

Rother District Council

Report to	-	Licensing and General Purposes Committee
Date	-	20 January 2020
Report of the	-	Executive Director
Subject	-	Surveillance Activity Annual Update

Recommendation: It be **RESOLVED:** That the Council's 2019 Annual update report on covert surveillance be noted.

Introduction

1. As Members may 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 recommendation.
2. 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 about the use of on the ground observations, and the Council only uses the legal surveillance powers when they are definitely required.

Reporting for 2019

3. In taking the opportunity to update Members, there was no use of legally approved surveillance powers in 2019. As stated in the previous paragraph, the last time the Council applied, and was granted surveillance powers by a Magistrate was in 2015.
4. During July 2019 the Council received extensive training at all tiers of management on the use of Regulation of Investigatory Powers Act (RIPA) powers, and in particular in the area of social media. The learning outcomes from that training were cascaded throughout the organisation to ensure that the use of social media for investigatory purposes was better controlled and audited. An updated RIPA Policy will be placed before Members in the spring for approval.

Conclusion

5. The annual report to Members on surveillance activity meets the key recommendations of the previous 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.