

Lawful Surveillance Policy & Guidance

Report of the:	Chief Legal Officer
Contact:	Amardip Healy
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Annexes/Appendices (attached):	Annex 1: Draft Policy & Guidance on Lawful Surveillance
Other available papers (not attached):	None stated

Report summary

To implement the changes to the Council's Policy and Guidance on Lawful Surveillance

Recommendation (s)

To approve the amended "Policy and Guidance on Lawful Surveillance"

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 To ensure that any covert surveillance activity carried out by the Council remains proportionate and in line with current legislation and good practice. Compliance with this legislation will contribute to keeping the Borough clean and green, safe and vibrant, and supporting our community and businesses.

2 Background

- 2.1 Following a desktop review by an Inspector at the Office of Surveillance Commissioners, a set of recommendations were put to the Council in order to 'improve upon what is already sound guidance'.

3 Proposals

- 3.1 The recommendations made to the Council were:
 - 3.1.1 Enhancement of guidance relating to necessity;
 - 3.1.2 Revision of one paragraph;

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- 3.1.3 To appoint a CHIS (covert human intelligence source) handler and Controller
 - 3.1.4 To add further detail on the type of investigative activity the Council are permitted or prohibited from undertaking;
 - 3.1.5 If the Council is to permit use of covert online identities to facilitate research to put in control measures;
 - 3.1.6 A refresher training program on the use of powers for authorising officers
- 3.2 The Council's 'Policy and Guidance on Lawful Surveillance' has been refreshed and updated to incorporate these recommendations. Members are asked to approve the updated Policy, as shown at Annexe 1.

4 Financial and Manpower Implications

- 4.1 There are no financial implications to this report.
- 4.2 **Chief Finance Officer's comments:** *None for the purposes of this report.*

5 Legal Implications (including implications for matters relating to equality)

- 5.1 The Council must comply with the Regulation of Investigatory Powers Act 2000 and associated legislation such as the Protection of Freedoms Act 2012.

6 Sustainability Policy and Community Safety Implications

- 6.1 The RIPA Policy is part of the Council's regulatory toolkit. Updating the Policy helps to maintain public confidence in the Council's position on community safety.

7 Partnerships

- 7.1 Not applicable for the purposes of this report.

8 Risk Assessment

- 8.1 It is important to ensure regulatory investigative procedures are kept up to date in line with current good practice. The desktop review by the Office of Surveillance Commissioners is a part of this process.

9 Conclusion and Recommendations

- 9.1 Addressing the recommendations made by the Surveillance Commissioner's Inspector will help the Council to remain compliant with up to date practice.

Ward(s) affected: (All Wards);