



Authorising Officer Appointment: Regulation of Investigatory Powers Act 2000

SUMMARY

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) governs the way in which law enforcement agencies, including local authorities with a regulatory remit, that undertake investigations as part of their evidence gathering processes.
- 1.2 RIPA provides a system of checks and balances that includes identifying when covert surveillance is permissible, for what purpose(s), how it is to be undertaken, the records that need to be held and, with particular significance to this report, who within the Council is authorised to approve surveillance activity.
- 1.3 Following a recommendation by an inspector from the Office of the Surveillance Commissioner (OSC) in 2013, the number of constitutionally appointed 'authorising officers' dropped from 21 to 2; the Council confirmed in writing to the OSC at the time that:
 - (a) it accepted the recommendation; and
 - (b) that it would abide by the recommendation
- 1.4 The most recent RIPA inspection of the Council by the OSC undertaken in 2016 affirmed the requirement for two authorising officers.
- 1.5 The two authorising officers constitutionally appointed were the Service Director, Prevention, Personalisation and Professional Standards and the Service Director, Communities, Environmental & Regulatory Services. The former has since retired from the Council leaving a void that needs to be filled for the reasons set out in the preceding sub-paragraph, which the Council currently is non-compliant with, but also for added robustness and integrity of the RIPA administrative system.

RECOMMENDATION

- 2.1 To appoint the Service Director, Adult Social Care Services as a second RIPA authorising officer.
- 2.2 To update the constitution to reflect the appointment in recommendation 2.1

REASONS FOR RECOMMENDATION

- 3.1 To secure compliance with the 2013 and 2016 OSC recommendations to have two authorising officers appointed by the Council.
- 3.2 To secure that the administrative RIPA process remains robust by having in place authorising officers from different professional backgrounds, which will ensure independence in assessing the merit of applications that come from outside an authorising officers professional calling.

SUPPORTING INFORMATION

- 4.1 Subject to approval of the recommendation by Council, the corporate RIPA Policy will be updated to reflect the appointment the subject of this report.

OTHER OPTIONS CONSIDERED

- 5.1 None.

This report has been approved by the following officers:

Legal officer	N/A
Financial officer	N/A
Human Resources officer	N/A
Estates/Property officer	N/A
Service Director(s)	Janie Berry, Director of Governance
Other(s)	None

For more information contact:	Olu Idowu 01332 643615 olu.idowu@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

1.1 None

Legal

2.1 None other than as set out in the report.

Personnel

3.1 None

IT

4.1 None

Equalities Impact

5.1 None

Health and Safety

6.1 None

Environmental Sustainability

7.1 None

Property and Asset Management

8.1 None

Risk Management and Safeguarding

9.1 The corporate policy, which has met with approval from the OSC, includes a comprehensive assessment of risk both generally but also in relation to the use of minors, where appropriate, in covert operations.

Corporate objectives and priorities for change

10.1 In meeting the Council's needs as a regulatory authority, the appointment adds robustness to the process in place for 'protecting vulnerable children and adults'.