
REGULATION OF INVESTIGATORY POWERS

Responsible Cabinet Member - Councillor Stephen Harker
Efficiency and Resources Portfolio

Responsible Director - Paul Wildsmith
Director of Neighbourhood Services and Resources

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to inform and update Members about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in January 2017.

Summary

2. 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 as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with.
3. This report gives details of RIPA directed surveillance applications and communications data applications that have been authorised since the last report to Cabinet.

Recommendation

4. It is recommended that Members:-
 - (a) Note the developments that have taken place since January 2017.
 - (b) Receive further reports on the use of RIPA and associated issues.

Reasons

5. The recommendations are supported by the following reasons :-
 - (a) In order to ensure that the Council complies with the legal obligations under RIPA and national guidance.

- (b) To help in giving transparency about the use of RIPA in this Council.

Paul Wildsmith
Director of Neighbourhood Services and Resources

Background Papers

Investigatory Powers Act 2016

Amy Wennington : Extension 5466

S17 Crime and Disorder	The appropriate use of and oversight of RIPA powers will enable the Council to provide evidence to support appropriate prosecutions and tackle crime.
Health and Well Being	There are no specific implications for Health and Well Being
Carbon Impact	There are no issues which this report needs to address
Diversity	The policy treats all groups equally.
Wards Affected	All wards
Groups Affected	All groups equally
Budget and Policy Framework	This does not represent a change to the Council's budget and policy framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	The appropriate use of powers is a legislative requirement.
Efficiency	Clarity about the lawful use of RIPA will help in the efficient use of the powers.

MAIN REPORT

Information and Analysis

Investigatory Powers Act 2016

6. At the end of 2016 this Act received Royal Assent but the vast majority has not yet come into force and Codes of Practice in respect of the legislation have yet to be finalised.
7. This Act sets out the extent to which certain investigatory powers may be used to interfere with privacy. It imposes certain duties in relation to privacy and contains other protections for privacy. These other protections include offences and penalties in relation to the unlawful interception of communications, and the unlawful obtaining of communications data. It also abolishes and restricts various general powers to obtain communications data and restricts the circumstances in which equipment interference, and certain requests about the interception of

communications, can take place. Further updates will provided to Cabinet as and when the various provisions within this legislation do come into force.

Training - Update

8. Training sessions will be held during September and October 2017 for staff in service areas that use or may need to consider using RIPA. The training will delivered by the Principal Lawyer (Litigation).
9. In addition, all of the designated Authorising Officers and members of the Chief Officers Executive and Chief Officers Board will receive refresher RIPA training. This training will be delivered by the Assistant Director, Law and Governance.

Bi-Annual Report – Directed Surveillance

10. The last Cabinet Report on this topic in January 2017 made reference to there having been one authorisation granted in the preceding six months. This authorisation was to carry out surveillance in relation to an individual believed to be selling illicit or counterfeit cigarettes. Legal proceedings in relation to this matter were commenced and this has now resulted in a successful prosecution where the Defendant was fined by the Magistrates' Court and ordered to pay towards the Council's costs.
11. Since the January 2017 Cabinet Report there has been one further authorisation granted. This authorisation was to carry out surveillance in relation to a store believed to be selling illicit or counterfeit cigarettes and legal proceedings in relation to this matter will be considered in due course once all the evidence has been collated.

Communications Data - Update

12. There have been no authorisations granted since the last Cabinet Report.