

AUDIT AND GOVERNANCE COMMITTEE

17th SEPTEMBER 2025

REPORT ON THE AUTHORITY'S POLICY FOR COMPLIANCE WITH THE REGULATION OF INVESTIGATORY POWERS ACT 2000 AND USE OF ACTIVITIES WITHIN THE SCOPE OF THIS ACT

Report by Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. **The Committee is RECOMMENDED to**
 - a) Note the Policy for Compliance with the Investigation of Regulatory Powers Act 2000 included in the annex of this paper and to comment on any changes to the policy that the committee would wish the Director of Law & Governance and Monitoring Officer to consider, and
 - b) Consider and note the use of any activities within the scope of the Regulation of Investigatory Powers Act by the Council

Executive Summary

2. The Council may occasionally need to carry out covert surveillance. The Regulation of Investigatory Powers Act 2000 ('the Act') and supporting Codes of Practice provide the legal framework under which public bodies may lawfully undertake covert surveillance. Compliance with the Act and the supporting Codes of Practice provides protection to the Council in the event that an individual challenges the actions of the Council on the basis that those actions were an infringement of the individual's human rights. It also reduces the likelihood that any evidence obtained through covert surveillance and used in legal proceedings is ruled inadmissible.
3. Codes of Practice under the Act require that elected members review the Authority's use of activities within the scope of the Act periodically and review the Authority's Policy annually. This report provides a summary of the covert activities undertaken by the council between April 2024 and March 2025 for review by the Committee.
4. The Council's Policy for Compliance with the Investigation of Regulatory Powers Act 2000 ('the policy') is updated annually and received a significant refresh in 2023. This included incorporating feedback from the Investigatory Powers Commissioner's Office (IPCO). This year, officers are not recommending any changes to the policy.

Exempt Information

5. None

Introduction

6. The Act regulates the use of covert investigatory activities by local authorities. It creates the statutory framework by which covert surveillance activities may be lawfully undertaken. Special authorisation arrangements need to be put in place whenever a local authority considers commencing covert surveillance or seeks to obtain information by the use of informants or officers acting in an undercover capacity.
7. Under the Act, local authorities may only carry out covert surveillance where it is necessary for the prevention or detection of crime. In addition, local authorities can only authorise surveillance activities within the framework created by the Act if it meets one of the following tests – criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol, tobacco or nicotine inhaling products (the ‘seriousness’ threshold). Covert surveillance for other matters, such as for the investigation of minor criminal offences not meeting the ‘seriousness’ threshold cannot be authorised under the Act.
8. Codes of Practice under the Act require that elected members review the Authority’s use of activities within the scope of the Act periodically and review the Authority’s policy annually. This paper provides a summary of the activities undertaken by Oxfordshire County Council that fall within the scope of this Act for the period from April 2024 to March 2025. The Authority’s Policy for Compliance with the Regulation of Investigatory Powers Act 2000 is attached in Annex 1 for consideration.

Investigatory Powers Commissioner’s Office Inspection

9. As part of the legislative regime, the Investigatory Powers Commissioner’s Office (IPCO) carry out three-yearly inspections to examine an authority’s policies, procedures, operations and administration. The Council’s last inspection was in 2023, where the IPC informed the Council that they were satisfied that the Council had demonstrated ongoing compliance with the Act and that the Council will be due its next inspection in 2026.

Use of the Act by Oxfordshire County Council

10. Within the Council, covert surveillance is mainly carried out by the Trading Standards Service as part of investigations into suspected contraventions of consumer protection legislation. Between April 2024 and March 2025, the Council did not authorise any instances of the use of covert surveillance (with no applications submitted by officers).

11. Whilst the Council has not recently used the powers available to it under RIPA, these remain an important investigatory tool, and the Council still needs to have a robust and up to date policy in place which officers can follow should the need arise.

Magistrate's Oversight

12. From October 2012 the Protection of Freedoms Act 2012 required Judicial oversight of authorisations of covert surveillance activities. All authorisations for covert surveillance activities falling within the scope of the Act granted by local authorities now need Magistrate approval before they take effect.

The Council's RIPA Policy

13. The Council's Policy for Compliance with the Investigation of Regulatory Powers Act 2000 ('the Policy') is reviewed annually and was subject to a significant refresh in 2023. This was to take account of feedback to local authorities, from the IPCO, of the need to provide clearer guidance to council staff and better reflect the council's position on monitoring social media, and to outline the importance of clear document management processes for the product of surveillance.
14. The current policy reflects the recommendations following previous IPCO inspections and it provides more clarity on how RIPA applies when looking at social media, ensures there is early reference to the importance of safeguarding young people and strengthens the expectations in relation to records retention and information management. No new amendments are proposed this year, following the comprehensive refresh in 2023.

Corporate Policies and Priorities

15. This RIPA policy is an internal policy setting out governance arrangements for operational activity within the scope of the Act. It has no direct implications on Council priorities. However, compliance with the Act is important to manage risk for the Council and to ensure successful outcomes of operational activity undertaken by a number of council services.

Financial Implications

16. This is a procedural matter and there are no direct financial implications arising from the adoption of the new policy.

Comments checked by:

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Legal Implications

17. In using the investigatory powers which are available to it, the Council must comply with the provisions of the Regulation of Investigatory Powers Act 2000 and The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010. The Act sets out a regulatory framework for the use of covert surveillance techniques by public authorities.
18. The Council should consider the current codes of practice (Covert surveillance code of practice, Code of practice for investigation of protected electronic information and Covert Human Intelligence Sources code of practice 2022) to assist assessing the appropriateness of using covert techniques.

Comments checked by:

Josie Smith, Locum Solicitor, ASC and Litigation Team

Staff Implications

19. None

Equality & Inclusion Implications

20. There are no equality and inclusion implications arising from the policy.

Sustainability Implications

21. There are no sustainability implications arising from the policy.

Risk Management

22. The policy is important in order to ensure there is appropriate governance over activities that fall within the scope of the Act and as such assists in managing risks to the council.

Consultations

23. No consultation is required. This policy replaces the existing policy and does not introduce any new requirements and has no direct impact on Oxfordshire residents and businesses.

Anita Bradley
Director of Law and Governance and Monitoring Officer

Annex: Policy on Compliance with Investigation of Regulatory Powers Act 2000.

Background papers:None

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