

**Name of meeting: Cabinet**

**Date: 8<sup>th</sup> March 2022**

**Title of report: Annual RIPA update**

**Purpose of report**

**To brief Cabinet on the use of the Regulation of Investigatory Powers Act 2000 by the Council since the last report on use in January 2021.**

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>No</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>No</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Rachel Spencer-Henshall – 2<sup>nd</sup> Feb 2022</b>
<b>Is it also signed off by the Service Director for Finance</b>	<b>Eamonn Croston – 2<sup>nd</sup> Feb 2022</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	<b>Julie Muscroft – 2<sup>nd</sup> Feb 2022</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Paul Davies</b>

**Electoral wards affected: All**

**Ward councillors consulted: None**

**Public or private: Public**

**Has GDPR been considered? Yes**

## **1. Summary**

- 1.1 The role of Cabinet in Regulation of Investigatory Powers Act (RIPA) 2000 matters is to provide strategic oversight and to keep the Council's use of surveillance under review. This is the annual report on the Council's use of RIPA to Cabinet.
- 1.2 As a result of the view of the Investigatory Powers Commissioner's Office (IPCO) that the use of RIPA should be considered more often than annually by Local Authorities the Council's Corporate Governance and Audit Committee considers and monitors

any RIPA related matters during the year as part of its quarterly audit reports. The process followed is that any reports are to be brought back to cabinet to be considered during the year as necessary. There were no incidents which required RIPA to be used in the period since the last report to Cabinet and therefore no reports were required to be brought back to Cabinet during the last twelve months or so.

## 2. Information required to take a decision

- 2.1 The Council is subject to the requirements of RIPA, which sets out how and when a local authority can engage in covert surveillance. RIPA regulates three types of surveillance, these being directed surveillance, the use of covert human intelligence and the obtaining of communications data. The current policy was adopted in January 2019 when it was amended in line with the implementation of GDPR and the Data Protection Act 2018.
- 2.2 The annual return to IPCO for 2021 has been completed. This is a report to the Commissioner on the Council's use of investigatory powers.
- 2.3 The number of RIPA authorisations granted in the last 12 months is 0.

## 3. Implications for the Council

### 3.1 Working with People N/A

### 3.2 Working with Partners

West Yorkshire Police – this will most often be a formal request for access to CCTV information held by the Council and is provided on the basis of a formal written request.

West Yorkshire Trading Standards– this will usually be within the context of test purchase operations, typically involving sales of age restricted goods to minors.

### 3.3 Place Based Working N/A

### 3.4 Climate Change and Air Quality N/A

### 3.5 Improving outcomes for children N/A

### 3.6 Other (eg Legal/Financial or Human Resources)

Training needs and resources – a flexible approach to training will mean that external training providers can be engaged where the need arises, with the associated costs, but that training is also likely to be provided internally where feasible.

## 4. Consultees and their opinions

- 4.1 The following have been consulted on the contents of this report and have approved them:

4.1.1 The Service Director – Legal, Governance and Commissioning, as Senior Responsible Officer

4.1.2 The Head of Legal Services, as RIPA Monitoring Officer

4.1.3 The Cabinet member for Corporate Services

## **5. Next steps and timelines**

- 5.1 To continue to review the RIPA training programme and to keep training requirements under review in light of developments in the law. To continue to keep the Council's regulated investigatory activities under review and keep Cabinet informed of these. Quarterly updates to the Corporate Governance and Audit Committee will continue.
- 5.2 To continue to raise RIPA awareness, particularly with regards to the use of social media to obtain intelligence.

## **6. Officer recommendations and reasons**

- 6.1 That members note the report.

## **7. Cabinet portfolio holder's recommendations**

- 7.1 That members note the report.

## **8. Contact officers**

David Stickley                      [david.stickley@kirklees.gov.uk](mailto:david.stickley@kirklees.gov.uk)  
Senior Legal Officer              01484 221000

John Chapman                      [john.chapman@kirklees.gov.uk](mailto:john.chapman@kirklees.gov.uk)  
Head of Legal Services          01484 221000

## **9. Background Papers and History of Decisions**

2021 Annual RIPA report to Cabinet - [Agenda Document for Cabinet, 19/01/2021](#)

2020 Annual RIPA report to Cabinet - [Agenda Document for Cabinet, 25/02/2020](#)

Quarterly reports to Corporate Governance and Audit

## **10. Service Director responsible**

Julie Muscroft  
Service Director – Legal, Governance and Commissioning  
01484 221000  
[julie.muscroft@kirklees.gov.uk](mailto:julie.muscroft@kirklees.gov.uk)