



## **Cabinet**

### **23 October 2008**

#### **Report of the Policy Development Committee: Covert Surveillance Policy (Nov 08/12)**

1. The Council uses surveillance sparingly, and only when there is no other way to obtain the required evidence. In 2006, fourteen authorisations were given, with ten in 2007 and only two so far in 2008. Most cases concern the investigation of suspected benefit fraud, with the remainder comprising environmental health, such as noise nuisance, or licensing matters.
2. On 1 August 2008 the Council was inspected by an Assistant Surveillance Commissioner to review its management of covert activities. The report was issued in September 2008, and commended the Council for its improving standards in this field. However, the consideration of proportionality was said in the inspection report still to present difficulties, and it was recommended that further steps be taken to ensure that any officer authorising covert surveillance would be able to demonstrate that he or she had fully considered why it was a necessary and proportionate action. These steps are detailed in Section 2.5 of Report Z286 to the Committee.
3. The second recommendation from the inspection report was that the Monitoring Officer should assume responsibility for general oversight of covert surveillance operations, and be pro-active to ensure that reviews and cancellations were dealt with promptly. This would be in addition to the postholder's existing role of certifying that authorising officers had completed suitable training.
4. The Committee discussed whether there would be any benefit in additional independent verification that covert surveillance powers were being used proportionately. Whilst Members agreed that the Council's use of these powers was rigorously scrutinised through the inspections by the Office of Surveillance Commissioners, they asked the Head of Legal and Democratic Services to report back as to whether there would be merit in some additional, perhaps more local, challenge.

5. The Committee **RECOMMENDS** that:-

- (1) **the Head of Legal and Democratic Services assume responsibility for general oversight of covert surveillance operations and be proactive to ensure that reviews and cancellations be dealt with promptly;**
- (2) **the Council's *Directed Surveillance and Covert Human Intelligence Source Policy and Operational Document* be amended to reflect the change of responsibility, and that any consequential changes also be made to the Council's Scheme of Delegation;**
- (3) **the form used to seek authorisation for covert surveillance be amended so as to ensure that the matters set out in paragraph 2.5 of Report Z286 are adequately covered; and**
- (4) **future training give particular emphasis to the question of proportionality.**

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