



**CORPORATE POLICY AND PROCEDURES DOCUMENT  
ON THE  
REGULATION OF INVESTIGATORY POWERS ACT 2000  
(RIPA)**

**Version 1**

**Effective date: 24th February 2007**

**Dennis A. Hall, LL.B., LL.M., LARTPI**  
**Solicitor to the Council and**  
**Monitoring Officer**  
Sedgefield Borough Council  
Council Offices  
Spennymoor  
Co. Durham.  
DL16 6JQ

Telephone: 01388 816166, Ext. 4268  
E-mail: [dahall@sedgefield.gov.uk](mailto:dahall@sedgefield.gov.uk)

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## INTRODUCTION

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1. This Corporate Policy & Procedures Document is based upon the requirements of The Regulation of Investigatory Powers Act 2000 ('RIPA') and the Home Office's Code of Practices on Covert Surveillance and Covert Human Intelligence Sources (covert surveillance would be used only rarely and in exceptional circumstances).
2. The authoritative position on RIPA is, of course, the Act itself and any Officer who is unsure about any aspect of this Document should contact, at the earliest possible opportunity, the Solicitor to the Council for advice and assistance. Appropriate training and development will be organised and training will be given to relevant Authorised Officers and other senior managers.
3. The Solicitor to the Council will maintain and check the Corporate Register of all RIPA authorisations, reviews, renewals, cancellations and rejections. It is the responsibility of the relevant Authorised Officer, however, to ensure the Solicitor to the Council receives a copy of the relevant Forms within 1 week of authorisation, review, renewal, cancellation or rejection.
4. RIPA and this Document are important for the effective and efficient operation of the Borough Council's actions with regard to covert surveillance and Covert Human Intelligence Sources. This Document will, therefore, be kept under annual review by the Solicitor to the Council. Authorised Officers must bring any suggestions for continuous improvement of this Document to the attention of the Solicitor to the Council at the earliest possible opportunity.
5. In terms of monitoring e-mails and internet usage, it is important to recognise the important interplay and overlaps with the Borough Council's e-mail and internet policies and guidance, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Data Protection Act 1998 and its draft Code of Practice. RIPA forms should be used where **relevant** and they will be only **relevant** where the **criteria** listed on the Forms are fully met.
6. If you are in any doubt on RIPA, this Document or the related legislative provisions, please consult the Solicitor to the Council, at the earliest possible opportunity.
7. The Solicitor to the Council will issue regular updates to supplement and replace parts of this Policy. This and updated versions will be published on the Intranet for member/officer access on a confidential basis

Dennis Hall  
2006

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## B. POLICY STATEMENT

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1. This Council takes seriously its statutory responsibilities and will, at all times, act in accordance with the law and take necessary and proportionate action in these types of matters. In that regard, the Solicitor to the Council, is duly authorised by the Council to keep this Document up to date and to amend, delete, add or substitute relevant provisions, as necessary. For administration and operational effectiveness, the Solicitor to the Council is also authorised to add or substitute Officers authorised for the purpose of RIPA.
2. The Council's Cabinet on 14<sup>th</sup> December 2006, resolved as follows:
  - (a) that all covert surveillance exercises conducted by the Council should comply with the requirements of RIPA;
  - (b) that only the Chief Executive shall be permitted to authorise a covert surveillance exercise under Section 29 of the Act, involving use of covert human intelligence sources (CHIS) or any staff investigations, in consultation with the Solicitor to the Council; and
  - (c) that this Report be referred to all officers conducting enforcement functions which may carry out covert surveillance.
  - (d) That the Policy be available on the Council intranet
3. There have now been two external reviews and further reports to the Cabinet Committee will be made at least annually.
4. This Document was circulated during the Autumn of 2006 to the OSC, relevant Chief Officers and other Senior Managers, in draft format. The Council's Cabinet resolved as follows:-
  - (i) approve the attached Draft 'Corporate & Policy Procedure Document on RIPA'; and
  - (ii) authorise the Solicitor to the Council to do all that is necessary to conclude the matter with the OSC subject to any further inspection, establish the necessary corporate procedures and ensure all departments implement and comply with the Corporate Policy & Procedures Document .
  - (iii) authorise the Solicitor to the Council to oversee training arrangements on RIPA, to suspend authorisation of officers where training is required; to generally keep this Policy up to date and be responsible for annual policy review and a quarterly review of the Central Register of Authorisations.



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## C. EFFECTIVE DATE OF OPERATION AND AUTHORISED OFFICER RESPONSIBILITIES

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1. It is essential that Chief Officers and Authorised Officers in their Departments take personal responsibility for the effective and efficient operation of this Document.
2. The Solicitor to the Council has and will ensure that sufficient numbers of Authorised Officers from each Department are, after suitable training on RIPA and this Document, duly certified to take action under this Document.
3. It will be the responsibility of Authorised Officers who have been duly certified to ensure their relevant members of staff are also suitably trained as 'Applicants' so as to avoid common mistakes appearing on Forms for RIPA authorisations.
4. Authorised Officers will also ensure that staff who report to them follow this Corporate Policy & Procedures Document and do not undertake or carry out any form of covert surveillance without first obtaining the relevant authorisations in compliance with this Document.
5. Authorised Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances, should an Authorised Officer approve any RIPA form unless, and until s/he is satisfied the health and safety of Council employees/agents are suitably addressed and/or risks minimised, so far as is possible, and proportionate to/with the surveillance being proposed. If an Authorised Officer is in any doubt, s/he should obtain prior guidance on the same from his/her Chief Officer, the Council's Health & Safety Officer and/or the Solicitor to the Council.
6. Authorised Officers must also ensure that, when sending copies of any forms to the Solicitor to the Council (or any other relevant authority), the same are sent in **sealed** envelopes and marked '**Strictly Private & Confidential**'.
7. The effective date of operation is 24th February 2007 (Cabinet approval 14th December 2006).

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## D. GENERAL INFORMATION ON RIPA

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1. The Human Rights Act 1998 (which brought much of the European Convention on Human Rights and Fundamental Freedoms 1950 into UK domestic law) requires the Council, and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of citizens, his home and his correspondence.
2. The European Convention did not, however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances, the Council may interfere in the citizen's right mentioned above, if such interference is:-
  - (a) in accordance with the law;
  - (b) necessary; and
  - (c) proportionate.
3. The Regulation of Investigatory Powers Act 2000 ('RIPA') provides a statutory mechanism (i.e. 'in accordance with the law') for authorising **covert surveillance** and the use of a '**covert human intelligence source**' ('**CHIS**') – e.g. undercover agents. It now also permits Public Authorities to now compel telecommunications and postal companies to obtain and release communications data to themselves, in certain circumstances. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, the RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.
4. Directly employed Council staff and external agencies working for the Council are covered by the Act for the time they are working for the Council. All external agencies must, therefore, comply with RIPA and the work carried out by agencies on the Council's behalf must be properly authorised by one of the Council's designated Authorised Officers. Authorised Officers are those whose posts appear in **Appendix 1** to this Document and, duly added to or substituted by the Solicitor to the Council.
5. If the correct procedures are not followed, evidence may be disallowed by the courts, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. Such action would not, of course, promote the good reputation of the Council and will, undoubtedly, be the subject of adverse press and media interest. It is essential, therefore, that all involved with RIPA comply with this Document and any further guidance that may be issued, from time to time, by the Solicitor to the Council.
6. A flowchart of the procedures to be followed appears at **Appendix 2**.

