

**DERBYSHIRE COUNTY COUNCIL**  
**AUDIT COMMITTEE MEETING**

**4 February 2020**

**Report of the Assistant Director of Finance (Audit)**

**REGULATION OF INVESTIGATORY POWERS ACT**

**1. Purpose of the Report**

To provide Members with an update on the use of Council's statutory powers provided for under the Regulation of Investigatory Powers Act (RIPA) 2000 as amended by the Investigatory Powers Act (IPA) 2016.

**2. Information and Analysis**

In discharge of this Committee's responsibilities for on-going monitoring of activity in this area, Audit Services were requested to produce regular monitoring reports on activity for review by Members and to provide an assurance on the effective operation of the Council's Policy relating to the Act. This is the fourteenth monitoring report produced under that requirement and covers the period from 1 February 2019 to 31 December 2019.

RIPA and the IPA contain powers for various bodies to carry out covert surveillance and other covert activities. Certain covert powers under RIPA are available to local authorities and can be used in appropriate circumstances in accordance with the requirements of the legislation to support the delivery of their functions. The Investigatory Powers Commissioner's Office oversees the use of covert powers under RIPA by local authorities.

The Council can only undertake covert surveillance if the proposed operation is authorised by one of the authorising officers and subsequently approved by a magistrate. A local authority can only use directed surveillance if it is necessary to prevent or detect criminal offences, which attract a custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco. The authorising officer must also be satisfied that the proposed directed surveillance is proportionate to what is sought to be achieved.

*Access to Communications Data*

No applications have been made in this period in respect of access to communications data.

*Authorization of Directed Surveillance*

No applications have been received in this period in relation to directed surveillance.

Although there have not been any applications for the use of the Council's powers under RIPA in 2019, the Authority's RIPA Policy has not been updated for a number of years and consequently it would be prudent to instigate such a review. Therefore it is intended that a review of the Council's RIPA Policy is undertaken working in conjunction with the Director of Legal and Democratic Services.

### **3. Legal Considerations**

The Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 regulate the use of a range of investigative powers by a variety of public authorities. This legislation provides a statutory framework for the authorization and conduct of certain types of covert surveillance. Its aim is to provide a balance between preserving a person's right to privacy and enabling enforcement agencies to gather evidence for effective enforcement action. Local authorities can only use these powers for the prevention and detection of crime and their use is subject to review by the independent Investigatory Powers Commissioner's Office.

### **4. Other Considerations**

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

### **5. Officer's Recommendation**

That the Committee note that:-

- in the period 1 February 2019 to 31 December 2019 no applications were made under the Council's powers relating to RIPA;
- it is intended to review the RIPA Policy in conjunction with the Director of Legal and Democratic Services.

**Carl Hardman**  
**Assistant Director of Finance (Audit)**