



Derby City Council

AUDIT AND ACCOUNTS COMMITTEE
4 September 2013

Report of the Director of Legal & Democratic
Services

ITEM 7

The Council's use of Covert Surveillance and update against the Inspection Action Plan

SUMMARY

- 1.1 On 26th June 2013, the Committee approved the Action Plan developed following the Inspection of covert surveillance usage by the Office of Surveillance Commissioners. As part of this Action Plan, a commitment was given to ensure that Elected Members received a quarterly update on the Council's usage of covert surveillance and an update generally as to progress against the agreed Action Plan
- 1.2 It has been agreed that the quarterly update reporting shall be to Members of the Audit & Accounts Committee.
- 1.3 As the usage has not previously been reported, the time period covered will be from 1st April 2013, to 31st July 2013.

RECOMMENDATION

- 2.1 To note that there have been no applications made to use covert surveillance between 1st April 2013 and 31st July 2013.
- 2.2 To note that PHF Training will be delivering staff training in respect of covert surveillance on 14th October 2013, and CHIS training on 15th October 2013
- 2.3 To note that the Monitoring Officer will take appropriate steps to amend the Council's Constitution and RIPA Policy and Procedures to reflect that the Authorising Officers for the purpose of RIPA are Chief Executive and his nominated Deputy, Director of Legal and Democratic Services, Director of Younger Adults and Housing, Director of Environment and Regulatory Services and Director of Customer Management.

REASONS FOR RECOMMENDATION

- 3.1 The Council has a statutory obligation to provide a quarterly update to 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 fit for purpose.
- 3.2 The Council's activity in respect of the use of the Regulation of Investigatory Powers Act 2000 (as amended) is the subject of external inspection by the Office of

Surveillance Commissioners.

In response to the Inspection by His Honour Judge Jones QC in April 2013, an Action Plan was approved by the Audit and Accounts Committee to ensure that the recommendations were addressed.

SUPPORTING INFORMATION

Usage of Covert Surveillance

- 4.1 The Council is obliged to maintain a central record of all Applications made using the RIPA procedures regardless as to whether they have been authorised or refused by the Authorising Officer and a Magistrate. This central record is maintained by Legal Services.

Update on the Action Plan

- 4.2 The Audit and Accounts Committee approved the Council's Action Plan in respect of RIPA activity on 26th June 2013. This approved Action Plan has also been shared with the Office of Surveillance Commissioners who have welcomed the Council's response to the Inspection.
- 4.3 Key recommendations arising from the inspection included the provision of externally provided training, the quarterly reporting to Elected Members and a reduction in the number of Authorising Officers.
- 4.4 In respect of externally provided training, PHF Training Limited who specialise in RIPA training have been commissioned to deliver training to the Council's Investigating Officers and named Authorising officers in respect of both covert surveillance and covert human intelligence surveillance (known as CHIS). This will take place on 14th October 2013, and 15th October 2013.
- 4.5 At the time of the Inspection (April 2013), all Chief Officers and Service Directors were named in the Council's Constitution as being Authorising Officers for the purposes of RIPA. This will now be reduced to three Service Directors namely Director of Younger Adults and Housing, Director of Environment and Regulatory Services and Director of Customer Management. The Chief Executive and his nominated Deputy will retain Authorising Officer status and the Director of Legal Services who is the Senior Responsible Officer will retain an authorising officer status but restricted to emergency situations only.

OTHER OPTIONS CONSIDERED

- 5.1 No other options have been considered as the Council has a statutory obligation to ensure Elected Members are advised and remain up to date in respect of the Council's covert surveillance activity. In addition, the Council is required to respond actively to address the recommendations arising from the Inspection by the Office of Surveillance Commissioners.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Janie Berry, Director of Legal & Democratic Services
For more information contact: Background papers: List of appendices:	Janie Berry 01332 643616 janie.berry@derby.gov.uk None Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

- 1.1 The Training is being provided by external providers at a cost of £895 plus VAT for each of the two days.

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 a statutory obligation to ensure Elected Members are advised and remain up to date in respect of the Council's covert surveillance activity.

Personnel

- 3.1 Key staff including those identified as Authorising Officers and Investigating Officers are required to attend both days of training.

Equalities Impact

- 4.1 None

Health and Safety

- 5.1 Training is to be provided to ensure staff are fully aware of health and safety risks when considering using covert surveillance.

Environmental Sustainability

- 6.1 none

Property and Asset Management

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

Risk Management

- 8.1 Risks associated with undertaking covert surveillance will be addressed as part of the training. Corporately it is essential that the Council strictly adheres to the

prescribed Policies, Procedures and legislation.

Corporate objectives and priorities for change

- 9.1 The Council is required to ensure that recommendations arising from the external Inspection are implemented so as to ensure legality and transparency in its decision making.