

<b>Meeting:</b>	<b>Cabinet</b>	<b>Date:</b>	<b>9 November 2022</b>
<b>Subject:</b>	<b>Regulation of Investigatory Powers Act 2000 (RIPA) – Annual Update</b>		
<b>Report Of:</b>	<b>Cabinet Member for Performance and Resources</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
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<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To report to Cabinet on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

### 2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that the annual update on the use of RIPA powers be noted.

### 3.0 Background and Key Issues

- 3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in 2000. Both the legislation and Home Office Codes of Practice strictly prescribe the situations in which and the conditions under which councils can use their RIPA powers. All authorities are required to have a RIPA policy and procedure that they adhere to in using their RIPA powers.
- 3.2 The Council reviews and updates its RIPA policy annually. There have been no changes to the procedural guide for the Council. The procedure requires the use of RIPA powers to be reported to Cabinet. Following a recent inspection by the ICPO in July 2022 the RIPA policy is being reviewed. The inspection recommended the policy be reviewed to include the use of the internet, management of the product of surveillance and the variation of authorisation levels for juvenile and vulnerable surveillance. One Legal are currently reviewing the policy document.
- 3.3 Since the last report to Cabinet, the Council has not used its RIPA powers and there are no further actions to report at this stage.

#### **4.0 Alternative Options Considered**

4.1 The Council still has and can make use of other investigatory powers, such as overt surveillance, when investigating potential criminal offences, but must comply with RIPA when it carries out Directed Surveillance or CHIS. There are therefore no real alternative options relevant to the Council's use of its RIPA powers.

#### **5.0 Reasons for Recommendations**

5.1 No action is required and the recommendation is therefore for Cabinet to note the Council's use of its RIPA powers.

#### **6.0 Future Work and Conclusions**

6.1 Revisions to the Procedural Guide may be required, depending on any changes to the legislation or statutory Home Office Guidance.

#### **7.0 Social Value Implications**

7.1 There are no social value implications arising out of this report.

#### **8.0 Financial Implications**

8.1 There are no financial implications arising out of this report.

#### **9.0 Legal Implications**

9.1 The legal implications are set out in the main body of the report.

#### **10.0 Risk & Opportunity Management Implications**

10.1 Reporting on the Council's use of its RIPA policy and procedure helps to ensure that the Council's use of its powers remain appropriate.

#### **11.0 People Impact Assessment (PIA):**

11.1 The RIPA legislation requires the Council to give substantial consideration to the people impact of using its RIPA powers each and every time a RIPA application is authorised.

11.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

#### **12.0 Other Corporate Implications**

##### Community Safety

12.1 The use of RIPA powers by the Council can contribute to ensuring community safety.

Sustainability

12.2 There are no sustainability implications arising out of this report.

Staffing & Trade Union

12.3 There are no staffing implications arising out of this report.

Press Release drafted/approved

12.4 Not applicable for this report.

**Background Documents:**

Investigatory Powers Act 2016

Protection of Freedoms Act 2012

Gloucester City Council Regulation of Investigatory Powers Act 2000 Procedural Guide