

Committee Name and Date of Committee Meeting

Audit Committee – 28 July 2026

Report Title

Update Report on the Use of Surveillance

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director, Finance and Customer Services

Report Author(s)

Michelle Scales, Service Manager – Litigation and Practice
01709 823145 – Michelle.Scales@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This is a report to update the Audit Committee in its oversight role on the Council's use of surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA).

Recommendations

That the Audit Committee:

1. Notes that the Council has not made use of surveillance or acquisition of communication data powers under the relevant legislation since February 2025.
2. Notes the findings of the Inspection by the IPCO and that the next inspection will take place in 2029.
3. Adopts the RIPA Policy with minor amendments which have been made to provide clarity and use of accurate terminology when referencing the relevant guidance documents.

List of Appendices Included

Copy of the RIPA Policy 2026 with Tracked Changes
Final Copy of the RIPA Policy 2026
Letter from IPCO following inspection

Background Papers

Revised Code of Practice - Covert Surveillance and Property Interference [Home Office, 2022, updated February 2024]

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice#full-publication-update-history>

Revised Code of Practice - Covert Human Intelligence Sources [Home Office, 2022]

<https://www.gov.uk/government/publications/covert-human-intelligence-sources-code-of-practice-2022>

Code of Practice – Communications Data [2018, Updated June 2025]

[Communications data: code of practice - GOV.UK](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Update Report on the Use of Surveillance and Acquisition of Communications Data Powers

1. Background

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a mechanism to make it lawful for public bodies, such as local authorities, to use directed (i.e. covert) surveillance and covert human intelligence sources e.g. undercover officers and public informants for the purposes of the detection and prevention of crime. Any use of those powers has to be proportionate and necessary both in use and scope. The Council has a RIPA Policy that governs the use of those powers. The Policy was updated and approved by the Committee on 29th July 2025.
- 1.2 The Investigatory Powers Act 2016 also provides a mechanism for public bodies, such as local authorities, to acquire communications data where it is proportionate and necessary to do so for a legally prescribed purpose. Typically, this activity might include acquiring mobile phone subscriber details and details of itemised calls, but not the content of calls. The Council does not currently use the powers under the legislation.
- 1.3 The Council's corporate policies in this regard make provision for the Audit Committee to oversee the operation of these policies by receiving reports on a 12-monthly basis to ensure that RIPA powers are being used in a manner consistent with the Policy. Due to the Council not having used the powers available, it was deemed appropriate for reporting to take place annually.

2. Key Issues

- 2.1 So far, since the last report, the Council has not used its powers under RIPA to use directed (i.e. covert) surveillance, covert human intelligence sources, e.g. undercover officers and informants or to acquire communications data. The annual statistical return was completed and sent to the Investigatory Powers Commissioner's Office on the 5th January 2026. A copy of the return is not available as this is now completed via an online portal.
- 2.2 External training was provided to all officers involved or likely to be involved in the use of the powers provided under the RIPA legislation on the 21st October 2025, 13th January 2026 and 11th February 2026. To ensure that this training is up to date and new staff joining are aware of their roles, further training sessions will be arranged for 2026. The purpose of this will be to further reduce any potential risk arising from any unauthorised activity.
- 2.3 The revised Home Office Codes of Practice advise that the elected members of a local authority should:
 - 2.3.1 Review the authority's use of RIPA and set the policy at least once a year; and

- 2.3.2 Consider internal reports on use of RIPA on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose.
- 2.4 On 8th December 2025, the Council received notification from the IPCO regarding its mandatory inspection. The Council was asked to complete a questionnaire and provide various documentation, the information requested was provided on the 14th January 2026. A meeting then took place via Teams with the Inspector from the IPCO.
- 2.5 The meeting was positive and on the 27th January 2026, the Council received notification as to the outcome of the inspection. The IPCO confirmed their satisfaction in relation to the Council's ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016.
- 2.6 The Inspector noted that *'the policy documents were well structured and had been updated since the last inspection. The policy includes informative diagrams and flow charts to aid staff in their understanding of when RIPA protections should be considered and sought. It is clear to my Inspector that your Council takes its responsibilities in relation to the management of covert activities seriously and this is reflected in the quality of the application and authorisation viewed during the inspection'*.
- 2.7 The IPCO also noted that *'the Council continues to perform well, and the staff engaged with are fully aware of their responsibilities and eager to achieve the highest of standards. My inspector has provided advice which it is hoped will assist in improving already good standards. Those 'fine tuning' improvements relate to the updating of RIPA forms to remove out of date references to the Code of Practice'*.
- 2.8 The RIPA Policy was reviewed by this Committee at its meeting on 29th July 2025 and was re-adopted with some minor amendments which were made to provide clarity and use of accurate terminology when referencing guidance documents. The RIPA Policy has been reviewed and as there have been no changes to guidance or Codes of Practice the Policy does not require any significant amendment. There are minor amendments which take into account feedback from the Inspector, a link has been provided in order to ensure Officers can access up to date versions of all relevant forms and an update has been included around advice that authorising officers should not authorise applications for their own service where possible.

3. Options considered and recommended proposal

The recommended proposal(s) is that the Audit Committee:

- 3.1 Notes that the Council has not made use of surveillance or acquisition of communication data powers under the relevant legislation since February 2025.

3.2 Notes the findings of the Inspection by the IPCO and that the next inspection will take place in 2029.

3.3 Adopts the RIPA Policy with minor amendments which have been made to take into account feedback from the Inspector.

4. Consultation on Proposal

4.1 Not applicable.

5. Timetable and Accountability for Implementing this Decision

5.1 The Policy will be implemented immediately should the Committee approve it.

6. Financial and Procurement Advice and Implications

6.1 There are no Financial and Procurement implications.

7. Legal Advice and Implications

7.1 Legal implications are considered in the main body of this Report.

8. Human Resources Advice and Implications

8.1 There are no Human Resources implications.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no direct implications for children and young people and vulnerable adults.

10. Equalities and Human Rights Advice and Implications

10.1 Adherence to the Council's policies and the statutory guidance in relation to the use of RIPA and the Acquisition of Communication Data powers should ensure that any actions taken are in accordance with human rights.

11. Implications for Partners

11.1 There are no direct implications for partners or other directorates.

12. Risks and Mitigation

- 12.1 As above at paragraph 2.3 the statutory guidance requires oversight by elected members on the use of RIPA powers and to ensure policies remain fit for purpose. A failure to follow this guidance would increase the risk of misuse of RIPA powers and intervention by the Investigatory Powers Commissioner.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author: Michelle Scales, Service Manager – Litigation and Practice
01709 823145 – michelle.scales@rotherham.gov.uk

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