

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF AUDIT & GOVERNANCE COMMITTEE ON 28 JULY 2022

SUBJECT: Annual Update on the Council's Use of Powers Under the Regulation of Investigatory Powers Act 2000 (RIPA)

REPORT AUTHOR: Stephen Pearse, Internal Audit Manager
DATE: July 2022
EXTN: 37561
PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY:

The Audit & Governance Committee is the designated body for oversight of the Council's use of powers under the Regulation of Investigatory Powers Act (RIPA).

A report / update on any usage is provided to the Audit & Governance Committee annually.

RECOMMENDATIONS:

Members of the Audit & Governance Committee are advised that the Council did not make any use of its powers under RIPA in the 2021/22 municipal year

There are no recommendations to the Audit & Governance Committee. This is an information only report

1. BACKGROUND:

The Council has a published RIPA policy which explains the covert investigatory powers available to the Council under RIPA and the process for their use. This was last updated in 2019 and adopted by Full Council in January 2020 at the recommendation of the Audit & Governance Committee who considered the changes at its November 2019 meeting

The Policy was also reviewed as part of the December 2019 inspection by the Investigatory Powers Commissioner's Office (IPCO). Use of available RIPA powers by the Council would require both internal authorisation and the approval of a Magistrate.

IPCO require that regular updates are provided to elected members and the Committee is advised that no use of these powers has been made by the Council in the 2021/22 Municipal Year

2. PROPOSAL(S):		
It is proposed that the Committee notes that RIPA powers have not been used by the Council in the 2021/22 municipal year		
3. OPTIONS:		
To note the lack of use of RIPA powers		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment	✓	
Community Safety including Section 17 of Crime & Disorder Act	✓	
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS:		
Use of RIPA (and now IPA) powers have significant restrictions imposed by the legislation. Failure to follow appropriate procedures and approval processes, relevant to the Council under RIPA / IPA, could mean that evidence gathered could be deemed inadmissible in a Court case and/or the Council could be open to legal action for a breach of personal privacy under human rights legislation		

7. REASON FOR THE DECISION:
To ensure that members of the Committee receive updates on RIPA usage by the Council, to meet IPCO requirements

8. BACKGROUND PAPERS:
N/A