

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Member for Policy & Resources
Date:	5 October 2012
Title:	Regulation of Investigatory Powers Act 2000 – Ability of officers to seek judicial approval for authorisations granted for related surveillance activity and confirmation of existing policy with regards to surveillance activity
Reference:	4237
Report From:	Director of Culture, Communities and Business Services and Director of Policy and Governance

Contact name: Julie Chambers – Trading Standards Team Manager (Legal & Compliance)/Peter Andrews – Corporate Risk Manager

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1. The decision:

- a) That the County Council's Policy with regard to RIPA, attached as appendix 1 to this report, be approved.
- b) That with regards to the approval of **directed surveillance** (as defined in Regulations of Investigatory Powers Act 2000) authorisations and renewals sought by the Trading Standards Service, all officers within the Trading Standards Service who are authorised by the Director of Culture, Communities and Business Services to enforce criminal legislation on behalf of the County Council are also authorised under Section 223 of the Local Government Act 1972 to appear before a Magistrates' Court in connection with the said authorisations and renewals **only**.
- c) That with regards to the approval of **covert human intelligence source** (as defined in Regulations of Investigatory Powers Act 2000) authorisations and renewals sought by the Trading Standards Service, all officers within the Trading Standards Service who are authorised by the Director of Culture, Communities and Business Services to enforce criminal legislation on behalf of the County Council are also authorised under Section 223 of the Local Government Act 1972 to appear before a Magistrates' Court in connection with the said authorisations and renewals **only**.
- d) That with regards to the approval of **directed surveillance** and **covert human intelligence source** authorisations and renewals sought by any other Service within the County Council, only those officers within the Trading Standards Service Legal & Compliance Team who are authorised by the Director of Culture, Communities and Business Services as prosecutors by

virtue of Section 223 of the Local Government Act 1972 are also authorised to appear before a Magistrates' Court in connection with said authorisations.

- e) That with regards to the approval of **acquisition and disclosure of communications data** (as defined in Regulation of Investigatory Powers Act 2000) authorisations and notices sought by any part of the County Council, only those officers within the Trading Standards Service Legal & Compliance Team who are authorised by the Director of Culture, Communities and Business Services as prosecutors by virtue of Section 223 of the Local Government Act 1972, and who are also accredited by the Home Office to act as Single Points of Contact (SPOC) with regards to communications data, are also authorised to appear before a Magistrates' Court in connection with said authorisations and notices.

2. Reason(s) for the decisions:

- 2.1. The decisions made will ensure that Hampshire County Council continues to comply with the Regulation of Investigatory Powers Act 2000, as amended by the Protections of Freedoms Act 2012, in such a manner that supports the Corporate Priorities; making Hampshire safer and more secure for all; maximising well being and enhancing our quality of place.
- 2.2. The decisions made will ensure the cost of continued compliance with the Regulation of Investigatory Powers Act 2000 does not adversely affect the service provided to residents and businesses within Hampshire.

3. Other options considered and rejected: None

4. Conflicts of interest:

- 4.1. Conflicts of interest declared by the decision-maker: None
- 4.2. Conflicts of interest declared by other Executive Members consulted: None

5. Dispensation granted by the Conduct Advisory Panel: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

Approved by: ----- Executive Member for Policy and Resources Councillor T K Thornber, CBE	Date: 5 October 2012
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