



## **Corporate Governance Committee – 15<sup>th</sup> March 2010**

### **REGULATION OF INVESTIGATORY POWERS ACT 2000**

#### **Report of LEGAL & DEMOCRATIC SERVICES MANAGER**

(This matter is the responsibility of Councillor Ross Henley, Leader of the Council)

#### **1. Purpose of the Report**

1.1 To note the new statutory instruments and the effects for the council.

#### **2. Background**

2.1 On the 6<sup>th</sup> April 2010 a range of statutory instruments come into force.

2.2 These regulations are listed as follows:-

- The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 521)
- The Regulation of Investigatory Powers (Communications Data) Order 2010 (SI 480)
- The Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010 (SI 463)
- The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Code of Practice) Order 2010 (SI 462)
- The Regulation of Investigatory Powers (Extension of Authorisation Provisions: Legal Consultations) Order 2010 (SI 461)
- The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters subject to Legal Privilege) Order 2010 (SI 123)

2.3 SI 461 relating to the extension of legal consultations will not apply to this authority as that will amount to intrusive surveillance and as a local authority we are not permitted to carry this type of surveillance.

2.4 SI 123, dealing with Covert Human Intelligence Sources, matters subject to legal privilege provides that any authorisation can only be given by the Surveillance Commissioner should it be required, this would be unlikely to be required.

2.5 With regard to SI's 521 and 480, these set out the level of authorising officer that are permitted to grant such authorisations. These regulations stipulate that only the Chief Executive, Director, Head of Service or service manager or their equivalent are permitted to grant authorisations under this legislation.

- 2.6 Following the Core Council Review the levels of posts are being reviewed in order to ensure that the Council's policy complies with these regulations and therefore only officers at Theme Manager and above will be authorised to grant authorisations.
- 2.7 The regulations relating to the issue of revised codes of practice have been issued to give effect to the 2010 regulations.

### **3. Recommendation**

- 3.1 To note the new regulations.

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