1. PURPOSE AND RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Report Type:</th>
<th>Public Report for Recommendation</th>
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<tbody>
<tr>
<td>Purpose of Report:</td>
<td>Members are requested to consider the Annual Report on the use of covert surveillance by the Council.</td>
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<td>Recommendations:</td>
<td>It is RECOMMENDED that: Members note the details of this report regarding usage of covert surveillance pursuant to the Regulation of Investigatory Powers Act 2000.</td>
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<td>Portfolio holder:</td>
<td>Portfolio Holder Performance – Cllr Andy Barfield</td>
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<td>Wards:</td>
<td>District-wide</td>
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<tr>
<td>Contact Officer:</td>
<td>Strategic Director – Louise Miller</td>
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2. BACKGROUND

2.1. Members will be aware that the Council as a Local Authority possess the ability to undertake covert surveillance to assist in the discharge of its functions. Provisions authorising covert surveillance are controlled through the operation of the Regulation of Investigatory Powers Act 2000, the Protection of Freedoms Act 2012 and statutory guidance.

2.2. Members and officers receive updates during the year as new guidance is issued.

2.3. The Council receives an inspection every three years to ensure compliance with the statutory provisions. The most recent Inspection took place on 9th September 2015.

2.4. The Council received the Report from the Inspector after his visit which indicated that the Council were continuing to head in the right direction and made no recommendations for future action which was very unusual. The Inspector also added into his report that, in his opinion, the “structure of RIPA must rank as one of the best in the country.”

3. ANNUAL UPDATE

3.1. Neil Farmer (Strategic Director) the RIPA Senior Responsible Officer left the organisation in Feb 2016. Initially the responsibility moved to Ian Milner (Strategic Director) and subsequently, as ratified at Council September 2016, Louise Miller (Strategic Director) has taken the role.

3.2. The Strategic Director will be carrying out random inspection of service files to ensure compliance with the statutory regime. Previous inspections carried out,
found no evidence to suggest that officers are using covert surveillance contrary to the provisions of the legislation.

3.3. 14 officers attended a day and a half training session on the 11th and 12th April 2016. Member sessions also took place. The CHIS (Covert Human Intelligence Source) training covered the following topics:
   (a) CHIS and the Law;
   (b) the roles and responsibilities of the controller handler and authorising officers; and
   (c) types of CHIS and associated motivations and risk.

3.4. Members are advised that for this Annual update, the Council has not had to resort to the use of covert surveillance under the relevant legislation over the past twelve months.

4. IMPLICATIONS

Corporate Plan & Council Objectives

4.1. In implementing any action requiring compliance with statutory provision, the Council seeks to show in its policies and procedures the transparency with which decision are to be taken and monitored. It ensures that the reputation of the Council is upheld.

Legal

4.2. The Council needs to ensure its processes and procedures are compliant with the requirements of the Regulation of Investigatory Powers Act 200 and the Protection of Freedoms Act 2012

Environmental

4.3. None.

Financial and Risk

4.4. There are currently no financial implications associated with this report. The oversight afforded through the approved Council processes and procedures seeks to minimise any risk of breaching the statutory regime.

Equalities

4.5. There are no equalities implications associated with this report.

Consultation and Engagement

4.6. None.

5. CONCLUSION

5.1. It is important that Members exercise their oversight role, in seeking to ensure that their employees adhere to the provisions governing the use of covert surveillance and receive regular updates on how the Council has sought to use such surveillance. Members will therefore continue to receive the Annual update and regular reports throughout the year.
Appendices:
None

Background Papers:
None.