

AUDIT AND GOVERNANCE COMMITTEE
16 SEPTEMBER 2026

**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 the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

The Committee is recommended to:

- a) **NOTE** 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

1. 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.
2. 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 2025 and March 2026 for review by the Committee.
3. 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

4. None.

Introduction

5. 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.
6. 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.
7. 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 2025 to March 2026. 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

8. 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 this year.

Use of the Act by Oxfordshire County Council

9. 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 2025 and March 2026, the Council authorised two instances of the use of covert surveillance (resulting from two applications being submitted by officers).

10. Both instances related to 'test purchasing' operations and the use of covert video recording equipment. One instance related to investigating and gathering evidence around the sale of illegal tobacco and vapes, the second relating to sale of age restricted products (namely vapes) to children.
11. The first operation led to the sale of suspected illegal tobacco at 4 premises, out of 9 visited. The second led to 3 vape sales being made to our child volunteer, out of 5 premises tested.
12. The above activities sit within a wider amount of effort to tackle both the supply of illegal tobacco and nicotine products, and the sale of vapes to children. The majority of this work is 'overt', through the inspection of premises and announced visits. However, the ability to use covert surveillance remains an important 'tool in the box' for officers.
13. Below is a brief summary of the outcomes and achievements from this area of work in 2025/26:

Illegal Tobacco:

- 43,460 cigarettes seized
- 10,150g hand-rolling tobacco seized
- 16,900g waterpipe tobacco seized
- 12,000g chewing tobacco seized
- 2 licence reviews initiated (leading to 1 revocation and 1 suspension)
- 10 criminal convictions
- One defendant receiving a £400,000 Proceeds of Crime confiscation order

Illegal Vapes (and other nicotine products)

- 100 inspections at vape retailers
- 3,427 vapes seized
- 53 warning letters
- 7 fixed monetary penalties issued
- 2 prosecutions
- Securely and environmentally disposed of 523kg of vapes (approx. 6000 units)

Magistrate's Oversight

14. As of 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.
15. Both of the authorised applications for the use of covert surveillance were approved by a Magistrate.

The Council's RIPA Policy

16. 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.
17. 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

18. 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

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

Legal Implications

20. The use of investigatory powers and covert surveillance by public authorities to prevent and detect crime is governed by a comprehensive legislative framework designed to ensure transparency, accountability and effective oversight in the use of such powers.
21. The legal framework requires local authorities to ensure that the use of covert techniques is necessary, proportionate and compatible with the relevant statutory regime. This includes, but is not limited to, the Regulation of Investigatory Powers Act 2000, the Investigatory Powers Act 2016 and the Human Rights Act 1998, together with the Home Office Codes of Practice, which provide comprehensive guidance to public authorities in the exercise of their functions.

22. The legislative framework also provides extensive guidance on procedural requirements and regulatory oversight. This includes the requirement to maintain a policy document to support the effective exercise of powers by officers, as well as mechanisms to ensure robust internal member oversight and external regulatory scrutiny through inspections and annual reporting to the regulator.
23. The Council and its relevant officers continue to have regard to the applicable legislative framework, relevant codes of practice, and any advice or guidance issued by the Investigatory Powers Commissioner's Office (IPCO) when considering the use of investigatory powers and surveillance in connection with relevant investigations. This includes ensuring that the Policy remains fit for purpose, that effective member oversight is maintained in accordance with applicable guidance, and that the requisite annual reports are submitted to the regulatory body where such powers are exercised.

Staff Implications

24. None.

Equality & Inclusion Implications

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

Local Government Reorganisation Implications

26. There are no local government reorganisation implications arising from this policy.

Sustainability Implications

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

Risk Management

28. 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

29. 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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