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## **Audit and Governance Committee**

**29 September 2025**

### **Regulation of Investigatory Powers Act (RIPA) - Use of Powers in 2024/25 and Review of Policy and Procedure**

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**Report of: Interim Director of Law and Governance (Monitoring Officer)**

**Report Reference No: AG/21/25-26**

**Ward(s) Affected: All wards**

#### **Purpose of Report**

- 1 The Audit and 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.
- 2 This report is to provide Committee with an update on the Council's use of its powers under Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA) during 2024/25. This report also provides details on the review of the RIPA Policy and Procedure and Online Investigations Policy.

#### **Executive Summary**

- 3 The Council continues to make limited but lawful use of its powers under RIPA and IPA to support its enforcement functions. Only one directed surveillance application was authorised in 2024/25 and one application for communications data the previous year. A total of three applications have been authorised in the last four years, all of which related to trading standards investigations.
- 4 The Council remains compliant with relevant legislation and continues to maintain appropriate internal governance and oversight of its covert investigatory powers. This was determined by the recent inspection by

the Investigatory Powers Commissioners Office, which was reported to Committee in July 2025.

- 5 In line with the bi-annual review, the RIPA Policy and Procedure and Online Investigations Policy have both been reviewed and updated. Details are in paragraph 11 but key changes include:
- (a) Guidance on the use of drones
  - (b) Clarification of the roles of Senior Responsible Officer and the RIPA Co-ordinator
  - (c) Management oversight of the use of social media during investigations
  - (d) Minor grammatical and wording adjustments throughout

#### RECOMMENDATIONS

The Audit and Governance Committee is recommended to:

1. Note the limited but lawful use of RIPA powers by the Council.
2. Note the amendments to the RIPA Policy and Procedure and Online Investigations Policy.
3. Recommend endorsement by Corporate Policy Committee of the updated policies.

## Background

### Use of RIPA Powers

- 6 The Council can use directed surveillance and obtain communications data to support its enforcement functions, e.g. trading standards, planning enforcement, licensing enforcement, environmental protection and community enforcement. RIPA and IPA provide a regulatory framework to enable public authorities to obtain private information using certain covert investigatory techniques. However, use by local authorities is limited to enforcement activity subject to the 'serious offence' test, attracting a custodial sentence of six months or more, except in the case of test purchases for the sale of underage goods. It is essential that covert surveillance is only used when it is necessary and proportionate to do so and when all other avenues of investigation have been explored. Applications must be properly authorised and recorded with tests of necessity and proportionality satisfied, and any potential for collateral intrusion considered and minimised.
- 7 Recent changes at senior management level have reduced the number of trained authorising officers to two for the Council. This is being

addressed through the training of new appointments to permanent positions. However, given the low usage of RIPA powers, two authorising officers is sufficient in the meantime.

- 8 Once authorised, all applications need the approval of a Justice of the Peace/Magistrate, as required by the Protection of Freedoms Act 2012. The Director of Law and Governance (Monitoring Officer) assumes the role of Senior Responsible Officer for RIPA and is responsible for the integrity of the process to ensure that the Council complies with the legislation.
- 9 Surveillance activity, including test purchases, has reduced significantly in recent years with only one directed surveillance application being authorised in 2024/25 and one application for communications data the previous year. The table below shows the number of authorisations in the last four years.

Activity	2024/25	2023/24	2022/23	2021/22
<b>Directed Surveillance</b>	1	0	1	0
<b>Communications Data</b>	0	1	0	0
<b>CHIS</b>	0	0	0	0

## **Review of RIPA Policy and Procedure and Online Investigations Policy**

- 10 The RIPA Policy and Procedure provides guidance to investigating officers considering covert surveillance under RIPA and the IPA. The Online Investigations Policy provides guidance to officers regarding the use of information available online, particularly on social network and social media platforms, to ensure the activity does not cross the boundary of surveillance when an authorised RIPA application may be required.
- 11 As part of the regular review of the policies, changes have been made to both documents. Most of the amendments are minor grammatical changes to wording. The only substantial amendments are the inclusion of information on the use of drones at paragraph 5.3 of the RIPA Policy and Procedure, and the clarification of the roles of Senior Responsible Officer at paragraph 5.11 and the role of RIPA Co-ordinator at paragraph 5.12. The addition of management oversight of the use of social media has been included in the Online Investigations Policy at paragraph 6.4.

