

Report to Cabinet

Subject: Regulation of Investigatory Powers Act 2000 (RIPA) Annual Audit

Date: 16 July 2026

Author: Legal Services Manager and Data Protection Officer

Wards Affected

All Wards

Purpose

The purpose of this report is to:

Update Members as to the Council's use of powers under RIPA from 1 April 2025 to 31 March 2026 in line with the Council's RIPA Policy, to inform Members of the outcome the Investigatory Powers Commissioner's Office inspection of the Council in February 2026 and to obtain approval to minor amendments to the Council's RIPA Policy.

Key Decision

This is not a key decision.

Recommendation(s)

THAT Cabinet:

- 1) Notes the content of this report**
- 2) Approves the Council's Regulation of Investigatory Powers Act 2000 (RIPA) Policy at Appendix A**

1 Background

- 1.1 Under the Council's RIPA policy, Members are required to consider and review the Council's use of RIPA powers and its policy and guidance at least once a year. Cabinet last received a report in December 2025 in relation to RIPA usage for 2024/25. At this time Cabinet were also advised that the Council's RIPA policy remained fit for purpose with no updates required. In line with streamlining the reports brought to Cabinet regarding information governance and security a further review of the policy has been undertaken,

earlier than usual to bring the reports together. The content remains fit for purpose; a minor amendment has been made to keep the links updated and a slight change in the formatting, so further approval is requested.

- 1.2 There is also a requirement under the policy that internal reporting to members is done throughout the year to update on RIPA usage. The Council's RIPA Co-ordinating officer provides updates when necessary throughout the year to the Portfolio Holder for Public Protection in relation to the Council's RIPA usage.
- 1.3 Under RIPA, local authorities have the power to authorise directed surveillance (usually covert cameras or covert observations by officers) and the use of Covert Human Intelligence Sources (CHIS) (essentially undercover officers conducting surveillance), if the authorisation is necessary for the prevention and detection of crime or preventing disorder and if the surveillance is proportionate to the aims it seeks to achieve. In respect of directed surveillance, save for a small number of licensing and tobacco offences, any crime or disorder being prevented or detected using RIPA must be a criminal offence which attracts a minimum of six months in custody, the so-called "serious crime" threshold. Since 1 November 2012, any RIPA authorisations or renewals must also have judicial approval from a Justice of the Peace. This is done at the Nottingham Magistrates' Court.
- 1.4 The authorisations under RIPA can only be given by 'Authorising Officers' who for the Council are Directors or the Chief Executive. The entire process is now overseen by the Deputy Chief Executive as the Senior Responsible Officer (SRO) with assistance from the RIPA Co-ordinating Officer, who is the Legal Services Manager.
- 1.5 The Council's RIPA processes and procedures come under regular scrutiny. Each year, the RIPA co-ordinating officer or SRO, undertakes an audit of RIPA usage. **There have been no authorisations given for directed surveillance or the use of covert human intelligence sources in the year 2025/26.**
- 1.6 In addition to monitoring RIPA usage, the SRO is required, in line with the Council's policy, to ensure refresher training on RIPA is available to officers on an annual basis. Legal officers attend annual RIPA update training provided by external trainers. The latest in person training was delivered to relevant officers, including CCTV operatives in July 2024. There is also recorded training available on the Council's intranet which is available to all Council officers who may utilise RIPA powers, for refresher purposes and new starters. Following the restructure and all Director's being in post targeted refresher training was delivered to the Council's Authorising Officers in July

2025, to ensure all Authorising Officers are aware of the authorisation process and criteria to consider.

- 1.7 A reduction in the Councils investigative officers in 2025 resulted in no in person training being delivered but the targeted Authorising Officer training highlighted the need for ongoing awareness for relevant officers especially new starters and the availability of the online training and access to the co-ordinating officer to assist. The RIPA co-ordinating officer is to prepare renewed online training in 2026/2027.
- 1.8 In addition to the internal annual audit, annual policy review and reports to Cabinet, the Council is also subject to external inspection by the Investigatory Powers Commissioner's Office (IPCO). These inspections are undertaken roughly every 3 years. The Council was recently inspected in February 2026 which involved a written, desk top exercise inspection as opposed to the Inspector physically visiting the Council. The inspection entailed answering a number of questions set by the IPCO covering our RIPA usage, governance, procedures, policy and training, in order to assure the IPCO that the Council is maintaining good levels of compliance.
- 1.9 The outcome of the inspection was reported back to the Council from the IPCO in March 2026. The IPCO noted that they were happy that Gedling Borough Council takes its responsibilities under RIPA seriously. No formal recommendations were made as a result of the inspection. The Inspector was assured by the Council's ongoing compliance with RIPA and requested that we *'ensure that the key compliance issues continue to receive the necessary internal governance and oversight through yourself and your Senior Responsible Officer'*. Although there has been no use of RIPA powers by the Council since 2015, the inspection shows the importance of maintaining the necessary internal governance and oversight of the Council's obligations under RIPA.
- 1.10 The IPCO has confirmed that the Council is due its next inspection in 2030, and it is currently expected that this will again involve a paper-based exercise, considering the Council's RIPA usage, governance, procedures, policy and training. However, this position may be affected by local government reorganisation and, should structural changes be implemented before that date, responsibility for future inspection arrangements and evidence of ongoing compliance would need to transfer to and be maintained by any successor authority.
- 1.11 The Council is also a member of the Nottinghamshire and Derbyshire District RIPA working group which provides the opportunity to share best practice in relation to RIPA usage and share training opportunities and knowledge.