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## **E. WHAT RIPA DOES AND DOES NOT DO**

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1. **RIPA does:**

- require prior authorisation of directed surveillance.
- prohibit the Council from carrying out intrusive surveillance.
- compels disclosure of communications data from telecom and postal companies.
- require authorisation of the conduct and use of a CHIS.
- require safeguards for the conduct and use of a CHIS.
- permit the Council to obtain Communications records from Communications Companies.

2. **RIPA does not:**

- make unlawful conduct which is otherwise lawful.
- prejudice or dis-apply any existing powers available to the Council to obtain information by any means not involving conduct that may be authorised under this Act. For example, it does not affect the Council's current powers to obtain information via the DVLA or to get information from the Land Registry as to the ownership of a property.

3. If the Authorised Officer or any Applicant is in any doubt, s/he should ask the Solicitor to the Council BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled or rejected.



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## F. TYPES OF SURVEILLANCE

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1. **‘Surveillance’** includes

- monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications.
- recording anything mentioned above in the course of authorised surveillance.
- surveillance, by or with, the assistance of appropriate surveillance device(s).

**Surveillance can be overt or covert.**

2. **Overt Surveillance**

Most of the surveillance carried out by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases, Officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about Council business openly (e.g. a market inspector walking through markets).

3. Similarly, surveillance will be overt if the subject has been told it will happen (e.g. where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or identifying themselves to the owner/proprietor to check that the conditions are being met).

4. **Covert Surveillance**

Covert Surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. (Section 26(9)(a) of RIPA).

5. RIPA regulates two types of covert surveillance, (Directed Surveillance and Intrusive Surveillance) and the use of Covert Human Intelligence Sources (CHIS).

6. **Directed Surveillance**

Directed Surveillance is surveillance which:-

- is covert; and
- is not intrusive surveillance (see definition below – the Council must not carry out any intrusive surveillance);
- is not carried out in an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable, e.g. spotting something suspicious and continuing to observe it; and

- is undertaken for the purpose of a **specific investigation** or operation in a manner **likely to obtain private information** about an individual (whether or not that person is specifically targeted for purposes of an investigation). (*Section 26(10) of RIPA*).
  - is for the prevention or detection of crime or prevention of disorder.
7. **Private information** in relation to a person, includes any information relating to his private and family life, his home and his correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact, or associates, with. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others.
8. Similarly, although overt town centre CCTV cameras do not normally require authorisation, if the camera(s) are to be directed for a specific purpose to observe particular individual(s)/events, authorisation will be required.
9. **For the avoidance of doubt, only those Officers designated to be ‘Authorised Officers’ for the purpose of RIPA can authorise ‘Directed Surveillance’ IF, AND ONLY IF, the RIPA authorisation procedures detailed in this Document are followed. For further information about authorised officers, please see Appendix 1.**
10. **Intrusive Surveillance**
- This is when it:-
- is covert;
  - relates to residential premises and private vehicles; and
  - involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.
11. **This form of surveillance can be carried out only by police and other law enforcement agencies. Council Officers must not carry out intrusive surveillance.**

12. **Examples of different types of Surveillance**

<b>Type of Surveillance</b>	<b>Examples</b>
<u>Overt</u>	<ul style="list-style-type: none"> <li>- Police Officer or Parks Warden on patrol</li> <li>- Signposted Town Centre CCTV cameras (in normal use)</li> <li>- Recording noise coming from outside the premises after the occupier has been warned that this will occur if the noise persists.</li> <li>- Most test purchases (where the officer behaves no differently from a normal member of the public).</li> </ul>
<u>Covert</u> but not requiring prior authorisation	<ul style="list-style-type: none"> <li>- CCTV cameras providing general traffic, crime or public safety information.</li> </ul>
<u>Directed</u> must be RIPA authorised.	<ul style="list-style-type: none"> <li>- Officers follow an individual or individuals over a period, to establish whether s/he is working when claiming benefit or off long term sick from employment.</li> <li>- Test purchases where the officer has a hidden camera or other recording device to record information which might include information about the private life of a shop-owner, e.g. where s/he is suspected of running his business in an unlawful manner.</li> </ul>
<u>Intrusive</u> – <b><u>Council cannot do this!</u></b>	<ul style="list-style-type: none"> <li>- Planting a listening or other device (bug) in a person’s home or in their private vehicle.</li> </ul>

**Further information**

13. Further guidance on Directed Surveillance can be found in the Home Office’s Statutory Code of Practice on surveillance, a copy of which can be found at:

<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/covert-cop?view=Binary>

The Code of Practice will need to be referred to throughout the process but specifically when completing Form A1.

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## **G. CONDUCT AND USE OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS)**

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### **Who is a CHIS?**

1. Someone who establishes or maintains a personal or other relationship for the covert purpose of helping the covert use of the relationship to obtain information.
2. RIPA does not apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or to contact numbers set up to receive information.

### **What must be authorised?**

3. The Conduct or Use of a CHIS require prior authorisation.
  - **Conduct** of a CHIS = Establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining and passing on information.
  - **Use** of a CHIS = Actions inducing, asking or assisting a person to act as a CHIS and the decision to use a CHIS in the first place.
4. **The Council can use CHIS's IF, AND ONLY IF THE RIPA procedures, as detailed in this Document, are followed. Authorisation for CHIS's can only be granted if it is for the purposes of "preventing or detecting crime or of preventing disorder".**

### **Juvenile Sources**

5. Special safeguards apply to the use or conduct of juvenile sources (i.e. under 18 year olds). On no occasion can a child under 16 years of age be authorised to give information against his or her parents.

### **Vulnerable Individuals**

6. A Vulnerable Individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation.
7. A Vulnerable Individual will only be authorised to act as a source in the most exceptional of circumstances.

### **Test Purchases**

8. Carrying out test purchases will not (as highlighted above) require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter).

9. By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product (e.g. illegally imported products) will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop will require authorisation as directed surveillance. A combined authorisation can be given for a CHIS and also directed surveillance.

