

Delegated Decision

19 January 2024



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

Report of John Hewitt, the 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 Powers 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 authorise the following named officers 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:
 - Tracey Johnson – Consumer Safety Manager
 - Gary Carr – Strategic Regulation Manager
 - Ian Harrison – Business Compliance Manager

Background

- 4 Local Authority applications for directed surveillance or a Covert Human Intelligence Surveillance (CHIS) must be considered by an Authorising Officer.
- 5 The role of an Authorising Officer is designated under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000 to grant authorisations for directed surveillance and the use of a CHIS, 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 an 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 along with the reasons for the refusal.
- 9 The list of officers authorised by the Chief Executive to authorise applications for RIPA has been reviewed and updated.

Decision

- 10 To authorise the officers shown in paragraph 3 for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act 2000.

Background papers

- None

Other useful documents

- None

Author(s)

Lauren Smith

Tel: 03000 267870

Appendix 1: Implications

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.