

HOUSING AND NEIGHBOURHOODS SCRUTINY PANEL	DATE 10 April 2025	ITEM NO
SUBJECT Regulation of Investigatory Powers Act 2000 Update	WARD (S) All	
CHIEF OFFICER Interim Director of Legal & Democratic Services		
DECISION CLASSIFICATION <i>Scrutiny Report</i>		

I. Recommendations to decision maker:

- I.1 To consider this report on the use of powers under the Regulation of Investigatory Powers Act 2000 (“RIPA”) for the period November 2023 – January 2025. and make recommendations to the Executive, if necessary.
- I.2 To agree that the report and any recommendations be submitted to the Chief Executive.
- I.3 To note that the report and response to the recommendations of the Overview & Scrutiny Committee will be presented at the next meeting of the Committee.

2 Links to the Links to Our Greenwich Missions

2.1 This report relates to the Council’s agreed missions as follows:

- Everyone in Greenwich is safer, and feels safer
- Our Council is an adaptive organisation, enabling it to navigate the increasing number of challenges it faces while remaining financially sustainable
- Our Council works in the most efficient and effective ways possible

The use of powers under RIPA assists the Council in achieving its objectives in relation to crime, anti-social behaviour and Licensing. The purpose of this report is to set out the level and nature of the Council’s use of surveillance under RIPA.

3 Purpose and Executive Summary

3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the manner in which the Council may conduct covert surveillance and access a person's electronic communications (Investigatory Powers Act 2016) to ensure that there is no breach of an individual's rights under the Human Rights Act 1998. The Regulation of Investigatory Powers Act (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 imposes a duty on the Council to review the use of such powers and set the policy at least once a year. In accordance with that Order the Council agreed to receive reports periodically, such reports to include a summary of cases where surveillance activity had been authorised and details of individual cases.

4. The Report

Following the introduction of the Protection of Freedoms Act 2012 the Council is required to obtain the approval of a Magistrate before it can carry out any covert surveillance activity. In addition RIPA powers can only be used where the offence under investigation carries a custodial sentence of 6 months or more. The Director of Legal Services reviews all authorisations and makes the necessary application to the Magistrates Court for approval. The Council, however, rarely makes use of its powers under RIPA which are considered as a power of last resort when other means of obtaining the required information or progressing with an investigation have been exhausted or there is no other option.

4.2 This report advises Members that there were 2 RIPA Authorisations between November 2023 – 31st January 2025, both for Trading Standards. This reflects the fact that RIPA is a last resort and that officers make proactive use of alternative methods of obtaining information/evidence.

4.4 Overall responsibility for the use of RIPA lies with the Director of Legal & Democratic Services who acts as the Senior Responsible Officer, maintains the Central Record of all authorisations obtained by the Council and maintains a programme of training to officers involved in authorisation or operations to ensure they have the necessary knowledge. The last training for Officers took place on 12th March 2-25.

4.5 The Council is subject to inspection by the Office of the Investigatory Powers Commissioner (IPCO). There has been no inspection since the last report to

the predecessor of this Panel, on 14th March 2024, the last IPCO inspection took place in 2023. It is anticipated that the IPCO will inspect RBG in 2025.

A review of the RIPA Policy has been completed and a copy of the revised Policy is produced as Appendix A. The main changes being in respect of communications data, extraction of data from electronic devices and use of Social Media resources. .

5. Consultation

5.1 No consultation is required and none has taken place There are no alternative options available.

6. Next Steps

6.1 The use of RIPA powers across the Council will continue to be monitored and regular training will continue to be provided to the relevant officers

7. Cross-Cutting Issues and Implications

Issue	Implications	Sign-off
Legal , including Human Rights Act	The report raises no legal issues.	Kamaljit Jandu, Senior Lawyer, Legal & Democratic Services, 25 th March 2025
Finance and other resources, including procurement	<p>The report requests the decision maker to note the use of powers under the Regulation of Investigatory Powers Act 2000 (“RIPA”) for the period November 2023 – January 2025.</p> <p>There are no direct financial or resource implications arising from this report.</p>	Joanne Stark Head of Accounting & Business Change 26/03/2025
Equalities	<i>The decisions recommended in this report have a remote or low relevance to the substance of the Equality Act or the Councils Equality Objectives 2020 – 2024. There is no apparent equality impact on end users.</i>	Kamaljit Jandu, Senior Lawyer, Legal Democratic Services, 25 th March 2025
Climate Change	<i>There are no climate change implications in connection with this report and none arising from the Greenwich Carbon Neutral Plan dated 18 November 2020</i>	Kamaljit Jandu, Senior Lawyer, Legal Democratic Services, 25 th March 2025
Community Engagement	<i>No community engagement has been undertaken and none is appropriate given that this report</i>	Kamaljit Jandu, Senior Lawyer, Legal Democratic

	<i>relates to the Council exercising its crime prevention functions.</i>	Services, 25 th March 2025
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Report Appendices:

Appendix A : Updated RIPA Policy

Background Papers:

IPCO letter dated 7th September 2023

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