**Anti-social behaviour activities (e.g. noise, violence, race etc)**

10. Persons who complain about anti-social behaviour, and are asked to keep a diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information and, therefore, does not require authorisation.
11. Recording sound (with a DAT recorder) on private premises could constitute intrusive surveillance, unless it is done overtly. For example, it will be possible to record if the noisemaker is warned that this will occur if the level of noise continues. Placing a stationary or mobile video camera outside a building to record anti social behaviour on residential estates will require prior authorisation.

**Further information**

12. Further guidance on CHIS can be found in the Home Office's Statutory Code of Practice on surveillance, a copy of which can be found at:

<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/human-cop?view=Binary>

The Code of Practice will need to be referred to throughout the process, but specifically when completing Form B1.

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## **H. ACQUISITION OF COMMUNICATIONS DATA**

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### **What is Communications Data?**

1. Communication data means any traffic or any information that is or has been sent by over a telecommunications system or postal system, together with information about the use of the system made by any person.

### **Procedure**

2. Sedgefield Borough Council has an agreement with Singlepoint to process applications for communications data. Singlepoint acts as a 'Clearing House' which co-ordinates the passing of requests to communications service providers and passing the data back to the local authority.
3. Further information on the acquisition of communications data can be found in Singlepoint's Customer Procedures, a copy of which can be accessed by double clicking on the icon which appears below on the intranet version of this document:

CustomerProcess.pdf

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4. If a request for communications data is required then contact the Solicitor to the Council for further guidance. Extensions of authorisations or any procedure to be followed in acquiring/authorising the acquisition of Communications data should be raised with the Solicitor to the Council who will determine the procedure to be followed in compliance with both the Act and Singlepoint.

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## **I. AUTHORISATION PROCEDURES**

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1. Directed surveillance and the use of a CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation. **Appendix 2** provides a flow chart of process from application consideration to recording of information.

### **Authorised Officers**

2. Forms can only be signed by Authorised Officers who hold a Certificate from the Solicitor to the Council. Authorised posts are listed in **Appendix 1**. This Appendix will be kept up to date by the Solicitor to the Council, and added to as needs require. If a Chief Officer wishes to add, delete or substitute a post, s/he must refer such request to the Solicitor to the Council for consideration, as necessary.
3. All RIPA authorisations, are for specific investigations only, and must be renewed or cancelled once the specific surveillance is complete or about to expire. **The authorisations do not lapse with time!**

### **Training Records and the need for Training**

4. Proper training will be given, or approved by the Solicitor to the Council before Authorised Officers are certified to sign any RIPA Forms. A certificate of training will be provided to the individual and a Central Register of all those individuals who have undergone training or a one-to-one meeting with the Solicitor to the Council on such matters will be kept by the Solicitor to the Council.
5. If the Solicitor to the Council feels that an Authorised Officer has not complied fully with the requirements of this Document, or the training provided to him, the Solicitor to the Council is duly authorised to retract that Officer's certificate and authorisation until s/he has undertaken further approved training or a one-to-one meeting with the Solicitor to the Council.

### **Application Forms**

6. Only the approved RIPA forms set out in this Document must be used. Any other forms used, will be rejected by the Authorised Officer and/or the Solicitor to the Council. This Document will be supplemented with regular updating material which may supersede these materials. The updates should be read in conjunction with this Document.
7. **'A Forms' (Directed Surveillance) – See Appendix 3**

Form A 1	<b>Application</b> for Authority for Directed Surveillance
Form A 2	<b>Renewal</b> of Directed Surveillance Authority
Form A 3	<b>Review</b> of Directed Surveillance Authority
Form A 4	<b>Cancellation</b> of Directed Surveillance

8. **'B Forms' (CHIS) – See Appendix 4**

Form B 1	<b>Application</b> for Authority for Conduct and Use of a CHIS
Form B 2	<b>Renewal</b> of Conduct and Use of a CHIS
Form B 3	<b>Review</b> of Conduct and Use of a CHIS
Form B 4	<b>Cancellation</b> of Conduct and Use of a CHIS

**Grounds for Authorisation**

9. Directed Surveillance (A Forms); the Conduct and Use of the CHIS (B Forms) can be authorised by the Council only on the grounds of preventing or detecting crime or preventing disorder. **No other grounds are available to local authorities.**

**Assessing the Application Form**

10. Before an Authorised Officer signs a Form, **s/he must:-**

- (a) Be mindful of this Corporate Policy & Procedures Document, the Training provided by the Solicitor to the Council and any other guidance issued, from time to time, by the Solicitor to the Council on such matters;
- (b) Satisfy his/herself that the RIPA authorisation is:-
  - (i) **in accordance with the law;**
  - (ii) **necessary** in the circumstances of the particular case (or that the information cannot reasonably be obtained by overt means) on one of the grounds mentioned in paragraph 9 above; **and**
  - (iii) **proportionate** to what it seeks to achieve,
- (c) In assessing whether or not the proposed surveillance is proportionate, consider whether there are any other non-intrusive methods, and if there are none, whether the proposed surveillance is no more than necessary to achieve the objective, as the **least intrusive method will be considered proportionate by the courts.**
- (d) Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (**Collateral Intrusion**). Measures must be taken wherever practicable to avoid or minimise (so far as is possible) collateral intrusion and the matter may be an aspect of determining proportionality;
- (e) Set a date for review of the authorisation and review on that date;
- (f) In consultation with the Solicitor to the Council (after making a request to him) allocate a Unique Reference Number (URN) for the application as follows:-

Year / Department / Number of Application



- (g) Ensure that any RIPA Departmental Register is duly completed, and that a copy of the RIPA Forms (and any review/cancellation of the same) is forwarded to the Solicitor to the Council's Central Register, **within 1 week of the relevant authorisation, review, renewal, cancellation or rejection**. In the case of notices compelling disclosure of communications data, a copy of the notice must be attached to the authorisation form.

### **Additional Safeguards when Authorising a CHIS**

- 11. When authorising the conduct or use of a CHIS, the Authorised Officer **must also**:-
  - (a) be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved;
  - (b) be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS and this must address health and safety issues through a risk assessment;
  - (c) consider the likely degree of intrusion of all those potentially affected;
  - (d) consider any adverse impact on community confidence that may result from the use or conduct or the information obtained; and
  - (e) ensure **records** contain particulars set out in SI 2000/2725 and are not available except on a need to know basis.

### **Urgent Authorisations**

- 12. Urgent authorisations should not be necessary. In exceptional circumstances, however, urgent authorisations may be given orally if the time that would elapse before a written authorisation can be granted would be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given.
- 13. It will not be urgent where the need for authorisation has been neglected or is of the Officer's own making.
- 14. Urgent authorisations last for no more than 72 hours. They must be recorded in writing on the standard form as soon as practicable and the extra boxes on the form completed to explain why the authorisation was urgent.

