The Highland Council

Agenda Item	**10**
Report No	**AC/27/26**

Committee: **Audit Committee**

Date: **11 November 2026**

Report Title: **Regulation of Investigatory Powers (Scotland) Act**

Report By: **Chief Officer - Legal and Corporate Governance**

1. Purpose/Executive Summary

1.1 This is a report to advise members on the Council's use of the powers within the Regulation of Investigatory Powers (Scotland) Act (RIPSA) since September 2025.

2. Recommendations

2.1 Members are asked to:

i. Note the Council continues to make appropriate use of the powers and that further reports will be forthcoming to future meetings.

3. Implications

3.1 Resource: There are no immediate resource implications arising directly from this report.

3.2 Legal: There are no direct legal implications arising from the report. The Council continues to follow the terms of its policies and procedures to ensure compliance with the Act.

3.3 Community (Equality, Poverty, Rural and Island): No implications are envisaged from this report.

3.4 Climate Change / Carbon Clever: No implications are envisaged from this report.

3.5 Risk: There are no immediate risks identified in the report. The actions to be agreed by the RIPSA Management Group and their ongoing supervision will ensure that the Council continues to comply with the legislation and guidance in dealing with covert surveillance.

3.6 Health and Safety (risks arising from changes to plant, equipment, process, or people): No implications are envisaged from this report.

3.7 Gaelic: No implications are envisaged from this report.

4. Impacts

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3 This is an update report and therefore an impact assessment is not required**.**

5. Background

5.1 On occasion Highland Council officials require to conduct covert surveillance, including the use of covert human intelligence sources, as part of their Council duties. Such activity would be for the purposes of detecting crime such as the sale of counterfeit goods or age restricted products. All such activity is regulated by and authorised through the Regulation of Investigatory Powers (Scotland) Act 2000.

5.2 The Council's use of these powers is subject to regular external scrutiny through independent inspection by the Investigatory Powers Commissioner's Office.

5.3 Recent inspection reports and the Covert Surveillance & Property Interference Code of Practice have recommended that the Council should report on the use of the powers contained in the 2000 Act to members on a regular basis. The purpose of such reporting is to ensure that the powers are being used consistently with the Council's policy and that the processes remain fit for purpose. Reports on the Council's use of RIPSA powers are submitted to this Committee every six months.

6. The Council's Use of RIPSA Powers

6.1 The Council has been described previously as a modest user of its RIPSA powers and various inspections have acknowledged the value of the policies and procedures that the Council has in place.

6.2 The purpose of this Report is to inform members upon the Council's use of its RIPSA powers in the period from 15 September 2025 to 30 September 2026.

6.3 In the period from September 2025 seven authorisations for directed surveillance were approved. One authorisation for use of a Covert Human Intelligence Source (CHIS) had previously been approved and this continues to be in place. The figures for the previous twelve month period were higher with thirteen authorisations for directed surveillance and one CHIS.

6.4 As in previous years all applications were made by the Council's Trading Standards Service. Typically, the officers will have been undertaking investigation into the

unlawful sale of age restricted products, the sale of suspected counterfeit goods or into the supply of illegal goods. A continuing area of concern and thus the focus of recent directed surveillance activity over the period had been the sale of vapes to young people.

7. RIPSA Management Group

7.1 The Council has a RIPSA Management Group in place drawn from senior officers from across a number of Council services. The value and benefit of such a group has been recognised in previous inspection reports. The Group meets quarterly and is responsible for progressing actions from previous inspection reports, reviewing procedures and promoting good practice.

8. Authorising Officers

8.1 The Act provides that in a limited number of situations authority for RIPSA activity may only be given by the Chief Executive. All other applications are considered and, if appropriate, approved by the Council's RIPSA Authorising Officers. Previous inspection reports have made clear recommendations that applications should not be approved by a manager responsible for the work of the applicant. As noted above all applications have come from the Trading Standards Service and application of this direction has meant that whilst the Trading Standards Manager is recognised as an Authorising Officer they have, to date, not been asked to consider any applications. For a period of approximately two years all applications were considered by the Strategic Lead for Audit and Risk. In the last year the Legal Manager- Litigation and Advice has been approved as an Authorising Officer and the Commercial and the Corporate Audit Manager was also approved recently. It is intended that the Strategic Lead – Legal and Regulatory Services undertake training in order to become an Authorising Officer.

Designation: Chief Officer Legal and Corporate Governance

Date: 5 October 2026

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