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**REGULATION OF INVESTIGATORY POWERS**

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**Responsible Cabinet Member - Councillor Stephen Harker**  
**Efficiency and Resources Portfolio**

**Responsible Director - Paul Wildsmith**  
**Director of Neighbourhood Services and Resources**

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**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 July 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 July 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  
Regulation of Investigatory Powers Act 2000: Draft Codes of Practice

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.
Impact on Looked After Children and Care Leavers	The report does not impact on Looked After Children or Care Leavers

**MAIN REPORT**

**Information and Analysis**

**Investigatory Powers Act 2016**

6. On 1 September 2017, The Office of Surveillance Commissioners, The Intelligence Services Commissioner's Office and The Interception of Communications Commissioner's Office were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.

7. IPCO inspections will be rigorous and robust. Inspectors will be able to access systems, all supporting documentation, interview staff and bring potential issues to the attention of Commissioners. IPCO will inspect hundreds of public authorities each year, including the intelligence agencies, law enforcement agencies, local authorities and prisons.

### **Public Consultation on RIPA Codes of Practice**

8. On 16 November 2017, the Government launched a public consultation on three revised codes of practice issued under RIPA: the covert surveillance and property interference code, the covert human intelligence sources code, and the Protection of Electronic Equipment code. The overall impact of the changes to the codes will be to strengthen the safeguards provided by the codes and make clearer the guidance for practitioners.
9. Enhanced safeguards have been introduced where activity may lead to the acquisition of material subject to legal privilege or confidential information. Clearer guidance is included on how to apply the surveillance and CHIS authorisation framework to investigations conducted by means of the internet.

### **Training - Update**

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

### **Bi-Annual Report – Directed Surveillance**

12. The last Cabinet Report on this topic in July 2017 made reference to there having been one application for authorisation in the preceding six months, which was applied for by Trading Standards and was subsequently granted. The authorisation has now been cancelled.
13. Since the July 2017 Cabinet Report there have been no further authorisations granted.

### **Communications Data - Update**

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