### **Duration**

- 15. The Form **must be reviewed in the time stated and cancelled** once it is no longer needed. The 'authorisation' to carry out/conduct the surveillance lasts for a maximum of 3 months (from authorisation) for Directed Surveillance, and 12 months (from authorisation) for a CHIS. However, whether the surveillance is carried out/conducted or not, in the relevant period, does not mean the 'authorisation' is 'spent'. In other words, **the Forms do not expire!** The forms have to be reviewed and/or cancelled (once they are no longer required)!

16. Urgent oral authorisation, if not already ratified in a written authorisation, will cease to have effect after 72 hours, beginning with the time when the authorisation was granted.
17. Authorisations can be renewed in writing when the maximum period has expired. The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date, and any collateral intrusion that has occurred.
18. The renewal will begin on the day when the authorisation would have expired. In exceptional circumstances, renewals may be granted orally in urgent cases and last for a period of seventy-two hours.

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## J. WORKING WITH/THROUGH OTHER AGENCIES

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1. When some other agency has been instructed on behalf of the Council to undertake any action under RIPA, this Document and the Forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.
2. When some other agency (e.g. Police, Department of Works and Pensions, Customs & Excise, HM Revenues and Customs, etc):-
  - (a) wish to use the Council's resources (e.g. CCTV surveillance systems), that agency must use its own RIPA procedures and, before any Officer agrees to allow the Council's resources to be used for the other agency's purposes, s/he must obtain a copy of that agency's RIPA form for the record (a copy of which must be passed to the Solicitor to the Council for the Central Register) or relevant extracts from the same which are sufficient for the purposes of protecting the Council and the use of its resources;
  - (b) wish to use the Council's premises for their own RIPA action, and is expressly seeking assistance from the Council, the Officer should, normally, co-operate with the same, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. Suitable insurance or other appropriate indemnities may be sought, if necessary, from the other agency for the Council's co-operation in the agent's RIPA operation. In such cases, however, the Council's own RIPA forms should not be used as the Council is only 'assisting' not being 'involved' in the RIPA activity of the external agency.
3. In terms of 2(a), if the Police or other Agency wish to use Council resources for general surveillance, as opposed to specific RIPA operations, an appropriate letter requesting the proposed use, extent of remit, duration, who will be undertaking the general surveillance and the purpose of it must be obtained from the Police or other Agency before any Council resources are made available for the proposed use.
4. **If in doubt, please consult with the Solicitor to the Council at the earliest opportunity.**

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## **K. RECORD MANAGEMENT**

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1. **The Council must keep a detailed record of all authorisations, renewals, cancellations and rejections in Departments and a Central Register of all Authorisation Forms will be maintained and monitored by the Solicitor to the Council.**

2. **Records maintained in the Department**

The following documents must be retained by the relevant Chief Officer for such purposes.

- a copy of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer;
  - a record of the period over which the surveillance has taken place;
  - the frequency of reviews prescribed by the Authorised Officer;
  - a record of the result of each review of the authorisation;
  - a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
  - the date and time when any instruction was given by the Authorised Officer;
  - the Unique Reference Number for the authorisation (URN).
3. Each form will have a URN. The Solicitor to the Council will issue the relevant URN to Applicants on request. The cross-referencing of each URN takes place within the Forms for audit purposes. Rejected Forms will also have URN's.

### **Central and Training Registers maintained by the Solicitor to the Council**

4. Authorised Officers must forward details of each Form to the Solicitor to the Council for the Central Register, within 1 week of the authorisation, review, renewal, cancellation or rejection. The Solicitor to the Council will monitor the same and give appropriate guidance, from time to time, or amend this Document, as necessary.
5. The Council will retain records for a period of at least three years from the ending of the authorisation. The Office of the Surveillance Commissioners (OSC) can audit/review the Council's policies and procedures, and individual authorisations.
6. The Solicitor to the Council shall maintain a register of training undertaken by all relevant personnel.

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## L. CONCLUDING REMARKS

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1. Where there is an interference with the right to respect for private life and family guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority for the interference, or if it is held not to be necessary or proportionate to the circumstances, the consequences of not obtaining or following the correct authorisation procedure set out in RIPA and this Document, may be that the action (and the evidence obtained) will be held to be unlawful by the Courts pursuant to Section 6 of the Human Rights Act 1998.
2. Obtaining an authorisation under RIPA and following this Document, will ensure, therefore, that the action is carried out in accordance with the law and subject to stringent safeguards against abuse of anyone's human rights.
3. Authorised Officers will be suitably trained and they must exercise their minds every time they are asked to sign a Form. They must never sign or rubber stamp Form(s) without thinking about their personal and Council's responsibilities.
4. Any boxes not needed on the Form(s) must be clearly marked as being 'NOT APPLICABLE', 'N/A' or a line put through the same. Great care must also be taken to ensure accurate information is used and is inserted in the correct boxes. Reasons for any refusal of an application must also be kept on the form and the form retained for future audits.
5. For further advice and assistance on RIPA, please contact the Solicitor to the Council (who is also the Monitoring Officer). Details are provided on the front of this Document.

