

Report to	-	Licensing and General Purposes Committee
Date	-	22 January 2018
Report of the	-	Executive Director of Resources
Subject	-	Surveillance Policy and Annual Update

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**Recommendation to COUNCIL:** That the Council's amended Surveillance Policy be updated and amended in line with the inspection recommendations, be approved and adopted.

**Recommendation:** It be **RESOLVED:** That the 2017 Annual update report be noted.

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**Service Manager: John Collins**

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## 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 updated policy to Members and also introduces 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 addressing these recommendations, a revised Policy (at Appendix A to this report) is put forward for approval. Aside from some minor updating the key change is a section guiding our staff on social media surveillance. This emphasises a very passive approach to social media, in other words, only looking at what is openly available. Staff training is being progressed and will be completed in the first half of 2018.
5. In order to keep Members up to date in this area, it is proposed that an annual update report is 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 around on the ground observation, and the Council only uses the legal surveillance powers when they are definitely required.

### **Reporting for 2017**

6. In taking the opportunity to update Members, there was no use of legally approved surveillance powers in 2017. As stated in the previous paragraph, the last time the Council applied and were granted surveillance powers was in 2015. Aside from the recommendations in the inspection report there is nothing further to update Members on.

### **Conclusion**

7. The updated Policy and an 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.

Malcolm Johnston  
Executive Director of Resources

### **Risk Assessment Statement**

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

Appendix A – Policy and Guidance on the Regulation of Investigatory Powers Act 2000.