

OPEN

Corporate Policy Committee

27 November 2025

Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedure and Online Investigations Policy

**Report of: Kevin O’Keefe, Interim Director of Law & Governance
(Monitoring Officer)**

Report Reference No: CPC/45/25-26

Ward(s) Affected: All Wards

For Decision

Purpose of Report

- 1 The Corporate Policy Committee’s remit includes the receipt of reports regarding corporate policies and staffing related matters.
- 2 The purpose of this report is to seek endorsement from Committee for the updated RIPA Policy and Procedure and Online Investigations Policy as recommended by the Audit and Governance Committee on 29 September 2025.

Executive Summary

- 3 The Council makes limited but lawful use of its covert surveillance powers under RIPA and access to communications data under the Investigatory Powers Act 2016 (IPA) to support its enforcement functions. The Council must have appropriate policies and procedures in place that provide guidance for investigating officers who are considering surveillance or investigative techniques which may require a RIPA authorisation.
- 4 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 8, 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 Corporate Policy Committee is recommended to:

1. Endorse the updated RIPA Policy and Procedure and Online Investigations Policy.

Background

- 5 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.
- 6 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.
- 7 The RIPA Policy and Procedure provides guidance to investigating officers considering covert surveillance under RIPA and access to communications data under 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.

- 8 As part of the regular review of the policies, changes have been made to improve both documents. Most of the amendments are minor grammatical changes to wording. The only substantial amendments are the inclusion of guidance 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.
- 9 The updated RIPA Policy and Procedure is at Appendix 1, and the updated Online Investigations Policy is at Appendix 2.
- 10 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 to raise awareness of the policies.

Consultation and Engagement

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

Reasons for Recommendations

- 12 In accordance with paragraph 4.47 of the [Covert Surveillance and Property Interference Code of Practice 2024](#), elected members are required to ensure RIPA powers are being used consistently with the local authority's policy and that it remains fit for purpose.
- 13 The Audit and Governance Committee noted the amendments to the RIPA Policy and Procedure and Online Investigations Policy, and recommended endorsement of the updated policies by Corporate Policy Committee in line with its responsibilities for corporate policies and staffing related matters.

Other Options Considered

- 14 This report is for endorsement of updated policies and procedures, and no other options are considered necessary.

Implications and Comments

Monitoring Officer/Legal/Governance

- 15 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

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

Human Resources

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

Risk Management

- 18 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

- 19 The recommendation to endorse the updated policy documents has been made by Audit and Governance Committee who received a report on the use of RIPA and updated policies on 29 September 2025. No other Committees are impacted by this report.

Policy

- 20 A 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

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

Other Implications

- 22 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	21/10/25	11/11/25
Kevin O'Keefe	Interim Monitoring Officer	21/10/25	22/10/25
<i>Legal and Finance</i>			
Julie Gregory	Acting Head of Legal Services	10/10/25	14/10/25
Chris Benham	Director of Finance	10/10/25	15/10/25
<i>Other Consultees:</i>			
Josie Griffiths	Head of Audit Risk and Assurance	21/10/25	23/10/25

Access to Information	
Contact Officer:	Julie Gibbs Information Rights Manager (DPO) Rick Hughes Trading Standards and Community Protection Manager julie.gibbs@cheshireeast.gov.uk rick.hughes@cheshireeast.gov.uk

Appendices:	Appendix 1 – Updated RIPA Policy and Procedure Appendix 2 – Updated Online Investigations Policy
Background Papers:	Regulation of Investigatory Powers Act 2000 Investigatory Powers Act 2016 Covert Surveillance and Property Interference Code of Practice 2024 Audit and Governance Committee, 29/09/2025