Dennis Hall  
2006

## **Background Papers**

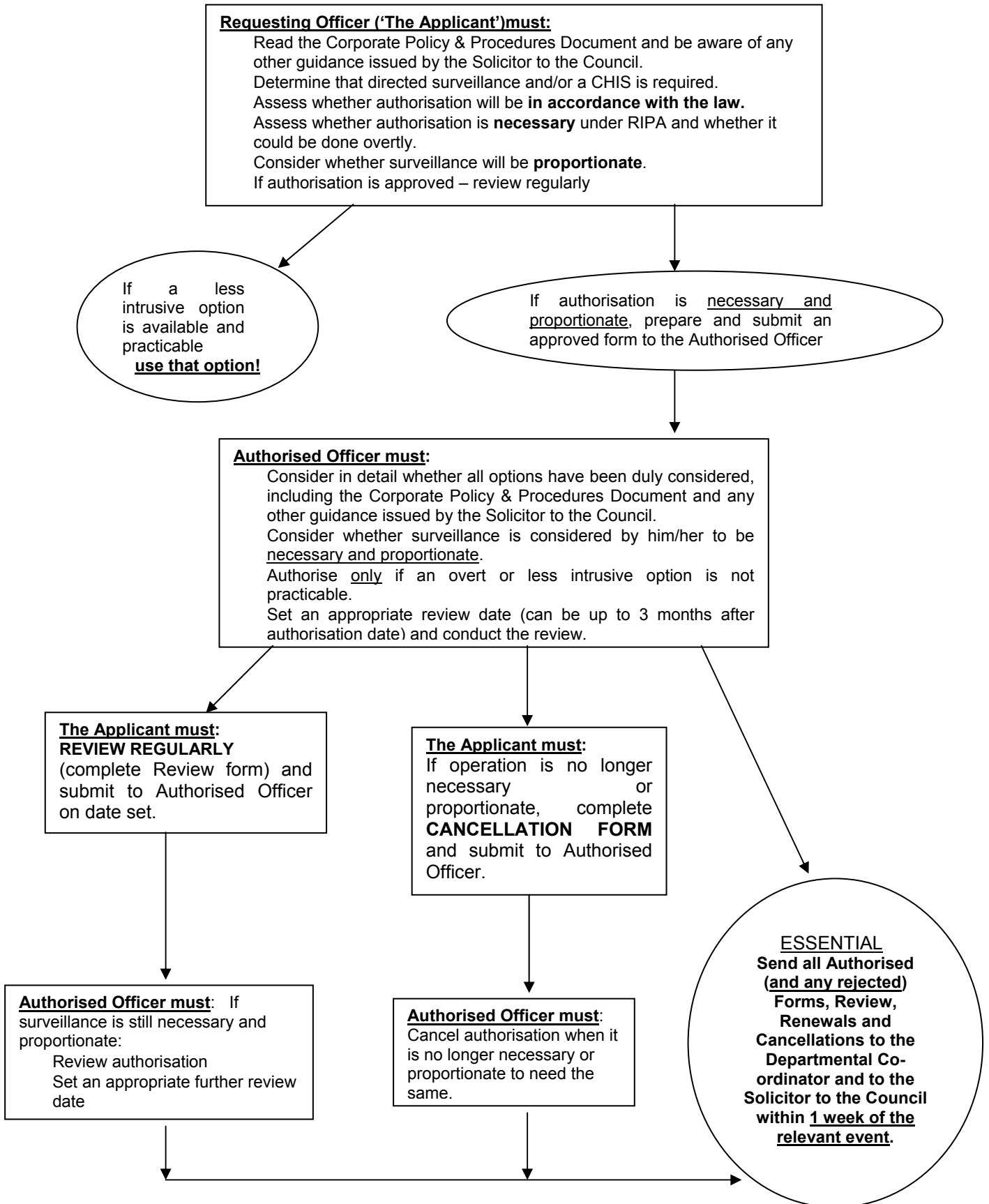
Report to Cabinet – RIPA 2000 – 20th June 2002  
Report to Council – RIPA 2000 – Amendments to the Constitution – 26th June 2002  
Report to Council – RIPA 2000 – 20th December 2002  
Report to Council – Review of Delegations – RIPA 2000 – 7th November 2003  
Report to Cabinet – Office of Surveillance Commissioners Report – 3rd June 2004  
Report to Cabinet – RIPA 2000 – 25th November 2004  
Regulation of Investigatory Powers Act 2000  
Acquisition and Disclosure of Communications Data: Revised Draft Code of Practice  
MO/SBC12 – RIPA 2000 – Inspection by the OSC  
MO/SBC13 – Increasing Awareness of the RIPA 2000  
MO/SBC14 – RIPA 2000 – Increasing Awareness  
MO/SBC16 – Monitoring of Employees’ Communications in the Workplace – the effect of  
Data Protection Act, the RIPA and related legislation  
MO/SBC19 – Use of Authorisation Checklist  
MO/SBC24 – OSC Report and Update  
MO/SBC27 – Report on RIPA 2000 to Cabinet – 3rd June 2004  
MO/SBC34 – Review of Guidance: Questions and Answers for Local Authorities: OSC –  
Advice and Guidance – RIPA Q&A for Local Authorities  
MO/SBC35 – Covert Human Intelligence Code of Practice – Re-Issue  
MO/SBC36 – Re-Issue: RIPA Forms for Practitioners  
MO/SBC37 – RIPA: Singlepoint Guidance  
MO/SBC38 – RIPA Update New Regulations  
MO/SBC39 – Home Office Guide CCTV  
Draft Code of Practice Part I Chapter II (Home Office)  
Lord Colville’s Report : 22nd June 2006 : Restricted – not for publication.  
Report to Cabinet : RIPA 2000: Update/Review – 5th October 2006

## APPENDIX 1

List of Authorised Officer Posts

	Regulation of Investigatory Powers Act 2000	
CE51 (formerly CE74)	<p>Authority to grant authorisations under Section 28 (Authorisation and Directed Surveillance) that the Solicitor to the Council only shall have authority to appoint designated persons for the purposes of Section 22 of the Act.</p> <p>That only the Chief Executive, in consultation with the Solicitor to the Council, shall have power to authorise covert surveillance exercises under Section 29 of the Act, involving a CHIS or any exercises involving staff investigations.</p>	<p>Solicitor to the Council</p> <ul style="list-style-type: none"> <li>*Director of Neighbourhood Services.</li> <li>*Director of Resources.</li> <li>*Head of Financial Services.</li> <li>*Director of Housing.</li> <li>*Head of Housing Management</li> <li>*Head of Environmental Services</li> <li>*Public Health Services Manager</li> <li><i>*Specifically linked to those duties and functions for which they are responsible.</i></li> </ul>
CE52 (formerly CE75)	<p>Authority to keep a central register of authorisations granted and generally monitor the issue of authorisations and procedures generally; to oversee training arrangements; to suspend authorisation of officers where training is required; to report annually to Cabinet on the operation of the Act</p>	<p>Solicitor to the Council</p>

**RIPA FLOW CHART**



**NB: If in doubt, ask the Solicitor to the Council BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled, or rejected. Chief Officers will designate one of their staff to be a Departmental Co-ordinator for the purpose of RIPA and advise the Solicitor to the Council, accordingly.**



## RIPA A FORMS : DIRECTED SURVEILLANCE

**Form A1** : Application for authorisation to carry out directed surveillance.

**Form A2** : Application for Renewal of Form A1.

**Form A3** : Review of Form A1.

**Form A4** : Cancellation of Form A1.

**NB: If in doubt, ask the Solicitor to the Council BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled or rejected.**

# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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**FORM A1: APPLICATION FOR AUTHORISATION TO  
CARRY OUT DIRECTED SURVEILLANCE  
PART II OF THE REGULATION OF INVESTIGATORY  
POWERS ACT 2000 (RIPA)**

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>			
<b><u>Name of Applicant</u></b>		<b>Unit/Branch /Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			

<b>Investigation/Operation Name (if applicable)</b>	
<b>Investigating Officer (if a person other than the applicant)</b>	
<b>DETAILS OF APPLICATION</b>	
Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171. <sup>1</sup>	
<b>2. Describe the purpose of the specific operation or investigation.</b>	
<b>3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.</b>	
<b>4. The identities, where known, of those to be subject of the directed surveillance.</b>	
<ul style="list-style-type: none"> <li>• Name:</li> <li>• Address:</li> <li>• DOB:</li>   <li>• Other information as appropriate:</li> </ul>	

<sup>1</sup> For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

**5. Explain the information that it is desired to obtain as a result of the directed surveillance.**

**6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on.(SI 2003 No.3171)**

- In the interests of national security;
- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;
- In the interests of public safety;
- for the purpose of protecting public health;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;

