications and authorisations, and this is held by Legal Services. In accordance with the constitution, the RIPA monitoring officer is the Director of Law of Corporate Governance, who has responsibility in accordance with any approved policy to “monitor the integrity of operation of RIPA”
- 5.8 It is very important to ensure that we have appropriately trained officers in place to both make applications and grant authorisations and take appropriate steps to mitigate against the risk that officers of the council are unwittingly engaged in directed surveillance activities.
- 5.9 Training has been arranged for the newly appointed officers listed in Appendix A to the policy. It is also proposed, post adoption of the policy, that wider training for enforcement staff will be considered.

5.10 The Investigatory Powers Commissioner’s Office – the IPCO provides independent oversight of the use of investigatory powers by intelligence agencies, the Police, and other Public Authorities. The Council will receive periodic inspections / requests for information from IPCO, during which it will check to see whether the Council is complying with RIPA. The next inspection will take place in 2026. It is important that the Council can demonstrate that it complies with the requirements of RIPA.

6. Options open to the Council and reasons for the recommendations

6.1 As stated above, the recommendations follow the legislation and Code of Practice issued by the Home Office. Any option not to review and set policies as stated within the recommendations would be contrary to the Code of Practice and would not give assurance to the IPCO that the Council had adequate processes to comply with the legislation.

7. Implications

Policy	Implementation of new policy which is intended to ensure the council in exercising its statutory enforcement powers, which includes the use of “surveillance”, and may involve breaching an individual residents' human rights, does so in a manner which is lawful, balanced, and proportionate
Finance and value for money	There are no specific financial implications arising directly from this report
Legal	In accordance with the constitution the RIPA policy needs to be reviewed and agreed by Audit Committee
Procurement	There are no specific procurement implications arising directly from this report
Human resources	There are no specific human resources implications arising directly from this report
Property	There are no specific property implications arising directly from this report
The Equalities Act: is a full impact assessment required and attached?	No - not required at this point The use of surveillance powers will only be undertaken as an option of last resort and all applications will be subject to both consideration and approval by a competent senior officer, and the judiciary.
Risk assessment	The policy will seek to ensure that the council, when undertaking enforcement, which includes surveillance, is compliant with Human Rights Act.

Crime and disorder	The policy will support the execution of enforcement activities undertaken by the council and enable evidence to be gathered to tackle crime and disorder.
Customer considerations	The policy will seek to ensure that the council, when undertaking enforcement, which includes surveillance, is compliant with Human Rights Act.
Carbon reduction	There are no specific carbon reduction implications arising directly from this report
Health and wellbeing	There are no specific health and wellbeing implications arising directly from this report
Wards	(All Wards);

8. Background papers

Not applicable

9. Links to other key reports already published

Not applicable

10. Author and Contact Details

Lisa Bishop, Principal Lawyer, Legal Services
Email: lisa.bishop@northumberland.gov.uk