

# **East Herts Council Report**

## **Overview and Scrutiny Committee**

**Date of meeting: Tuesday 10 March 2026**

**Report by:** James Ellis – Director for Legal, Policy and Governance

**Report title:** Regulation of Investigatory Powers Act (RIPA) Policy Review

**Ward(s) affected: (All Wards);**

**Summary** – This report updates the Committee on the council’s recent IPCO inspection and seeks fresh Member approval of the RIPA policy.

### **RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE:**

- a) The Committee considers the content of the report and provides any observations to the Director for Legal, Policy and Governance.
- b) The Policy be sent to the Executive for approval.

### **1.0 Proposal(s)**

- 1.1 To consider the council’s recent IPCO inspection and provide an up-to-date review of the council’s Regulation of Investigatory Powers Act (RIPA) Policy.

### **2.0 Background**

- 2.1 The Investigatory Powers Commissioner's Office (IPCO) oversee the Council’s use of investigatory powers, ensuring that they’re used in accordance with the law and in the public interest. They do this by inspecting the Council on a three-yearly basis.
- 2.2 The Council was last inspected in 2022, meaning that the next scheduled inspection was due in 2025.
- 2.3 This inspection by the IPCO took place on 12<sup>th</sup> September 2025, with the resultant Inspection Report letter being provided to the Chief Executive on 7<sup>th</sup> January 2026.

- 2.4 The report letter, provided at Appendix A, confirms that the Investigatory Powers Commissioner (IPC) is “*satisfied the information provided offers the required assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained*”
- 2.5 The Inspector did, however, highlight that fact that the policy had not been internally reviewed or presented to, and approved, by Members since 2023.
- 2.6 Accordingly, the Director for Legal, Policy and Governance has since undertaken an internal review of the RIPA Policy and now presents this, at Appendix B, to Members for approval. As set out by the IPC, it is considered that the policy remains fit for purpose and requires no amendment at this time, other than to update the job title of the council’s nominated RIPA Senior Responsible Officer (SRO) from Head of Legal and Democratic Services to Director for Legal, Policy and Governance, as well as other authorised officers at Appendix B of the Policy.
- 2.7 The Director for Legal, Policy and Governance, acting in his role at the SRO, has also arranged for fresh RIPA training to be provided to all authorising officers in the coming weeks.
- 2.8 The council’s next review by the IPCO is due in 2028.

### **3.0 Reason(s)**

- 3.1 At paragraph 5.21.1(l) of the Constitution, the Overview & Scrutiny Committee has responsibility for considering reports relating to the authority’s use of the RIPA.
- 3.2 Whilst the council does not actively make use of its RIPA powers, it is important that RIPA, the policy and its usage, or otherwise, are kept at the forefront of Members’ minds.
- 3.3 The Covert Surveillance and Property Interference Code of Practice requires approval of the council’s policy from elected members.

### **4.0 Options**

- 4.1 To not seek approval of the policy from Members, this is NOT RECOMMENDED as it would be contrary to the requirements of the Covert Surveillance and Property Interference Code of Conduct.

## **5.0 Risks**

- 5.1 It is important that the council continues to operate in accordance with RIPA to ensure that it is able to effectively manage its reputational risk whilst also exercising its legitimate evidence gathering powers in connection with enforcement activity.

## **6.0 Implications/Consultations**

- 6.1 Not regularly reporting on the council's use of RIPA would risk it slipping out of the consciousness of Members.

## **Community Safety**

Yes – Allows the council to legally make use of investigatory practices governed by RIPA, which could be utilised to protect communities from illegal activities.

## **Data Protection**

Yes – Acting in compliance with RIPA means that all data gathered will be dealt with legally and safely.

## **Equalities**

Yes – No RIPA investigations have been conducted by the council and so there is no data against which to assess the potential equalities aspects of RIPA use. If the council sought to use RIPA powers at some point, the equalities aspects would be considered at that time. The risk of having a policy that is not fit-for-purpose could lead to unintended equalities issues or risk of the perception of this.

## **Environmental Sustainability**

No

## **Financial**

No

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

Yes – The use of powers under RIPA directly affects a person's right to respect for private and family life under Article 8 of the Human Rights Act. It is imperative that RIPA is utilised correctly so as to make legal those potential intrusions.

## **Legal**

Yes – RIPA enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with. Full details of the RIPA requirements and compliance are set out in the Policy, with relevant documents and guidance document available to relevant officers via the intranet should they consider it necessary to use these powers.

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

7.1 Appendix A – IPCO Inspection Report letter from the Investigatory Powers Commissioner.

7.2 Appendix B – Policy

## **Contact Member**

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