**7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 2.4]**

**8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]  
Describe precautions you will take to minimise collateral intrusion**

**9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means? [Code paragraph 2.5]**

**10. Confidential information. [Code paragraphs 3.1 to 3.12]**

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

**11. Applicant's Details.**

<b>Name (print)</b>		<b>Tel No:</b>	
<b>Grade/Rank</b>		<b><u>Date</u></b>	
<b>Signature</b>			

**12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box. ]**

I hereby authorise directed surveillance defined as follows: [*Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?*]

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**13. Explain why you believe the directed surveillance is necessary. [Code paragraph 2.4]  
Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out. [Code paragraph 2.5]**

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**14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 3.1 to 3.12**

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<b><u>Date of first review</u></b>			
<b>Programme for subsequent reviews of this authorisation: [Code paragraph 4.22]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.</b>			
<b>Name (Print)</b>		<b>Grade Rank</b> /	
<b>Signature</b>		<b>Date and time</b>	
<b>Expiry date and time [ e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59 ]</b>			

<b>15. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.</b>
<b>16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer</b>

<b>Name (Print)</b>		<b>Grade/ Rank</b>		
<b>Signature</b>		<b>Date and Time</b>		
<b>Urgent authorisation Expiry date:</b>		<b>Expiry time:</b>		
<i>Remember the 72 hour rule for urgent authorities – check Code of Practice.</i>	e.g. authorisation granted at 5pm on June 1 <sup>st</sup> expires 4.59pm on 4 <sup>th</sup> June			

**NB: A copy of this Form, once it has been authorised or refused, together with a copy of the original authorisation must be sent to the Solicitor to the Council within 1 week of signing for placing on the Sedgefield Borough Council’s central register**



# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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## FORM A2 : APPLICATION FOR RENEWAL OF A DIRECTED SURVEILLANCE AUTHORISATION

**(Please attach a copy of the original authorisation)**

### PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>	
--	--

<b>Name of Applicant:</b>		<b>Unit/ Division:</b>	
<b>Full Address:</b>			
<b>Contact Details:</b>			

<b>Investigation/ Operation Name: (if applicable)</b>	
<b>Renewal Number</b>	

**Details of renewal:**

<b>1. Renewal numbers and dates of any current and previous renewals:</b>	
<b>Renewal Number</b>	<b>Date:</b>

<b>2. Detail any significant changes to the information provided in the original authorisation, as it applies at the time of the renewal:</b>

<b>3. Detail the reasons why it is NECESSARY to continue with the directed surveillance:</b>

**4. Detail why the directed surveillance is still PROPORTIONATE to what it seeks to achieve:**

**5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance:**

**6. Give details of the results of the regular reviews of the investigation or operation:**

**7. Applicant's Details:**

**Name (Print):**

**Tel No:**

**Job Title:**

**Date:**

**Signature:**

**SECTION 2 (To be completed by the Authorised Officer)**

**8. Authorised Officer's Comments: This box must be completed.**

**9. Authorised Officer's Statement:**

I, \_\_\_\_\_ hereby authorise [or reject] the renewal of the directed surveillance operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing.  
 This authorisation will be reviewed frequently to assess the need for the authorisation to continue.

**Name (Print):** ..... **Job Title:**

**Signature:** ..... **Date:**

**Renewal From:** ..... **Time:** ..... **Date:**

<b>Date of first review:</b>	
<b>Date of subsequent reviews of this authorisation:</b>	

**NB: A copy of this form, once it has been authorised or rejected must be sent to the Solicitor to the Council within 1 week of the authorisation or rejection for placing the Sedgefield Borough Council's central register.**

# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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## FORM A3: REVIEW OF A DIRECTED SURVEILLANCE AUTHORISATION

### PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply , in full, with the Act and the Council’s Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>			
<b>Name of Applicant:</b>		<b>Unit/Division:</b>	

<b>Full Address:</b>					
<b>Contact Details:</b>					
<b>Operation Name</b>		<b>Form A1 URN</b>			
			<b>(Dept)</b>	<b>(Year)</b>	<b>(Number)</b>
<b>Date of authorisation or last renewal:</b>		<b>Expiry date of authorisation or last renewal:</b>			

<b>Form A2 URN</b>			
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**Details of review:**

<b>1. Review number and dates of any current and previous reviews:</b>	
<b>Review Number:</b>	<b>Date:</b>

<b>2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained:</b>

**3. Detail the reasons why it is NECESSARY to continue with the directed surveillance:**

**4. Explain how the proposed activity is still PROPORTIONATE to what it seeks to achieve:**

**5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring:**

**6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information:**

**7. Applicant's Details:**

<b>Name (Print):</b>	<b>Tel No:</b>
<b>Job Title:</b>	<b>Date:</b>
<b>Signature:</b>	

**SECTION 2 (To be completed by the Authorised Officer)**

**8. Authorised Officer's Comments, including whether or not the directed surveillance should continue:**

--

**9. Authorised Officer's Statement:**

I, [insert name], hereby agree that the directed surveillance investigation/operation as detailed above should [continue until its next review/renewal] [or be cancelled immediately].

<b>Name (Print):</b> .....	<b>Job Title:</b>
<b>Signature:</b>	<b>Date:</b>

<b>10. Date of next review:</b>	
---------------------------------	--

**NB: A copy of this form, once it has been authorised or rejected must be sent to the Solicitor to the Council within 1 week of the authorisation or rejection for placing the Sedgefield Borough Council's central register.**



# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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## FORM A4 : CANCELLATION OF A DIRECTED SURVEILLANCE AUTHORISATION

### PART II OF THE REGULATION OF INVESTIGATORY

### POWERS ACT (RIPA) 2000

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply , in full, with the Act and the Council’s Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166,. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(Including full address)</i>	
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<b>Name of Applicant:</b>		<b>Unit/Division:</b>	
<b>Full Address:</b>			
<b>Contact Details:</b>			

<b>Investigation/ Operation Name: (if applicable)</b>			
<b>Form A1 URN:</b>		<b>Form A2 URN:</b>	<b>Form A3 URN:</b>

**Details of cancellation:**

<b>1. Explain the reason(s) for the cancellation of the authorisation:</b>

<b>2. Explain the value of surveillance in the operation:</b>

**SECTION 2 (To be completed by the Authorised Officer)**

<b>3. Authorised Officer's statement:</b>				
I, [insert name], hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.				
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Name (Print):</b> .....</td> <td style="width: 50%;"><b>Job Title:</b> .....</td> </tr> <tr> <td><b>Signature:</b></td> <td><b>Date:</b></td> </tr> </table>	<b>Name (Print):</b> .....	<b>Job Title:</b> .....	<b>Signature:</b>	<b>Date:</b>
<b>Name (Print):</b> .....	<b>Job Title:</b> .....			
<b>Signature:</b>	<b>Date:</b>			