Although in the past this has been a stand-alone group, over the past couple of years it has joined with the Nottinghamshire Information Officers Group as the majority of the members were the same. Although in the main this group is now focussing on the changes required for Local Government Reorganisation it is still a mechanism by which the Council ensures that compliance with RIPA is maintained and knowledge is kept up to date.

- 1.12 As report back in December 2025 the Council outsourced part of the public protection enforcement duties to private enforcement agents WISE. Although they may undertake investigations as part of their duties it was reported that the Council would not expect any surveillance to be undertaken by WISE that would trigger the legislation and the need for authorisations, no such surveillance has been requested.
- 1.13 It is still essential, whatever the level of RIPA usage, that the Council keeps RIPA processes and procedures under close scrutiny. The Council will continue to be subject to inspection in relation to its use of the powers by the IPCO and as such the Council's policy, processes, training and review of RIPA usage must continue, to ensure our processes remain fit for purpose.
- 1.14 It is important that information about RIPA and covert surveillance is disseminated to staff to maintain awareness between training sessions, and the RIPA co-ordinating officer will continue to update officers and Members with any key developments in this area.

2 Proposal

- 2.1 It is proposed that Members note the detail in this report in relation to the Council's use of RIPA, the outcome of the IPCO inspection and to approve the minor amendments to the Councils RIPA Policy.

3 Alternative Options

- 3.1 Members could determine not to receive annual updates in relation to RIPA, however this would be contrary to the Council's policy position. The Inspection in February 2026 highlights that even though authorities may not be utilising RIPA powers, appropriate arrangements must be in place to monitor usage and awareness of RIPA must be maintained.

4. Financial Implications

- 4.1 There are no additional financial implications arising from this report. The cost of training and other related RIPA activity are expected to be met from existing budgets.

5 Legal Implications

- 5.1 Where the Council wishes to carry out covert surveillance in relation to an investigation, compliance with RIPA ensures that any such surveillance is

properly authorised and full consideration is given to its necessity and proportionality. Where covert surveillance is conducted under a RIPA authorisation, this provides a potential defence to any claim that the surveillance amounted to a breach of the individual's right to privacy under the Human Rights Act 1998. Whilst RIPA authorisations are limited to specific circumstances for local authorities, local authorities must still maintain appropriate processes and procedures to demonstrate compliance with RIPA, this includes ensuring that an appropriate policy document is maintained.

- 5.2 Part of the Council's investigatory powers have been outsourced to a private enforcement company, WISE, although the Council does not expect any surveillance that would trigger the legislation would be necessary, should their be any situation where it is, WISE are contracted to comply with RIPA and any such surveillance would need the required authorisations.

6 Local Government Reorganisation Implications

- 6.1. At the present time there are no direct implications for the Council's current monitoring, governance and reporting arrangements under RIPA arising from local government reorganisation. However, should reorganisation proposals be implemented, the successor authority will need to ensure that responsibility for RIPA governance, the designation of appropriate authorising officers, officer training, policy ownership, record keeping and any ongoing reporting and inspection arrangements are transferred and maintained as part of transition planning. It will be important to preserve continuity of compliance and oversight during any implementation period so that the authority remains able to demonstrate appropriate governance of investigatory powers.

7 Equalities Implications

- 7.1 The report has no equality implications. It maintains transparency and accountability without affecting any protected characteristic groups. An equality impact assessment has been attached at **Appendix 2** to show this.

8 Carbon Reduction/Environmental Sustainability Implications

- 8.1 There are no carbon reduction/sustainability implications arising out of this report.

9 Appendices

- 9.1
1. Regulation of Investigatory Powers Act 2000 (RIPA) Policy
 2. Equalities Impact Assessment

10 Background Papers

- 10.1 None

11 Reasons for Recommendations

- 11.1 To update Members in line with the Councils RIPA policy.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer