

	<p align="center">Audit and Standards Advisory Committee 24 March 2026</p>
	<p align="center">Report from the Corporate Director of Finance and Resources</p>
	<p align="center">Lead Member – Deputy Leader & Cabinet Member for Finance & Resources (Councillor Mili Patel)</p>
<p>Review of the Use of Regulation of Investigatory Powers Act 2000</p>	

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	<p>Marsha Henry Director Law 020 8937 1578 Marsha.Henry@brent.gov.uk</p> <p>Biancia Robinson, Senior Constitutional & Governance Lawyer 020 8937 1544 biancia.robinson@brent.gov.uk</p> <p>Tola Robson, Chief Lawyer Litigation and Licensing 020 8937 1455 omotolani.Robson@brent.gov.uk</p>

1. Purpose of the report/Executive Summary

- 1.1. This report explains the Council’s use and conducts of surveillance techniques in accordance with the Regulation of Investigatory Powers Act (RIPA) 2000;

and complies with its annual reviewing obligations as set out in Brent Council's RIPA policy and procedures.

2. Recommendations

That the Committee notes:

- 2.1. the contents of this report.
- 2.2 the changes to the RIPA policies to reflect the Council's organisational changes.

3. Detail

Background

- 3.1. The Regulation of Investigatory Powers Act 2000 (RIPA) gave the Council significant powers in order to investigate serious matters and offences. It enables the Council to use covert surveillance, covert human intelligence sources (CHIS) and the acquisition of service user or subscriber information in relation to communications data in a manner which is compatible with Article 8 of the European Convention on Human Rights (which governs an individual's right to respect for their private and family life). Before the Council may undertake covert surveillance, there are various criteria which must be met including approval of the application by a Magistrate.
- 3.2. Covert surveillance techniques include static surveillance (e.g. taking up an observer post to monitor the activities and movements of those suspected of having committed criminal offences); mobile surveillance (e.g. following someone to see where they are going without their knowledge) and using hidden CCTV at a crime hotspot. RIPA refers to these techniques as 'directed surveillance'. It also extends to the use of undercover officers and informants. RIPA refers to these as 'Covert Human Intelligence Sources' (more commonly referred to as CHISs).

Inspection

- 3.3. The Council is periodically inspected by Investigatory Powers Commissioner's Office (IPCO). Inspections focus on RIPA policies, procedures and practice. The last inspection was undertaken on 9 March 2020; when the Inspector was happy with his findings.
- 3.4 During 2023, IPCO reviewed the way in which Inspections / oversight of local authorities was conducted. They ceased undertaken routine inspections instead, requiring each local authority to provide a written update, in the first instance, on its compliance with the legislation. Responses were then assessed followed by a determination as to whether or not a remote, or in some cases, in-person inspection is required. This approach takes cognisance of the general decline in the use of covert powers by many local authorities. In July 2023 officers provided a written response addressing a range of matters identified by

the Inspector which included internal governance and oversight, policy refreshes; annual updates to Elected Members; ongoing training and awareness raising; internal compliance etc. In August 2024 the Inspector confirmed “I am satisfied that your reply provides your assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained. As such, your Council will not require further inspection this year.”

Changes to RIPA policy

- 3.5 The RIPA Policy and procedures were last revised in 2025 following organisational changes and appointment of the then new Chief Executive.
- 3.6 Substantive changes to the RIPA Policies and Procedures requires formal Cabinet approval. Minor amendments were made last year, following approval from the Committee, to reflect the Council’s organisational restructure, including the departure of the Corporate Director of Law & Governance and the appointment of the Director of Law as the Council’s Senior Responsible Officer (SRO)

Oversight

- 3.7 The Council’s use and conduct of covert surveillance techniques is overseen internally by the Council’s Monitoring Officer, who also acts as the Council’s Senior Responsible Officer (SRO) for the purposes of the Home Office Codes of Practice.
- 3.8 The Monitoring Officer reviews RIPA related topics such as internal training, social media, applications/authorisations and changes in addition to keeping the Council’s RIPA policy and procedures document under review and updates it as and when necessary. This ensures compliance with the most current legislation, statutory codes of practice, technical guidance and best practice. It is also necessary to keep the list of authorising officers up to date and for administrative, technical and presentational changes to be made from time to time to ensure the document acts as a helpful source of instruction and guidance to all officers of the Council. In addition, the SRO is responsible for:
 - a) the integrity of the process in place for the management of CHIS and directed surveillance.
 - b) compliance with the codes of practice.
 - c) engagement with the IPCO inspectors when they conduct their inspections.
 - d) oversight of the implementation of post-inspection action plans.
 - e) ensuring authorisation officers are of an appropriate standard (where a IPCO report highlights concerns about the standard of authorising officers, the SRO will be responsible for ensuring the concerns are addressed).
- 3.9 In February 2024, RIPA Refresher training was provided for all officers involved in the RIPA regime and identified in the RIPA Policy at Appendices 1-4. The training included a refresher of the legislation, recent guidance from the Investigatory Powers Commissioners Office and current thinking.

3.10 In accordance with paragraph 4.47 of the Covert Surveillance and Property Interference Code, Councillors have a formal scrutiny role in relation to RIPA and should regularly review the authority's use of RIPA. Accordingly, it was decided that this Committee should conduct a high-level annual review. Any significant policy changes recommended by the Committee arising from its review will be reported to Cabinet for decision.

Use of RIPA

3.11 Following the introduction of legislative changes in the RIPA regime, the number of RIPA authorisations declined within local authorities and this position has not changed. In more recent years, this combined with the shrinking size of the council investigative teams, and in part the improvements with investigative methods have meant there is less reliance on directed surveillance. In Brent, for the current financial year, there has been zero RIPA Directed Surveillance or CHIS authorisations. RIPA powers are now predominantly used to enforce trading standards controls and, in particular, to conduct test purchases of age restricted products such as alcohol. It is occasionally used in the context of serious fraud investigations.

3.12 Table 1 below sets out the directed surveillance authorisations over the last five years.

3.13 Table 2 shows the number of requests for communications Data pursuant to the Investigative Powers Act 2016 and their purpose. Powers are infrequently exercised but are used where needed by the council's Trading Standards, Financial Investigation or Fraud teams, typically for supporting evidence in serious criminal investigations. This year, 11 requests were made, although these all related to the same investigation.

Table 1

Year	Number of Authorisations
2025/2026	0
2024/2025	0
2023/2024	0
2022/2023	0
2021/2022	0
2020/2021	0
2019/2020	0

Table 2

Year	Number of Requests	Purpose
2017/18	6	Freedom pass fraud
2018/19	39	Doorstep crime and rogue trading investigation
2019/20	0	

2020/21	18.	Subletting of council housing
2021/22	0	
2022/23	2	Fraudulent subletting a council property Fraudulent use of blue badge concession.
2023/24	20	Fraudulent use of blue badge concession. Car trader investigation roofer investigation
2024/25	10	Housing succession investigation Rogue roofer investigation
2025/26	11	Financial investigation for confiscation proceedings regarding the alleged misuse of a domestic property as a commercial hotel.

4 Financial Considerations

4.1 There are no financial implications arising out of this report.

5 Legal Considerations

5.1 The legal considerations are contained within the body of the report.

6 Equity, Diversity & Inclusion Considerations

6.1 Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty.

6.2 The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.3 Due regard is the regard that is appropriate in all the circumstances.

6.4 There are no equalities implications arising from this report.

7 Additional Considerations

7.1 There are no

- a) Stakeholder and ward member consultation and engagement
- b) Climate Change and Environmental considerations
- c) Human Resources/Property considerations (if appropriate)

d) Communication considerations

Report sign off:

Minesh Patel

Corporate Director of Finance and Resources