



Derby City Council

AUDIT AND ACCOUNTS COMMITTEE
8 July 2015

ITEM 16

Report of the Director of Legal & Democratic Services

Covert Surveillance

SUMMARY

- 1.1 Following the last inspection of the Council in 2013 by a commissioner from the Office of the Surveillance Commissioner (OSC), the Committee approved an Action Plan that included a commitment to ensure that Elected Members receive updates on the Council's usage of covert surveillance.
- 1.2 This report provides Committee with an update for the period 1 April 2014 to 31 March 2015.

RECOMMENDATION

- 2.1 To note that there has been one application made to the magistrates' court for the use of covert surveillance between 1 April 2014 and 31 March 2015.

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 a statutory 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 Officers and/or a Magistrate. This central record is maintained by Legal Services.

- 4.2 Only one RIPA authorisation request was received within the reporting window, on 1 July 2014. It was also the first application to be laid before the magistrates' court since the rule change in November 2012, requiring such approvals after internal authorisation by an Authorising Officer. The application was approved by the magistrates', having gone through a robust process of internal challenge by the legal service, prior to being authorised. As it turned out, the surveillance exercise authorised and approved was never actually carried out as, post authorisation and magisterial approval, further information came to light that meant the need to undertake the surveillance activity never materialised. The authorisation was therefore cancelled, in accordance with legislative requirements.
- 4.3 Both the authorisation and cancellation of the surveillance 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 a statutory 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 Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Olu Idowu, Head of Legal Services Janie Berry, Director of Legal & Democratic Services
For more information contact: Background papers: List of appendices:	Olu Idowu on olu.idowu@derby.gov.uk 01332 643615 None Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

- 1.1 None

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 None

IT

- 4.1 None

Equalities Impact

- 5.1 None

Health and Safety

- 6.1 None

Environmental Sustainability

- 7.1 None

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

- 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, and which the Council, as a regulatory authority subject to the Act, is obliged to adhere to.

Corporate objectives and priorities for change

- 10.1 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.