**4. Time and Date of when the Authorised Officer instructed the surveillance to cease:**

**Date:**

**Time:**

**5. Authorisation cancelled:**

**Date:**

**Time:**

**NB: A copy of this form, once it has been authorised or rejected must be sent to the Solicitor to the Council within 1 week of the authorisation or rejection for placing the Sedgefield Borough Council's central register.**



## RIPA B FORMS : COVERT HUMAN INTELLIGENCE SOURCE (CHIS)

### Additional Notes on CHIS (This is an extract from Home Office Code of Practice on CHIS)

#### MANAGEMENT OF SOURCES

##### Tasking

1. Tasking is the assignment given to the source by the persons defined at sections 29(5)(a) and (b) of the 2000 Act, asking him to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the relevant public authority. Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.
2. The person referred to in section 29(5)(a) of the 2000 Act will have day to day responsibility for:
  - dealing with the source on behalf of the authority concerned;
  - directing the day to day activities of the source;
  - recording the information supplied by the source; and
  - monitoring the source's security and welfare;
3. The person referred to in section 29(5)(b) of the 2000 Act will be responsible for the general oversight of the use of the source.
4. In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose. For example a source may be tasked with finding out purely factual information about the layout of commercial premises. Alternatively, a Trading Standards Officer may be involved in the test purchase of items which have been labelled misleadingly or are unfit for consumption. In such cases, it is for the relevant public authority to determine where, and in what circumstances, such activity may require authorisation.
5. It is not the intention that authorisations be drawn so narrowly that a separate authorisation is required each time the source is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task. If this changes, then a new authorisation may need to be sought.
6. It is difficult to predict exactly what might occur each time a meeting with a source takes place, or the source meets the subject of an investigation. There may be occasions when unforeseen action or undertakings occur. When this happens, the occurrence must be recorded as soon as practicable after the event and, if the existing authorisation is insufficient it should either be updated and re-authorised (for minor amendments only) or it should be cancelled and a new authorisation should be obtained before any further such action is carried out.

7. Similarly where it is intended to task a source in a new way or significantly greater way than previously identified, the persons defined at section 29(5)(a) or (b) of the 2000 Act must refer the proposed tasking to the authorising officer, who should consider whether a separate authorisation is required. This should be done in advance of any tasking and the details of such referrals must be recorded.

### **Management responsibility**

8. Public authorities should ensure that arrangements are in place for the proper oversight and management of sources, including appointing individual officers as defined in section 29(5)(a) and (b) of the 2000 Act for each source.
  9. The person responsible for the day-to-day contact between the public authority and the source will usually be of a rank or position below that of the authorising officer.
  10. In cases where the authorisation is for the use or conduct of a source whose activities benefit more than a single public authority, responsibilities for the management and oversight of that source may be taken up by one authority or can be split between the authorities.
- 10(a) Suitable records must be kept about the CHIS's activities.

### **Security and welfare**

11. Any public authority deploying a source should take into account the safety and welfare of that source, when carrying out actions in relation to an authorisation or tasking, and to foreseeable consequences to others of that tasking. Before authorising the use or conduct of a source, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the source of any tasking and the likely consequences should the role of the source become known. The ongoing security and welfare of the source, after the cancellation of the authorisation, should also be considered at the outset.
12. The person defined at section 29(5)(a) of the 2000 Act is responsible for bringing to the attention of the person defined at section 29(5)(b) of the 2000 Act any concerns about the personal circumstances of the source, insofar as they might affect:
  - the validity of the risk assessment
  - the conduct of the source, and
  - the safety and welfare of the source.
13. Where deemed appropriate, concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

**Form B1:**        **Application** for authorisation of the **Use** or **Conduct** of a Covert Human Intelligence Source (CHIS).

**Form B2:**        Application for **Renewal** of Form B1.

**Form B3:**        **Review** of Form B1.

**Form B4:**        **Cancellation** of Form B1

**NB: If in doubt, ask the Solicitor to the Council BEFORE any directed surveillance and/or CHIS is authorised, renewed, rejected or cancelled.**

# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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## FORM B1: APPLICATION FOR AUTHORISATION OF THE USE OR CONDUCT OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS)

### PART II OF THE REGULATION OF INVESTIGATORY

### POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>			
<b><u>Name of Applicant</u></b>		<b>Unit/Branch /Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			

<b>Investigation/ Operation Name</b> (if applicable)	
---	--

**DETAILS OF APPLICATION**

**1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171.<sup>2</sup>**

--

**2. Describe the purpose of the specific operation or investigation.**

--

**3. Describe in detail the purpose for which the source will be tasked or deployed.**

--

**4. Describe in detail what the source will be tasked to do or how the source will be deployed.**

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<sup>2</sup> For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.



**5. Identify on which grounds the conduct or the use of a source is necessary under Section 29(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on.(SI 2003 No.3171)**

- In the interests of national security;
- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;
- In the interests of public safety;
- for the purpose of protecting public health;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;

**6. Explain why this conduct or use of a source is necessary on the grounds you have identified [Code paragraph 2.4]**

**7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]**

**Describe precautions you will take to minimise collateral intrusion**

**8. Explain why this conduct or use of a source is proportionate to what it seeks to achieve. How intrusive might it be on the subject(s) of surveillance or on others? And why is this intrusion outweighed by the need for a source in operational terms or can the evidence be obtained by any other means? [Code paragraph 2.5]**

**9. Confidential information. [Code paragraphs 3.1 to 3.12]**

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

**10. Applicant's Details.**

<b>Name (print)</b>		<b>Grade/Rank/Position</b>	
<b>Signature</b>		<b><u>Tel No:</u></b>	
<b>Date</b>			

**11. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box. ]**

I hereby authorise the conduct or the use of a covert human intelligence source defined as follows: [*Why is the conduct or use of the source necessary, with Whom will the source establish or maintain a relationship for a covert purpose or to covertly use the relationship, What conduct is being authorised, Where and When will the source undertake the conduct authorised, How will the source undertake the conduct authorised?*]

This authorisation will cease to have effect at the end of a period of 12 months unless renewed. The authorisation will be reviewed frequently to assess the need for the authorisation to continue.

