

## **Hambleton District Council**

**Report To:** Audit, Governance and Standards Committee

**Date:** 27 September 2022

**From:** Director of Law and Governance (Monitoring Officer)

**Subject:** **Regulation of Investigatory Powers Act – Review of Activity**

**Portfolio Holder:** Governance  
Councillor Mrs I Sanderson

**Wards Affected:** All Wards

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### **1.0 Purpose and Background**

- 1.1 The Council, like many public authorities, is governed by the Regulation of Investigatory Powers Act 2000 (RIPA). This Act ensures that public authorities comply with their obligations under the Human Rights Act when undertaking investigations which may interfere with the rights of individuals. RIPA introduces safeguards on activities such as surveillance undertaken by public bodies.
- 1.2 The Audit, Governance and Standards Committee has been given responsibility for RIPA matters. This involves the Committee reviewing the Council's Policy Statement from time to time and receiving bi-annual reports on any activities which have been authorised under RIPA.

### **2.0 RIPA Activities**

- 2.1 Although RIPA covers several activities undertaken by investigatory bodies (e.g., phone tapping by the Security Services and Police) its primary use by Local Authorities relates to: -
- covert surveillance, and
  - covert human intelligence sources.
- 2.2 Covert surveillance covers the monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained. RIPA is most relevant to the Council's activities in effecting enforcement procedures such as the investigation and prosecution of offences. This would not normally include the initial investigation of contraventions such as planning enforcement or noise investigations (although it could do) but would usually involve the later stages where criminal activity was a possibility.

- 2.3 Although RIPA is necessary for authorising covert investigative actions arising from breaches of Planning Enforcement Notices, breaches of Environmental Health Notices, fraud, etc., the Council has not used these powers in recent years. Rather, the Council has sought to use its overt powers of investigation which have allowed it to obtain the necessary evidence in applicable cases. For example, the Council has not used RIPA authorisations in the last five years.
- 2.3 Since 1 November 2012, the Council has only been able to use RIPA for directed surveillance to investigate potential criminal activity in more serious cases. This means that the Council is unable to use the procedure for low-level offences such as littering or dog control. For serious offences the Council needs approval from a magistrate before it can use directed surveillance.
- 2.4 In addition, RIPA allows the Police to use the Council's CCTV system for specific operations (general use of CCTV is not covered by RIPA because this is not considered to be covert surveillance). The Police authorise themselves to use the Council's CCTV system for covert surveillance, although the power is not widely used.
- 2.5 Covert human intelligence sources mean the use of a third party to gather information. For example, this could be an informer, or someone used to undertake test purchases. This is not an activity that the Council generally engages in. It may be more common in certain trading standards investigations. In any event, the Council needs the approval of a magistrate to carry out this activity.
- 2.6 The only area in which the Council might very occasionally involve itself (where RIPA might be relevant) is covert surveillance. It is necessary for the Council therefore to follow the legislation and the requirements of Government Codes of Practice. Most of the requirements of the Code are dealt with at an Officer level. However, Members are expected to approve a Policy on RIPA and to have some involvement in the monitoring of how the Council implements RIPA requirements.

### **3.0 Monitoring of RIPA Activity**

- 3.1 Codes of Practice on RIPA recommend that regular reports are made to Members on RIPA activity. Consideration of such reports has been delegated to the Audit, Governance and Standards Committee. This report therefore constitutes one of those reports and is intended to cover the period 26 March 2022 to 27 September 2022. There were no authorisations during this period. It is recommended that the Committee note the position.

### **4.0 Recommendation**

- 4.1 It is recommended that it be noted that no RIPA authorisations were made during the period 26 March 2022 to 27 September 2022.

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**Background papers:** HDC RIPA Register of Authorisations  
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