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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  
Managing Director**

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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 January 2018.

**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.
4. As a result of recent changes to the Council's senior management, the RIPA Policy has been reviewed and where necessary amended or updated. A copy of this document is attached at **Appendix 1**.

**Recommendation**

5. It is recommended that Members:-
  - (a) Note the developments that have taken place since January 2018.
  - (b) Approve the RIPA Policy attached at Appendix 1.
  - (c) Receive further reports on the use of RIPA and associated issues.

## Reasons

6. 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 update the RIPA policy and procedures to reflect the new management structure.
  - (c) To help in giving transparency about the use of RIPA in this Council.

**Paul Wildsmith**  
**Managing Director**

## Background Papers

Home Office Code of Practice for Covert Surveillance and Property Interference

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

#### Public Consultation on RIPA Codes of Practice

7. In the last Cabinet Report reference was made to the fact that a public consultation had been launched in relation to 3 new draft Codes of Practice: the Covert Surveillance and Property Interference Code, the Covert Human Intelligence Sources Code, and the Protection of Electronic Equipment Code. That consultation has since closed but the new codes are yet to be published. The Government is currently still considering the responses it received. Once the new codes are published, Cabinet will be updated accordingly.

#### Roles and responsibilities

8. The current version of the RIPA Policy was approved by Cabinet on 10 January 2017. It included details of four officers who were designated as Authorising Officers for RIPA applications. These four officers were:
  - (a) The Assistant Director Community Services;
  - (b) The Assistant Director Regulatory Services;
  - (c) The Assistant Director Housing and Building Services; and
  - (d) The Director of Neighbourhood Services and Resources
9. As the job titles of both Director of Neighbourhood Services and Resources and Chief Executive have ceased to exist, the Policy has been updated to reflect the new role of Managing Director. All references to the Chief Executive and all references to the Director of Neighbourhood Services and Resources within the Policy have therefore been amended to read Managing Director.
10. The Assistant Director Regulatory Services is a role that no longer exists in the management structure. This Authorising Officer has therefore been deleted from the list. There are therefore only three Authorising Officers now listed in the Policy, namely:
  - (a) The Assistant Director Community Services;
  - (b) The Assistant Director Housing and Building Services; and
  - (c) The Managing Director
11. Due to the low levels of applications for authorisations in recent times, as can be noted below, it is not foreseen that the small number of Authorising Officers now listed in the Policy will cause an issue.

#### Bi-Annual Report – Directed Surveillance

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

## **Communications Data - Update**

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