

DERBYSHIRE COUNTY COUNCIL

AUDIT COMMITTEE MEETING

27 February 2019

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.

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 thirteenth monitoring report produced under that requirement and covers the period from 21 January 2017 to 31 January 2019.

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.

The use of the Council's powers under RIPA has reduced significantly over recent years and this is reflected by examining reports published by other authorities.

3. Legal Considerations

The Regulation of Investigatory Powers Act 2000 regulates the use of a range of investigative powers by a variety of public authorities. It 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 independent inspectorates.

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 Audit Committee note that in the period 21 January 2017 to 31 January 2019 no applications were made under the Council's powers relating to RIPA.

Carl Hardman
Assistant Director of Finance (Audit)