



Covert Surveillance

SUMMARY

- 1.1 The Investigatory Powers Commissioners Office (IPCO) requires each regulatory authority that undertakes surveillance activity to put in place governance arrangements that provides decision makers with oversight in respect of the use of surveillance tactics within the authority specifically, in relation to numbers and the integrity of the records system.
- 1.2 This report provides Committee with an update for the period 1 April 2017 to 31 March 2018.

RECOMMENDATION

- 2.1 To note that there has been one covert surveillance authorisation application made to the magistrates' court during the period 1 April 2017 to 31 March 2018.

REASONS FOR RECOMMENDATION

- 3.1 The Council's activity in respect of the use of the Regulation of Investigatory Powers Act 2000 (as amended) (RIPA) is the subject of external inspection by the Office of Surveillance Commissioners.
- 3.2 The Council has an obligation to update Elected Members in respect of its use of covert surveillance. On an annual basis, Elected Members are required to review the Council's Covert Surveillance Policy and procedures to ensure they are or remain fit for purpose.

SUPPORTING INFORMATION

- 4.1 The Council is obliged to maintain a central record of all applications made using the RIPA procedures regardless of whether they have been authorised or refused by either of its Authorising/Designated Officers, the National Anti-Fraud Network (NAFN) (in respect of communications data applications) and/or the local magistrates' court. This central record is maintained by Legal Services.
- 4.2 One directed surveillance RIPA authorisation requests was received within the reporting window.

- 4.3 Both the authorisation and cancellation of covert surveillance requests are recorded in the Council's central register of authorisations.

OTHER OPTIONS CONSIDERED

- 5.1 No other options have been considered as the Council has an obligation to ensure Elected Members are advised of and remain up to date with the Council's covert surveillance activity.

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)	n/a
Other(s)	n/a

For more information contact:	Olu Idowu, Head of Legal Services
Background papers:	
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

- 1.1 None arising from this report

Legal

- 2.1 Covert surveillance activity is prescribed by the Regulation of Investigatory Powers Act 2000 as amended by the Protection of Freedoms Act 2012. The Home Office has issued codes of Practice and Guidance to Local Authorities to support the development and implementation of a Council Policy and Procedure. The Council has an obligation to ensure Elected Members are advised and remain up to date in respect of the Council's covert surveillance activity.

Personnel

- 3.1 None arising from this report

IT

- 4.1 None arising from this report

Equalities Impact

- 5.1 None arising from this report

Health and Safety

- 6.1 None arising from this report

Environmental Sustainability

- 7.1 None arising from this report

Property and Asset Management

- 8.1 The Council is required to maintain a catalogue of equipment authorised to be used in covert surveillance activity.

Risk Management & Safeguarding

- 9.1 RIPA provides a legal framework within which the interests, including personal safety where appropriate, of those operationally involved in such covert activity, are to be safeguarded which the Council, as a regulatory authority subject to the Act, is

obliged to adhere to.

Corporate objectives and priorities for change

- 10.1 This Elected Member update supports the corporate objective of building stronger and safer communities.