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HAVANT BOROUGH COUNCIL

Governance & Audit Committee

14 March 2018

Update to Corporate Surveillance Policy and Procedure

**Report by Lead Solicitor, Company, Commercial
and Property/Deputy Monitoring Officer**

FOR DECISION

Cabinet Lead: Councillor Bowerman

Key Decision: No

1.0 Purpose of Report

The Council's Governance and Audit Committee is requested to amend the Council's Corporate Surveillance Policy, including comments and recommendations made by Paul Gration of the Office of Surveillance Commissioners following his inspection on the 21st August 2017.

2.0 Recommendation

That the Committee recommends that the amended Corporate Surveillance Policy be adopted by the Council.

3.0 Summary

Changes in legislation and best practice have necessitated changes to be made to the Council's Corporate Surveillance Policy, which concerns covert surveillance undertaken by the Council in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA). The Council's Constitution requires the Governance and Audit Committee to formally review the Policy.

The Policy includes a new section in relation to the use of Social Media.

4.0 Subject of Report

In 2012 the Regulation of Investigatory Powers Act 2000 was amended in two significant ways:

1. In order to carry out covert surveillance authorisation is now required to be obtained from the Magistrates' Court following provisional authorisation by duly authorised Council Officers;
2. Authorisation under the Regulation of Investigatory Powers Act 2000 is now only permitted if the purpose of the surveillance is the prevention or detection of crime(s) punishable by 6 months imprisonment or more, or relates to the sale of alcohol or tobacco to underage persons.

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These changes have resulted in a decreased number of authorisations being sought by Council Officers carrying out their duties. In Havant, there has only been one authorisation to carry out covert surveillance in the last 3 years and this was prior to the changes set out above.

As a result of the legislative changes, it is necessary to review and update the Council's Corporate Surveillance Policy. A full review was undertaken in June 2017, but amendments are required following receipt of the OSC Inspector's Report.

The proposed Corporate Surveillance Policy and Procedure is attached.

5.0 Implications

5.1 Resources:

There is no unbudgeted financial resource requirement.

5.2 Legal

The policy updates the Council's approach to the amended RIPA provisions and incorporates the OSC's recommendations.

5.3 Strategy:

An updated policy supports the Council's ambitions to provide excellent public services, by providing an up-to-date governance framework within which to conduct surveillance.

5.4 Risks: (Environmental, Health & Safety and Customer Access Impact Assessment)

If the policy is not changed, the Office of Surveillance Commissioners have the power to revoke the Council's powers to authorise covert surveillance. This may have an adverse impact on the ability of Officers to carry out their duties.

5.5 Communications:

No external communications are required as a result of this change of policy. However, RIPA has, at times, attracted national controversy, and public messages will need to be managed at the time of the publication of public reports on this.

5.6 For the Community:

This will ensure that any covert surveillance is carried out in accordance with the law and with best practice thereby not infringing Human Rights legislation.

6.0 Consultation

Tom Horwood, Executive Director (Strategy & Governance)
Finance – Lydia Morrison

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Portfolio Holder – Councillor Bowerman

6.1 Appendices: Amended Corporate Surveillance Policy and Procedure including Appendices

Background Papers:

None

Agreed and signed off by:

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