

OPEN

## **Audit and Governance Committee**

**Date: 28 July 2025**

### **Regulation of Investigatory Powers Act (RIPA) – Outcome of IPCO Inspection**

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**Report of: Janet Witkowski, Acting Governance, Compliance and Monitoring Officer**

**Report Reference No: AG/22/25-26**

**Ward(s) Affected: All**

**For Scrutiny**

#### **Purpose of Report**

- 1 The purpose of this report is to provide Audit & Governance Committee with the details of the outcome of a remote inspection by the Investigatory Powers Commissioner's Office (IPCO) in relation to the Council's use of its powers under Part II of the Regulation of Investigatory Powers Act 2000 (RIPA).
- 2 The Audit & Governance Committee's remit includes the receipt of reports, both internal and external on the effectiveness of internal controls, which inform the committee's understanding of the sufficiency of these arrangements and whether further improvements and actions are required.

#### **Executive Summary**

- 3 The Investigatory Powers Commissioner's Office inspects local authority use of RIPA powers every three years. Cheshire East Council was previously inspected in November 2022 and has recently undergone a smaller scale inspection in June 2025.
- 4 The Council submitted a written compliance update, and the Commissioner confirmed satisfaction with the Council's assurance that compliance will be maintained. It was noted that the two authorisations since the last inspection were well formed with statutory considerations appropriately addressed. The inspector did not find any areas for

improvement or non-compliance. No further inspection is required until 2028.

## RECOMMENDATIONS

The Audit & Governance Committee is recommended to:

1. Note the outcome of the IPCO inspection and the assurance that the Council is compliant with RIPA legislation.

## Background

- 5 The Council is inspected by the Investigatory Powers Commissioner's Office (IPCO) every three years. Committee received a report in March 2023 on the outcome of the inspection held in November 2022; therefore, a further inspection was anticipated in 2025.
- 6 Following a review of how IPCO conducts its oversight of local authorities, they no longer undertake routine inspections as has previously been the case. Instead, IPCO has agreed that each local authority should provide a written update, in the first instance, on its compliance with the legislation. This will enable them to assess whether a remote, or in some cases, in-person inspection is required. This approach takes cognisance of the general decline in the use of covert powers by many local authorities, and seems the right approach for now, based upon their assessment of risk and where limited resources are best directed for the coming year.
- 7 The Council received notification and an opening request for data in May 2025, which was required to be provided by 30 June 2025. All requested information with supporting evidence was provided to the inspector on 23 June 2025. An outcome letter was received on 26 June 2025 confirming that the Commissioner was satisfied with the Council's assurance that ongoing compliance with RIPA will be maintained. It was noted that both authorisations since the last inspection were well formed with statutory considerations appropriately addressed.
- 8 The Council is required to ensure that key compliance issues continue to receive the necessary internal governance and oversight, and no further inspection is required until 2028.

## Consultation and Engagement

- 9 It has not been necessary to consult on the contents of this report.

## **Reasons for Recommendations**

- 10 The Audit & Governance Committee has a key role in overseeing the Council's risk management, control and corporate governance arrangements. This report seeks to ensure that the Committee is informed of the IPCO's inspection and to provide assurance that the Council is compliant with the requirements of the RIPA legislation.

## **Other Options Considered**

- 11 This report is for noting and no other options are considered necessary.

## **Implications and Comments**

### *Monitoring Officer/Legal/Governance*

- 12 The Council's use of its powers under Part II of RIPA in respect of directed surveillance is subject to annual reporting by the Monitoring Officer to provide assurance to Audit & Governance Committee. Inspection by IPCO is carried out every three years to ensure the lawful use of the Council's powers and that effective policies and procedures are in place.

### *Section 151 Officer/Finance*

- 13 There are no financial implications arising directly from this report.

### *Human Resources*

- 14 There are no direct implications for human resources arising from this report.

### *Risk Management*

- 15 The Governance, Compliance & Monitoring Officer provides assurance that the Council has arrangements in place to ensure lawful use of RIPA powers and manages the risks of non-compliance. The Governance, Compliance & Monitoring Officer in their role as Senior Responsible Officer for RIPA, has regular oversight of RIPA applications and signs off the central register of authorisations on a quarterly basis.

### *Impact on other Committees*

- 16 There are no direct implications for other Committees arising from this report.

## *Policy*

- 17 The inspector did not make any suggestions for improvement to the RIPA Policy and Procedure or the Online Investigations Policy; however, regular review of the policies has identified areas for improvement and updated policies will be submitted to a future Committee. This supports Commitment 3 in the Corporate Plan – an effective and enabling council.

## *Equality, Diversity and Inclusion*

- 18 There are no equality issues arising directly from the content of this report.

## *Other Implications*

- 19 There are no other implications arising directly from the content of this report.

## *Consultation*

<b>Name of Consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
<i>Statutory Officer (or deputy) :</i>			
Ashley Hughes	S151 Officer	15/07/25	16/07/25
Janet Witkowski	Acting Monitoring Officer	10/07/25	15/07/25
<i>Legal and Finance</i>			
Janet Witkowski	Acting Monitoring Officer	10/07/25	15/07/25

<b>Access to Information</b>	
Contact Officer:	Julie Gibbs, Information Rights Manager (DPO) <a href="mailto:Julie.gibbs@cheshireeast.gov.uk">Julie.gibbs@cheshireeast.gov.uk</a>
Appendices:	None
Background Papers:	None