

Appendix 2

Flowchart of Authorisation Procedures and Considerations for Covert Surveillance

Step 1

The Requesting Officer (the Applicant) must-

- Read the RIPA Policy and Guidance and determine whether the proposed surveillance is necessary and proportionate. Advice is available from the Head of Trading Standards, if required.
- Be satisfied that covert surveillance is the least intrusive means to gather the information required including whether the required information could be gathered overtly.
- Contact their Head of Service/ Deputy Director to obtain approval to apply for authorisation for cover surveillance.

Step 2

If covert surveillance is considered necessary and proportionate, prepare and submit the application to the Authorising Officer.

Step 3

The Authorising Officer must:

- Consider in detail whether all options have been duly considered, taking account of the RIPA Policy, relevant Codes of Practice and Guidance.
- Consider whether the proposed surveillance is necessary and proportionate.
- Authorise only if an overt or less intrusive option is not practicable.
- Complete and sign the authorisation and ensure the authorisation is recorded in the central register.
- Set a review date (normally 1 month after authorisation but can be short or longer depending on the activity authorised).
- Return the completed form to the applicant.

Step 4

The applicant to contact the Head of Trading Standards to arrange for support to apply to the Magistrates' Court for judicial approval.

Step 5

The applicant must:

- Regularly, and in accordance with the schedule required by the Authorising Officer, complete a review form and submit this form to the Authorising Officer
- Complete a review form and submit this form to the Authorising Officer if the circumstances described in the original application have changed.
- Not continue with covert surveillance after expiration of the authorisation. If the applicant believes that the operation should continue, they must complete a renewal form and submit this form to the Authorising Officer.

Step 6

The Authorising Officer must continue to review whether the surveillance is necessary and proportionate and cancel the authorisation when it is deemed no longer necessary or proportionate or if the circumstances have changed from those described in the original application.

Step 7

The applicant must complete a cancellation form when the activity or operation is no longer required or is no longer proportionate.

Step 8

All documents to be forwarded to the Head of Trading Standards for retention.