

**Audit, Standards and
Governance Committee**

14 July 2025

Annual Update Report on RIPA

Relevant Portfolio Holder		Cllr Karen May
Portfolio Holder Consulted		Yes
Relevant Head of Service		Claire Felton
Report Author: Nicola Cummings	Job Title: Assistant Director for Legal, Democratic and Procurement Services Contact email: c.felton@bromsgroveandreddicth.gov.uk Contact Tel: 01527 64252	
Wards Affected		All
Ward Councillor(s) consulted		N/A
Relevant Strategic Purpose(s)		N/A
Non-Key Decision		

1. RECOMMENDATIONS

The Committee is asked to RESOLVE that:-

- 1.1 The Council's RIPA Policy at Appendix 1 as reviewed and updated be endorsed; and**
- 1.2 The update on RIPA activity described in this report be noted.**

2. BACKGROUND

- 2.1 The Regulation of Investigatory Powers Act 2000 ("RIPA") gave local authorities powers to conduct covert surveillance under certain circumstances. The Act also regulates the use 'Covert Human Intelligence Sources' ("CHIS") and obtaining certain Communications Data.
- 2.2 The revised Code of Practice for Covert Surveillance and Property Interference, 2024, at paragraph 4.47, advises that elected members should, at least on an annual basis, review the RIPA policy and the authority's use of the Act. This report is published in compliance with that requirement.
- 2.3 Local Authority powers are at the lower end of the scale and changes in legislation since the Act was originally introduced have resulted in further restrictions on their use:
 - the use of surveillance restricted to criminal investigations;

**Audit, Standards and
Governance Committee**

14 July 2025

- the Protection of Freedoms Act 2012 required local authorities to get approval from the Magistrates Court for any proposed surveillance; and
 - the threshold for the level of crime being investigated was raised to include only 'serious crime' (as defined).
- 2.4 Any organisation which has investigatory powers under RIPA is required to have in place a Policy governing all aspects of the regime, including the need for updating and officer training, regardless of whether the powers are exercised. The Council's Policy is regularly updated to comply with any changes in the legislation, guidance and codes of practice which apply to the regime. Changes are notified to the Council by an external RIPA expert, who also provides training and advice on RIPA issues.
- 2.5 Historically the Council's use of RIPA powers was always low. There were a number of reasons for this: A rigid process has to be followed to establish that a proposed surveillance activity is both "necessary" and "proportionate"; a senior officer has to evaluate the proposal against a number of criteria and would then have to be referred to the Magistrates Court to be confirmed. If approved, there would have been major resource implications for any authorised surveillance to have been undertaken.
- 2.6 Since the changes introduced in 2012 as described in 2.3 above, the Council has not exercised its powers under RIPA. The Surveillance Commissioner has noted that in recent years authorities like ours have granted far fewer RIPA authorisations and some have granted none at all.
- 2.7 The regime is overseen by the Investigatory Powers Commissioner's Office ("IPCO"), and includes inspections of organisations by an Inspector appointed by the Commissioner, usually about every three years. Whilst traditionally these inspections took place in person, the IPCO has now moved to a more light touch approach of conducting the inspections remotely.
- 2.8 Following on from the previous inspection in January 2022, in April 2025 the Council was notified that an inspection was due to take place and requested to submit data and records to the inspector appointed by the IPCO. As in 2022, the inspection was carried out remotely consisting of a desk top exercise based on data submitted by officers with conversations with the inspector as required.
- 2.9 The only follow up issue identified was some updating in relation to the Council's RIPA policy. A review of the policy has since been completed by officers and version 8.6 of the RIPA policy listed as a background paper to this report. As set out in recommendation 1.1 Members are being asked to endorse the updated policy.

**Audit, Standards and
Governance Committee**

14 July 2025

- 2.10 The last occasion a RIPA update report was considered by the Committee was on 23rd May 2024. Officers can update Members that there have been no significant changes or developments since then. There have been no new authorisations of use of RIPA powers. Officers continue to keep the policy under review but there have been no legislative or other changes to update in the last 12 months.
- 2.11 In order to have the option of using RIPA powers in the future if required, the Council must keep the policy up to date and ensure officers are aware of how to use it and the processes to follow. Officers must also be careful to ensure that they follow the parts of the policy that cover other forms of surveillance that fall outside of the strict RIPA regime, and the guidance in the policy around use of social media.
- 2.12 The Council is a member of the National Anti-Fraud Network [NAFN], which is hosted by Thameside MBC and which provides data and intelligence services under the RIPA regime to public sector organisations in relation to fraud investigations. Over 90% of local authorities are members of NAFN. Membership enables the Council to avail of its expertise, without having to have our own staff for the purpose.

3. OPERATIONAL ISSUES

- 3.1 Nothing additional to add to the information above.

4. FINANCIAL IMPLICATIONS

- 4.1 None as a direct result of this report.

5. LEGAL IMPLICATIONS

- 5.1 The Council demonstrated compliance with its statutory obligations under RIPA to the satisfaction of the Surveillance Commissioner at the recent inspection in April 2025, and continues to review and update its policy as required and provide training.
- 5.2 This report to Members complies with the Code of Practice requirement that Members should be updated annually on RIPA activity and endorse the policy, including any changes to it, for the coming year.

**Audit, Standards and
Governance Committee**

14 July 2025

6. OTHER - IMPLICATIONS

Relevant Strategic Purpose

- 6.1 No direct link to the defined strategic purposes; maintaining the ability to use RIPA powers provides the Council with more options to take effective action to protect its citizens from fraud and criminal activity.

Climate Change Implications

- 6.2 None

Equalities and Diversity Implications

- 6.3 There are no direct implications arising out of this report.

7. RISK MANAGEMENT

- 7.1 The Council is required to comply with the statutory provisions and guidance governing the RIPA regime and any recommendation made by the Inspector on behalf of the Commissioner.

Officers need to be aware of the RIPA powers so that there is no risk of surveillance or CHIS activity being undertaken without the correct approvals being in place.

8. APPENDICES AND BACKGROUND PAPERS

Appendix 1 – RIPA Policy version 8.6

Report to Audit, Standards and Governance Committee - Annual
Update on RIPA – 23rd May 2024