

Daventry District Council Surveillance Policy

Version	Revision Date	Reviser	Description of Revision
1.0	April 2003	Mary Gallagher	Original
1.1	February 2008	Mary Gallagher	Update content
1.2	January 2012	Vikki Smith	Update format and content
1.3	January 2013	Vikki Smith	Update to include JP authorisation
1.4	August 2014	Vikki Smith	Update name of Legal Advisor
1.5	February 2015	Vikki Smith	Include 1.5 on Social Media
1.6	November 2017	Vikki Smith	Change of SRO
1.7	November 2018	Vikki Smith	Update authorising officers

Prepared by Vikki Smith

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1. Policy Statement

- 1.1 The Council supports the statutory framework for covert surveillance as a means of safeguarding the legitimate interests of individuals, whilst ensuring that there is proper investigation of cases.
- 1.2 The Regulation of Investigatory Powers Act 2000 (RIPA) provides the statutory framework for the granting of authority to carry out covert surveillance. Some of the Council's activities necessarily require covert surveillance to take place as part of its enforcement functions. Examples of when covert surveillance might be necessary includes during serious or serial benefit fraud investigations, dangerous waste dumping or serious criminal damage.
- 1.3 The Council cannot authorise the use of directed surveillance to investigate disorder that does not involve criminal offences or to investigate low-level offences, for example, littering, dog control and fly-posting.
- 1.4 The Council's policy is that RIPA should only be used when it affords the most effective way of gathering evidence in respect of an allegation. It must be absolutely justified and when an investigation is for the single purpose of preventing or detecting crime. However, careful consideration must always be given to alternative methods before seeking authorisation under the RIPA regime, in order to ensure that the use of surveillance is a proportionate response to the circumstances of the case.
- 1.5 A considered approach is necessary when establishing whether or not any material obtained via Social Media constitutes either Directed Surveillance or a Covert Human Intelligence Source (CHIS). Therefore due regard to the Council's Surveillance Procedure with regard to Social Media is paramount.
- 1.6 The Council recognises the importance of complying with RIPA and the Home Office Codes of Practice when carrying out investigations and endeavours to keep covert surveillance to a minimum.
- 1.7 It is essential that all activities investigated, whether they will lead to prosecution or not, are carried out in accordance with the RIPA Codes of Practice and the Surveillance Procedure. Investigations which fall within the scope of RIPA, which are not authorised, could leave the Council open to legal challenge by individuals who consider that there has been an intrusion into their privacy.
- 1.8 The Council is fully committed to complying with the Human Rights Act 1998 and recognises the need for a sense of balance between detecting or preventing crime and intrusion into the private lives of others.

- 1.9 To ensure compliance all covert surveillance, and use of covert human intelligence source (CHIS), falling within the scope of RIPA, carried out by officers of the Council, or agents acting on the Council's behalf, must be authorised by a designated 'Authorising Officer' in the form prescribed in the Council's Surveillance Procedure and requires judicial approval by a Justice of Peace. The Procedure Document sets out a framework for obtaining authorisations and judicial approval for surveillance. A list of Authorising Officers appears at Paragraph 1.13 together with a link to the Surveillance Procedure.
- 1.10 In complying with RIPA, officers must have full regard to the RIPA Codes of Practice issued by the Home Office. Links to the Home Office Codes are available from the Surveillance Procedure at section 2.15.
- 1.11 The content of the Policy will be reported to an appropriate committee annually. The role of the committee is to oversee the RIPA policy and its proper application. There will also be quarterly updates to Portfolio Holders when authorisations have been granted in any year.
- 1.12 Any Officer who is unsure about any aspect of this Policy should contact, at the earliest possible opportunity, the Monitoring Officer, for advice and assistance. Appropriate training and development will be organised and training given to Officers who use the powers, Authorising Officers and other relevant senior managers.
- 1.13 RIPA and this Policy are important for the effective and efficient operation of the Council's actions with regard to covert surveillance and Covert Human Intelligence Sources. This Policy will, therefore, be kept under review by the Monitoring Officer. Authorising Officers must bring any suggestions for continuous improvement of this Policy to the attention of the Monitoring Officer at the earliest possible opportunity.
- 1.14 The Council has limited those within the authority who may authorise applications, as below. No other person may authorise applications. Authorising officers are not restricted to authorising, or refusing, applications for applicants from their own service area.

The following persons who are in posts designated by the relevant regulations and who are considered to have sufficiently up to date experience and training:

Authorising Officers:

- Tony Gillet – Executive Director (Resources)
- Maria Taylor – Executive Director (Community)
- Michael Pullan – Revenues and Benefits Manager
- Ed Cooke – Environmental Health Manager (Environmental Improvement)
- Paul Knight – Environmental Health Manager (Health)

Improvement)

Authorised Officers in relation to Confidential material:

- Ian Vincent - Chief Executive or Ed Cooke in the absence of the Chief Executive (not the Monitoring Officer)

Senior Responsible Officer

- Simon Bovey - Monitoring Officer

Legal Advisor

- District Law

Gatekeeper

- Vikki Smith – Information Officer

Surveillance Procedure:

<http://www.daventrydc.gov.uk/your-council/key-documents/?p=4>