- 12 The updated RIPA Policy and Procedure is at Appendix 1 and the updated Online Investigations Policy is at Appendix 2.
- 13 Once approved, the updated policies will be published on CEntranet and will be brought to officers' attention via relevant communications. Training is being arranged for Authorising Officers and Investigating Officers where the changes to the policies will be highlighted. It is also intended to hold manager share and support sessions later in the year to raise awareness of the policies.

## **Consultation and Engagement**

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

## **Reasons for Recommendations**

- 15 In accordance with paragraph 4.47 of the [Covert Surveillance and Property Interference Code of Practice 2024](#), elected members are required to review the authority's use of RIPA and consider internal reports on a regular basis to ensure it is being used consistently with the local authority's policy and that it remains fit for purpose.
- 16 The Audit and 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 provided with assurance that the Council is compliant with the requirements of the RIPA legislation.
- 17 In line with Committee's responsibility for receiving assurances on the effectiveness of arrangements for governance, risk and internal control, the Committee is asked to note the amendments to the RIPA Policy and Procedure and Online Investigations Policy, and to recommend endorsement by Corporate Policy Committee of the updated policies in line with its responsibilities for corporate policies and staffing related matters.

## **Other Options Considered**

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

## **Implications and Comments**

### *Monitoring Officer/Legal/Governance*

- 19 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 and Governance Committee. Inspection by the Investigatory Powers Commissioners Office 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*

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

#### *Human Resources*

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

#### *Risk Management*

- 22 The Director of Law and Governance (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 Director of Law and Governance (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*

- 23 One of the recommendations of this report is to seek endorsement of Corporate Policy Committee on the updated policy documents. If agreed by Audit and Governance Committee, a report will be submitted to Corporate Policy Committee on 27 November 2025 seeking endorsement of the updated policies.

#### *Policy*

- 24 The recent RIPA inspection did not make any suggestions for amendment to the RIPA Policy & Procedure or the Online Investigations Policy; however, the regular review identified areas for improvement. This supports Commitment 3 in the Corporate Plan – an effective and enabling council.

#### *Equality, Diversity and Inclusion*

- 25 There are no equality, diversity and inclusion implications arising directly from this report.

#### *Other Implications*

- 26 There are no other implications arising from this report.

## Consultation

Name of Consultee	Post held	Date sent	Date returned
<i>Statutory Officer (or deputy) :</i>			
Ashley Hughes	S151 Officer	02/09/25	10/09/25
Kevin O'Keefe	Interim Monitoring Officer	02/09/25	02/09/25
<i>Legal and Finance</i>			
Julie Gregory	Acting Head of Legal Services	22/08/25	26/08/25
Chris Benham	Director of Finance	22/08/25	27/08/25

Access to Information	
Contact Officer:	Julie Gibbs, Josie Griffiths Head of Audit Risk and Assurance julie.gibbs@cheshireeast.gov.uk, josie.griffiths@cheshireeast.gov.uk
Appendices:	Appendix 1 – Updated RIPA Policy and Procedure Appendix 2 – Updated Online Investigations Policy
Background Papers:	<a href="#">Regulation of Investigatory Powers Act 2000</a> <a href="#">Investigatory Powers Act 2016</a> <a href="#">Covert Surveillance and Property Interference Code of Practice 2024</a> <a href="#">RIPA - Outcome of IPCO Inspection - Report to Audit and Governance Committee 28 July 2025</a> <a href="#">RIPA Policy and Inspection Plan Update – Report to Audit and Governance Committee 27 July 2023</a>