

Councillor Rufus Gilbert
Washbrook Farm
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Devon
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**Head of Devon, Somerset & Torbay Trading
Standards Service**

County Hall
Topsham Road
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Tel: 01392 383000
Email: paul.thomas@devon.gov.uk
Ref:
Date: 14 January 2021

Dear Councillor Gilbert

Re: Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016.

I am writing to ask if you will make a decision in accordance with Paragraph 11 of the County Council's Scheme of Delegation by approving the amendment of the Councils' regime under the Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016.

I attach a copy of the proposed new policy which gives further information on the legislative requirements. The amendment is a result of Dr Virginia Pearson's retirement, which requires a new Senior Responsible Officer to be appointed to replace her. It is intended this should be the County Solicitor so consequently a replacement Authorising Officer/Designated Person also needs to be appointed as this is a role currently performed by the County Solicitor.

Currently the Devon, Somerset and Torbay Trading Standards Service is the only service in Devon County Council that makes any use of these measures. No authorisations under Directed Surveillance or Covert Human Intelligence Source provisions were made in 2020, however both are potentially crucial investigative techniques and the RIPA/IPA regime gives a structured, auditable framework to such decisions which have the potential to interfere with private life. The Communications Data regime is used more frequently, and two applications were processed in 2020, both relating to Rogue Trader investigations. The RIPA/IPA regime is the only route available to the information required.

Statutory Codes of Practice need to be followed, and in relation to local Authorities the code on Directed Surveillance states: *Within local authorities, the senior responsible officer should be a member of the corporate leadership team and should be responsible for ensuring that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Investigatory Powers Commissioner. Where an inspection report highlights concerns about the standards of*

authorising officers, this individual will be responsible for ensuring the concerns are addressed.

Similar provisions relate to Communications Data.

Please find attached to the accompanying email a copy of the Cabinet Member Decision form, to enable you to formally advise me of your decision and in so doing confirm that the entry in the 'interests' box is accurate or amend it accordingly. I would be pleased if you could advise me of your decision as soon as possible by returning a copy of the decision form.

If you require any further information, please contact Stephen Gardiner , 01392 384781 or Steve.gardiner@devon.gov.uk .

No action will be taken until all Members of the County Council have been advised of your decision and five working days have elapsed to enable Members to request that the decision be referred to the full Cabinet for consideration or called in by a Scrutiny Committee for consideration.

Yours sincerely

Paul Thomas
Head of Devon, Somerset & Torbay Trading Standards Service
Head of Devon Business Support & Innovation