

**Teignbridge District Council
Audit Scrutiny
27 October 2021
Part 1**

Regulation of Investigatory Powers Act 2000 (RIPA)

Purpose of Report

To update members on the Council's use of RIPA, and advise the outcome of an inspection by the Investigatory Powers Commissioner's Office (IPCO)

Recommendation(s)

The Audit Scrutiny Committee resolves to note the report.

Financial Implications

None - advisory report only.

Legal Implications

There are no specific legal implications arising out of this report.

Risk Assessment

The risk of breaching the RIPA is very low as the Council is compliant with the legislation.

Environmental/ Climate Change Implications

None.

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Executive Member

Councillor Richard Keeling – Executive Member for Resources

Appendices/Background Papers

None

1. PURPOSE

- 1.1 This report provides details of the use of covert surveillance under the RIPA, and includes details of an inspection of the Council's procedures undertaken by the Investigatory Powers Commissioner's Office (IPCO).

2 BACKGROUND

- 2.1 The Regulation of Investigatory Powers Act was enacted in 2000 (and amended 2016) to regulate the use and methods of surveillance carried out by public bodies.
- 2.2 Local authorities, including Teignbridge, may only carry out covert surveillance where this is directed and not intrusive, and is in relation to an offence which is punishable with a custodial sentence of at least 6 months (or would be an offence under the Licensing Act i.e. sales of alcohol to underage children).
- 2.3 The Council is therefore very unlikely to make use of its RIPA powers, and consequently no RIPA applications have been made or authorised since our Housing Benefit investigation functions were transferred to the Department for Work and Pensions, pre-2014.
- 2.4 In accordance with the RIPA Code of Practice we must nevertheless, maintain procedures, should the situation change, and the need for surveillance arise. These processes are periodically subject to inspection by the Investigatory Powers Commissioner's Office (IPCO).
- 2.5 The most recent inspection was carried out in March 2021. The inspector noted that no use of covert powers had been undertaken since the last IPCO inspection in 2018.
- 2.6 The Inspector concluded that Teignbridge was in satisfactory place. The following observations were made to enhance procedures further, namely:
- updating of our policies to reflect both the IPCO's revised Covert Human Intelligence Source (CHIS) revised Code of Practice, and the revised Covert Surveillance and Property Interference Code of Practice 2018, and
 - review of training and regular meetings with those likely to utilise covert powers.

4. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

4.1 Financial

There are no direct financial implications as this is an advisory report only.

4.2 Legal

None. The Council is compliant with the RIPA legislation.

4.3 Risks

None.

5. CONCLUSION

That the report be noted.

6. GROUPS CONSULTED

Not applicable.

7. ENVIRONMENTAL/CLIMATE CHANGE IMPACT

Not applicable.

8. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

Not applicable.