

Report to	-	Licensing and General Purposes Committee
Date	-	15 April 2019
Report of the	-	Executive Director
Subject	-	Surveillance Activity Annual Update

Recommendation to COUNCIL: That the Council's annual report on covert surveillance be noted;

AND

Recommendation: It be **RESOLVED:** That the 2018 Annual update report be noted.

Head of Service: Kristina Shaw-Hamilton

Introduction

1. As Members will be aware the Council has a range of surveillance powers under current legislation. These powers are covered by a council policy and the express approval of a senior officer. This report brings an annual report for Members, in line with the inspecting officer's recommendations.

Report Findings and Recommendations

2. In October 2017, the Investigatory Powers Commissioner's Office completed an inspection of Rother's Surveillance Powers. These are carried out around every four years and in this case was completed by reviewing the Council's Policy and records. This inspection was successful but in the nature of an inspection, a number of recommendations were made for the future.
3. The key recommendations coming from the report were that:
 - a. The Council's Policy needed to be updated to cover the surveillance of social media.
 - b. Members should be updated regularly on surveillance activity and have an overview of this.
 - c. Staff training should be brought up to date.
4. In order to keep Members up to date in this area, it was proposed that an annual update report be brought to this Committee. It is important to be aware that Rother's use of legal powers for surveillance is very limited. The last time the Council applied for these powers was in 2015. Rother's approach is fundamentally on the ground observations, and the Council only uses the legal surveillance powers when they are definitely required.

Reporting for 2018

5. In taking the opportunity to update Members, there was no use of legally approved surveillance powers in 2018. As stated in the previous paragraph, the last time the Council applied, and were granted surveillance powers by a

Magistrate was in 2015. Aside from the recommendations in the inspection report there is nothing further to update Members on.

Conclusion

6. The annual report to Members on surveillance activity meet the key recommendations of the Surveillance Commissioner's report. The next inspection is likely to be in 2021. The importance of undertaking surveillance activity in a way which conforms to legal requirements is critical. However, it must be emphasised, that these powers are very rarely used by the Council. Equally, to re-assure Members on the enforcement work undertaken by the Council, there are many other observations and investigations that are carried out overtly, that are not captured by this policy.

Malcolm Johnston
Executive Director

Risk Assessment Statement

Failure to update and comply with the Council's policy could lead to legal challenges to our surveillance activity and also potentially mean a failure in future inspection reports.