

Corporate Governance and Standards Committee Report  
Report of Executive Head of Organisational Development

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## Update to Covert Surveillance Policy

### Executive Summary

Further to the Assistant Surveillance Commissioner's visit in September 2014, officers produced an action plan in order to address his recommendations. The action plan, approved by the Committee in November 2014, included updating the Council's Covert Surveillance Policy. The draft updated policy is attached at Appendix 1 for the Committee's endorsement prior to its consideration by the Executive in February 2015.

### Recommendation

That the Committee endorse the updated Covert Surveillance Policy prior to its consideration by the Executive, in particular, that the delegations to the Executive Head of Governance include the Senior Responsible Officer role.

### Reason for recommendation:

To ensure that any covert surveillance activity carried out by the Council remains proportionate and in line with current legislation and good practice.

### Purpose of Report

- 1.1 This report seeks the committee's endorsement of the Council's updated Covert Surveillance Policy further to the recent Office of Surveillance Commissioner's visit.

### Strategic Framework

- 2.1 Approval of the updated Covert Surveillance Policy will ensure the Council remains compliant with the Regulation of Investigatory Powers Act 2000, which regulates the Council's use of covert surveillance powers, informants and communications data. Compliance with this legislation will contribute to a safe and vibrant community and in particular will ensure that residents within our community can live in dignity.

## **Background**

- 3.1 Further to the Assistant Surveillance Commissioner's visit on 12 September 2014, officers produced an action plan in order to address his recommendations, which the Corporate Governance and Standards Committee considered at its meeting on 27 November 2014.
- 3.2 The action plan included the submission of an updated Covert Surveillance Policy for Committee approval and the updated draft is attached to this report as Appendix 1.
- 3.3 The update takes into account the following:
  - a. the recommendations included in the Office of Surveillance Commissioners (OSC) Inspection Report (considered by the Committee on 27 November 2014) including the designation of Senior Responsible Officer,
  - b. the recent revocation of individual Single Point of Contacts (SPoC) in individual local authorities in favour of the National Anti-Fraud Network (this is in relation to communications data)
  - c. ensuring that the changes that arose from the Protection of Freedoms Act 2012 are set out more clearly in the Policy.

## **Financial Implications**

- 4.1. There are no financial implications to this report.

## **Legal Implications**

- 5.1 The Council must comply with the Regulation of Investigatory Powers Act 2000 and associated legislation such as the Protection of Freedoms Act 2012. Addressing the recommendations made by the Assistant Surveillance Commissioner will help the Council to remain compliant.

## **Human Resource Implications**

- 6.1 There are no human resource implications arising from this report.

## **Conclusion**

- 7.1 Approval of the updated Covert Surveillance Policy will ensure that the Council remains compliant with the prevailing laws when conducting covert surveillance and the good practice recommended by the Office of Surveillance Commissioners.

## **Background Papers**

- Code of practice for covert surveillance and property interference (Home Office 2010)
- Code of practice for the use of human intelligence sources (Home Office 2010)

- Office of Surveillance Commissioner's Inspection Report 12 September 2014

## **Appendices**

Guildford Borough Council Covert Surveillance Policy 2015:1