

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 10th March 2014

CONTACT OFFICER: Kevin Gordon, Assistant Director Professional Services
(For all enquiries) 01753 875213

WARD(S): All

PORTFOLIO: Performance & Accountability – Councillor Sharif

PART I **NON-KEY DECISION**

UPDATED POLICY AND PROCEDURAL GUIDANCE - REGULATION OF INVESTIGATORY POWERS ACT 2000

1. Purpose of Report

The purpose of this report is to seek approval of the revised Covert Surveillance Policy and Procedural Guidance.

2. Recommendation

The Cabinet is requested to resolve that the revised Covert Surveillance Policy and Procedural Guidance (Appendix A) be approved.

3. Slough Joint Wellbeing Strategy Priorities

The use of covert surveillance or an agent, informant or officer working undercover is very rare but sometimes essential to ensure that the Council carries out its statutory powers and duties. It therefore supports all the key priorities of the Council.

4. Other Implications

(a) Financial

There are no financial implications arising from this report.

(b) Human Rights Act and Other Legal Implications

The revised Covert Surveillance Policy and Procedural Guidance documentation will ensure that the Regulation of Investigatory Powers Act 2000 (RIPA) and the Human Rights Act 1998 are adhered to.

5. Supporting Information

- 5.1 RIPA was introduced to ensure that surveillance and certain other intelligence gathering complies with the European Convention of Human Rights, importantly Article 8 which provides:- "Everyone has the right to respect for his private and family life, his home and his correspondence."

- 5.2 Part II of RIPA provides a statutory framework that is compliant with the European Convention on Human Rights when using intrusive surveillance techniques. It introduced national standards that apply to the Police and other law enforcement agencies, including local authorities. For example, the Council investigates a whole range of offences including housing benefit fraud, noise nuisance and non-compliance with planning enforcement notices.
- 5.3 When RIPA was introduced the Council adopted the existing policy and procedural guidance which sets out what certain Officers (Authorising Officers) must do when the Council have to carry out covert surveillance or utilise a Covert Human Intelligence Source (CHIS) (and agent, informant or officer working undercover) when gathering information for court proceedings.
- 5.4 The Cabinet and Council last approved the Policy and Procedural Guidance in March and April 2005. Given the technical nature of the documentation it was agreed that any future changes in law and best practice would be delegated to officers, however it is considered good practice for Members to approve the document periodically.
- 5.5 The updated Covert Surveillance Policy and Procedural Guidance is attached at Appendix A. The updates relate to technical matters including changes to Authorising Officers to reflect the new organisational structure of the Council and the process for securing judicial approval for authorisations through the Magistrates' Court.

6. Comments of Other Committees

- 6.1 This report and updated documents have not been considered by any other Committees.

7. Conclusion

- 7.1 The Cabinet is requested to consider and approve the updated Covert Surveillance Policy and Procedural Guidance to reflect the new organisational structure of the Council.

8. Appendices Attached

'A' SBC Covert Surveillance Policy and Procedural Guidance
(Updated January 2014)

9. Background Papers

None.