

## Delegated Decision

4 April 2022



### Designation of Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act

#### Report of John Hewitt, Chief Executive Officer

#### Electoral division(s) affected:

Countywide

#### Purpose of the Report

- 1 To designate suitably qualified officers as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Power Act 2000 (RIPA).

#### Executive summary

- 2 For the Council to effectively carry out covert surveillance in accordance with the provisions of the Regulation of Investigatory Powers Act 2000 it is required that there are suitably qualified officers as Authorising Officers.

#### Recommendation(s)

- 3 To designate the following persons as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act 2000:

Tracy Henderson – Chief Internal Auditor and Corporate Fraud Manager

Ian Hoult – Neighbourhood Protection Manager

Owen Cleugh – Public Protection Manager

## **Background**

- 4 Local Authority applications for directed surveillance or a covert human intelligence surveillance must be considered by an Authorising Officer.
- 5 The role of the Authorising Officer is designated under Sections 28 and 29 of Regulation of Investigatory Power Act 2000 Act (RIPA) to grant authorisations for directed surveillance and the use and conduct of a covert human intelligence source, respectively.
- 6 Within a Local Authority the Authorising Officer may be a Corporate Director, Head of Service or Service Manager. The Council's Authorising Officers for RIPA are appointed by the Chief Executive.
- 7 The Authorising Officer when considering an application for authorisation must be satisfied that the activity is necessary for the purposes of preventing or detecting criminal offences that are either punishable by at least a six-month prison sentence or are related to the underage sale of alcohol or tobacco. The Authorising Officer must also believe that the surveillance is proportionate to what it seeks to achieve and is not excessive.
- 8 Where applications are authorised these are presented to the Magistrates for approval. Where applications for authorisation are refused by the Authorising Officer, the refusal should be recorded and the reasons for the refusal
- 9 Following an organisational change, the list of officers currently designated as Authorising Officers for the purposes of RIPA has been reviewed and updated accordingly.

## **Background papers**

- None

## **Other useful documents**

- None

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## **Author(s)**

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## **Appendix 1: Implications**

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### **Legal Implications**

The activities relating to directed surveillance and covert human intelligence sources as part of investigations must be in compliance with the Regulation of Investigatory Powers Act 2000.

### **Finance**

None.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

None.

### **Climate Change**

None.

### **Human Rights**

The use of RIPA by the Council does involve the interference with an individual's rights under 'Article 8 of the European Convention on Human Rights, specifically the right of an individual for respect to private life, family life, home and correspondence without government interference. The use of RIPA powers must be lawful, necessary and proportionate.

### **Crime and Disorder**

The designation of named appointment of Authorised Officers allows the Council to effectively discharge its functions in respect of investigations relating to crime and disorder.

### **Staffing**

The arrangements will be kept under regular review to ensure that suitably qualified persons are appointed as Authorised Officers within Durham County Council.

### **Accommodation**

None.

### **Risk**

None.

### **Procurement**

None.