
REPORT TO:	AUDIT AND GOVERNANCE COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	03 DECEMBER 2025	CATEGORY: DELEGATED
REPORT FROM	EXECUTIVE DIRECTOR – LAW AND PEOPLE	OPEN
MEMBERS’ CONTACT POINT:	ELISABETH PAGE – HEAD OF LEGAL AND DEMOCRATIC SERVICES elisabeth.page@southderbyshire.gov.uk	DOC:
SUBJECT:	REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – POLICY AND TRAINING	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: AG01

1.0 Recommendations

- 1.1 To approve the RIPA Policy at Appendix 1.
- 1.2 To note the RIPA training programme designed to support the Policy and the Council’s use of RIPA.

2.0 Purpose of Report

- 2.1 To approve the revised RIPA Policy.

3.0 Detail

- 3.1 The Audit and Governance Committee has been authorised pursuant to the Council’s Constitution to review the Council’s use of RIPA, set the Council’s general surveillance policy, and consider quarterly reports on the use of RIPA to ensure that it is being used as per the Council’s Policy.
- 3.2 RIPA is intended to regulate the use of investigatory powers and ensure they are used in accordance with Human Rights. This is achieved by requiring certain investigations involving Directed Surveillance and Covert Human Investigating Sources (CHIS) to be authorised by an appropriate Authorising Officer and then a JP before they are carried out.
- 3.3 The Council is required to :
 - have a policy and procedure to implement RIPA
 - ensure that all officers who undertake investigations are trained as to when a RIPA authority is required
 - ensure that Authorising Officers are appropriately trained
 - ensure the use of RIPA and the Council’s RIPA Policy is reviewed by a committee/board

- 3.4 The Council is audited on its compliance on a regular basis by the Investigatory Powers Commissions Officer (IPCO). The last audit was in July 2023.
- 3.5 The Council has to submit an annual return to the IPCO in the December/January of each year detailing how many CHIS or Directed Surveillance applications have been made and/or granted during the proceeding year.
- 3.6 The Council is required to obtain judicial approval prior to using covert techniques. The Council's use of Directed Surveillance under RIPA is limited to the investigation of crimes which attract a six month or more custodial sentence or is an offence relating to the sale of alcohol or tobacco products to minors.
- 3.7 RIPA stipulates that the person (Authorising Officer) granting an authorisation for Directed Surveillance or a CHIS must believe that the activities to be authorised are necessary on one or more statutory grounds. The Authorising Officer must ensure that there is satisfactory reason for carrying out the surveillance, the covert nature of the investigation is necessary, proper consideration has been given to collateral intrusion, and the proposed length and extent of the surveillance is proportionate to the information being sought. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation against the need for the activity in investigative and operational terms.
- 3.8 Following the Leadership Team restructure and the Constitution Review the Council's RIPA Policy has been reviewed and revised, with a recommendation that the revised Policy at Appendix 1 is adopted by the Council. The Policy provides that the following are appointed as Authorising Officers- the Chief Executive and the Executive Directors for Resources and Transformation, Environment and Communities, and Places and Prosperity. The Executive Director- Law and People is appointed as the Senior Responsible Officer and the Head of Legal and Democratic Services is appointed as the RIPA Monitoring Officer.
- 3.9 In addition, a Central RIPA register has been created and training has been provided to all investigating officers by the specialist information governance trainers *Act Now*. *Act Now* will provide refresher training to investigating officers annually. Authorising Officers will be trained in the New Year and the Head of Legal and Democratic Services is scheduled to provide training to this Committee in March 2026.

4.0 Financial Implications

- 4.1 There is a fee for providing the training at an indicative cost of £2,000 which can be absorbed within existing budgets.

5.0 Corporate Implications

- 5.1 The Council must act in accordance with the law when undertaking Directed Surveillance and using a CHIS and in particular the authorisation process and the surveillance crime threshold. The Policy and training ensures it does so.

6.0 Community Implications

- 6.1 The Policy is a vital part of the Council and its relationship with the Community. It shows that investigations are considered in accordance with a clear process.