



South Tyneside Council

RIPA Quarterly Report

This document has been classified as: **Official**
Gill Hayton, Deputy Monitoring Officer
Standards Committee – 6 July 2026

Report to Standards Committee

Cabinet Portfolio/Lead Member: Councillor Sybenga, Lead Member for Finance and Resources

Report of Lucy Keating, Director of Legal and Governance

Subject: RIPA Quarterly Report

Date: 6 July 2026

Wards affected: all

Council ambitions: Healthy and Well; Part of Strong Communities

Does the report and any appendices contain information which has been identified as confidential or exempt?

- No, this report does not contain information identified as confidential or exempt.

For Executive Decisions only:

Is the decision a Key Decision? No

Is it included in the Forward Plan? N/A

If not in the Forward Plan is the report:

Relevant Scrutiny Chair: N/A

Is the decision eligible for call-in by Scrutiny? No

Purpose of Report

- 1.1 This report updates Standards Committee on the Council's current use of RIPA and specifically the number and types of investigations the Council has undertaken using the powers under the Regulation of Investigatory Powers Act 2000 (the Act) during the last 3 months.
- 1.2 Oversight of the use of the powers is a requirement of the legislation and recommended good practice.
- 1.3 The report sets out the findings of a review of the Council's policy and handbook and any changes recommended to those documents.

Background Information

- 2.1 RIPA regulates the use of certain surveillance powers by public authorities, including:
 - Directed Surveillance (covert surveillance conducted as part of a specific investigation likely to result in obtaining private information about an individual),
 - Use of Covert Human Intelligence Sources (CHIS), and
 - Access to communications data (e.g. details of subscribers to telephone numbers or email accounts)
- 2.2 RIPA provides a statutory framework for public authorities to use covert investigatory techniques, such as surveillance, where necessary and proportionate, for the purpose of preventing or detecting crime within core regulatory function activities and only in respect of offences which are punishable by a custodial sentence of 6 months or more or where the offence is related to underage sale of alcohol and/or tobacco (known as the serious crime threshold). The information obtained from such operations can later be relied upon in court proceedings providing RIPA is complied with. The powers are more commonly used by Trading Standards and Licensing investigators, but the powers can also be used by other Council services if the offences being investigated meet the serious crime threshold.
- 2.3 The Council is a very rare user of these powers. However, it is important that it has sufficient oversight of its activities to ensure that any considered use is compliant with the subject's human rights.

Main issues and Options to be Considered

3.1 There are no extant authorisations under any of the surveillance powers provisions.

3.2 Use of Directed Surveillance Powers

During the last three months the Council has not authorised the use of the covert surveillance powers.

3.3 Use of Covert Human Intelligence Source Powers (CHIS)

During the last three months the Council has not authorised the use of the power to engage a CHIS.

3.4 Use of Powers to Acquire Communications Data

During the last three months the Council has not authorised the use of the powers to acquire communications data.

3.4 Non-RIPA Surveillance

It is prudent to also notify Committee of non-RIPA surveillance where the offences being investigated by the Council do not meet the serious crime threshold to require the application of the statutory RIPA regime.

During the last three months the Council has not authorised the use of non-RIPA covert surveillance.

Implications

Financial and Resources

4.1 There are no direct financial or resources implications arising out of this report. Although the Council is an infrequent user of surveillance powers, the IPCO requires the Council 's procedures to remain in a good state of readiness should these need to be implemented.

4.2 It should be noted that there can be financial penalties imposed on authorities if they are found to have acted in breach of the law.

- 4.3 The officer involvement required to comply with the statutory obligations are factored into service plans. Other resource implications are limited to the cost of periodic refresher training for officers in the use of surveillance powers.

Legal and Governance

- 5.1 The Regulation of Investigatory Powers Act 2000 (“RIPA”) enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained through surveillance operations can be relied upon in court proceedings providing RIPA is complied with. The Investigatory Powers Act 2016 (“IPA”) is the main legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with.
- 5.2 The Home Office Code for Covert Surveillance and Property Interference recommends that elected members, whilst not involved in making decisions or specific authorisations for the local authority to use its powers under the Act, should review the Council’s use of the legislation and provide approval to its policies. The Council adopted the approach in its Constitution for Standards Committee to carry out oversight of the authority’s use of surveillance powers, with quarterly reports to Committee and annual approval of policies and handbooks.
- 5.3 The recommendations in this report do not relate to a Key Decision and therefore prior notification on the Forward Plan is not necessary.
- 5.3 This report is not subject to call in procedures.
- 5.4 It is considered that information contained within this report does not contain exempt information under the meaning of Schedule 12A of the Local Government Act 1972, as amended, and therefore can be made public.

Risk

- 6.1 There are no significant risks arising from the proposed recommendations in this report. However, it is important that the Council continues to operate in accordance with RIPA to ensure that it can effectively manage its reputational risk whilst also exercising its legitimate evidence gathering powers in connection with enforcement activity that the Council is statutorily empowered to carry out.

- 6.2 Lack of proper and regular oversight of the use of the powers may lead to adverse findings in an inspection by the Investigatory Powers Commissioner.

Equality and Diversity and Community

- 7.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 7.2 The Council also has a duty to consider the impact of its decisions and actions on human rights. The law requires that this duty to pay due regard is demonstrated in the decision-making process and the report should contain a statement as to whether the recommendation has a particular impact on any of the above groups.
- 7.3 The content of this report does not directly impact on equality in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

Environmental and Sustainability

- 8.1 There are no direct environmental or sustainability implications arising from this report. Ensuring the appropriate use of surveillance powers, in taking action to tackle crime and disorder supports the Council's ambitions of Healthy and Well and Part of Strong Communities.
- 8.2 There are no impacts on climate change arising from this report.

Council Ambitions, Policies, Strategies and Plans

- 9.0 Monitoring compliance with RIPA supports the Council's approach to corporate governance and will help ensure the proper balance of maintaining order, appropriate enforcement of regulatory breaches, and prosecution of criminal offences, against the necessary protection of the rights of residents within South Tyneside.

Consultation and Engagement

10.1 There is no requirement to consult the public on this report.

Recommendations

11.1 The Standards Committee is recommended to note the content of the report and that the Council remains a very rare user of the statutory surveillance powers.

Reasons for Recommendations

12.1 The Council is required to have oversight of its use of the surveillance powers and this report ensures that the Council's use of the surveillance powers is subject to senior political review.

12.2 To help give transparency about the use of surveillance powers by the Council.

List of Appendices

None

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The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper	File Ref:	File Location