**12. Explain why you believe the conduct or use of the source is necessary. [Code paragraph 2.4]  
Explain why you believe the conduct or use of the source to be proportionate to what is sought to be achieved by carrying it out. [Code paragraph 2.5]**

**10. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 3.1 to 3.12**

**11. Date of first review:**

**12. Programme for subsequent reviews of this authorisation: [Code paragraphs 4.19 and 4.20]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.**

13. Authorising Officer's Details			
Name (Print)		Grade/Rank/Position	
Signature		Date	

**14. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.**

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**15. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer**

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**19. Authorising Officer of urgent authorisation**

Name (Print)		Grade/Rank/Position	
Signature		Date and Time	
Urgent authorisation Expiry date:		Expiry Time:	

*Remember the 72 hour rule for urgent authorities – check Code of Practice [Code Paragraph 4.18]. e.g. authorisation granted at 5pm on June 1<sup>st</sup> expires 4.59pm on 4<sup>th</sup> June*

**NB: A copy of this Form, once it has been authorised together with a copy of the original authorisation must be sent to the Solicitor to the Council within 1 week of signing for placing on the Sedgefield Borough Council's central register**

# SEDGEFIELD BOROUGH COUNCIL

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## FORM B2: APPLICATION FOR RENEWAL OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS) AUTHORISATION

(please attach the original authorisation)

### PART II OF THE REGULATION OF INVESTIGATORY

### POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <small>(including full address)</small>	
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<b>Name of Applicant:</b>		<b>Unit/Division:</b>	
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<b>Full Address:</b>	
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<b>Contact Details:</b>			
<b>Investigation /Operation Name: (if applicable)</b>			
<b>Renewal relates to Form B1:</b>	(Dept)	(Years)	(Number)

**Details of renewal:**

<b>1. Renewal numbers and dates of any current and previous renewals:</b>	
<b>Renewal Number:</b>	<b>Date:</b>
<b>2. Detail any significant changes to the information in the previous authorisation:</b>	
<b>3. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal:</b>	

**4. Detail why it is NECESSARY to continue with the authorisation, including details of any tasking given to the source:**

**5. Detail why the use or conduct of the source is still PROPORTIONATE to what it seeks to achieve:**

**6. Detail the use made of the source in the period since the grant of authorisation or, as the case may be, latest renewal of the authorisation:**

**7. List the tasks given to the source during that period and the information obtained from the conduct or use of the source:**

**8. Detail the results of regular reviews of the use of the source:**

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**9. Give details of the review of the risk assessment on the security and welfare of using the source:**

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**10. Applicant's Details:**

<b>Name (Print):</b>		<b>Tel No:</b>	
<b>Job Title:</b>		<b>Date:</b>	
<b>Signature:</b>			

**SECTION 2 (To be completed by the Authorised Officer)**

**11. Authorised Officer's Comments: This box must be completed.**

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**12. Authorised Officer's Statement:**

I hereby [authorise] [reject] the renewal of the conduct/use of the source as detailed above. The renewal of this authorisation will last for 12 months unless further renewed in writing.

This authorisation will be reviewed frequently to assess the need for the authorisation to continue.

**Name (Print):** ..... **Job Title:**

**Signature:** ..... **Date:**

**Renewal Time:** ..... **Date:**  
**From:**

<b>Date of first review:</b>	
<b>Date of subsequent reviews of this authorisation:</b>	

**NB: A copy of this Form, once it has been authorised together with a copy of the original authorisation must be sent to the Solicitor to the Council within 1 week of signing for placing on the Sedgefield Borough Council's central register**

# SEDGEFIELD BOROUGH COUNCIL

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## FORM B3: REVIEW OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS) AUTHORISATION

### PART II OF THE REGULATION OF INVESTIGATORY

### POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk.
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>	
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<b>Name of Applicant:</b>		<b>Unit/Division:</b>	
<b>Full Address:</b>			
<b>Contact Details:</b>			
<b>Operation Name:</b>		<b>Form B1 URN:</b>	

<b>Date of authorisation or last renewal:</b>		<b>Expiry date of authorisation or last renewal:</b>	
		<b>Form B2 URN:</b>	

**Details of review:**

<b>1. Review number and dates of any current and previous reviews:</b>	
<b>Review Number:</b>	<b>Date:</b>

<b>2. Summary of the investigation/operation to date, including what information has been obtained and the value of the information so far obtained:</b>

<b>3. Detail the reasons why it is NECESSARY to continue with using a Covert Human Intelligence Source:</b>

<b>4. Explain how the proposed activity is still PROPORTIONATE to what it seeks to achieve:</b>

**5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring:**

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**6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information:**

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**7. Give details of the review of the risk assessment on the security and welfare of using the source:**

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**8. Applicant's Details:**

<b>Name (Print):</b>		<b>Tel No:</b>	
<b>Job Title:</b>		<b>Date:</b>	
<b>Signature:</b>			

**SECTION 2 (To be completed by the Authorised Officer)**

**9. Authorised Officer's Comments, including whether or not the use or conduct of the source should continue:**

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<b>10. Authorised Officer's Statement:</b>	
I hereby agree that the use or conduct of the source as detailed above should [continue until its next review/renewal][or be cancelled immediately].	
Name (Print): ..... Job Title:	
Signature: ..... Date:	
Date of next review:	

**NB: A copy of this Form, once it has been authorised together with a copy of the original authorisation must be sent to the Solicitor to the Council within 1 week of signing for placing on the Sedgefield Borough Council's central register**

# SEDGEFIELD BOROUGH COUNCIL

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## FORM B4 : CANCELLATION OF AN AUTHORISATION FOR THE USE OR CONDUCT OF A COVERT HUMAN INTELLIGENCE SOURCE

### PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply , in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number
<b>Public Authority</b> <i>(including full address)</i>			
<b>Name of Applicant:</b>		<b>Unit/Division:</b>	
<b>Full Address:</b>			
<b>Contact Details:</b>			

<b>Investigation/Operation Name: (if applicable)</b>			
<b>Form B1 URN:</b>		<b>Form B2 URN:</b>	<b>Form B3 URN:</b>

**Details of cancellation:**

<b>1. Explain the reason(s) for the cancellation of the authorisation:</b>

<b>2. Explain the value of the source in the operation:</b>

**SECTION 2 (To be completed by the Authorised Officer)**

<b>3. Authorised Officer's statement:</b>				
I, [insert name], hereby authorise the cancellation of the use or conduct of the source as detailed above.				
<table> <tr> <td><b>Name (Print):</b> .....</td> <td><b>Grade:</b> .....</td> </tr> <tr> <td><b>Signature:</b></td> <td><b>Date:</b></td> </tr> </table>	<b>Name (Print):</b> .....	<b>Grade:</b> .....	<b>Signature:</b>	<b>Date:</b>
<b>Name (Print):</b> .....	<b>Grade:</b> .....			
<b>Signature:</b>	<b>Date:</b>			

<b>4. Time and Date of when the Authorised Officer instructed the use of the source to cease:</b>				
<table> <tr> <td><b>Date:</b></td> <td></td> <td><b>Time:</b></td> <td></td> </tr> </table>	<b>Date:</b>		<b>Time:</b>	
<b>Date:</b>		<b>Time:</b>		

<b>5. Authorisation cancelled:</b>	<b>Date:</b>	<b>Time:</b>
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**NB: A copy of this notice, once it has been authorised together with a copy of the authorisation must be sent to the Solicitor to the Council within 1 week of the authorisation for placing on the Sedgefield Borough Council's central register**