

TRAFFORD COUNCIL

Report to: Executive Meeting
Date: 31 October 2016
Report for: Information
Report of: Executive Member for Transformation and Resources

Report Title

Office of Surveillance Commissioners - Outcome of Inspection 2016

Summary

The purpose of the report is to update members on the outcome of the inspection carried out by the Office of Surveillance Commissioners and sets out the recommendations and the proposed action the Council will take in implementing those recommendations.

The report will also be submitted to Council (30 November) for information

Recommendation(s)

That the Executive note that the Commissioner's recommendations have been accepted and that the following steps have been taken to implement the recommendations/learning points:-

- a) an officer debrief of the lessons learned as a consequence of the inspection has taken place
- b) amendments made to the main policy document *Guidance on the Use of Surveillance* as set out.
- c) process now agreed with external agencies (GMP) in relation to authorisations for directed surveillance. Follow up checks to be carried out from time to time
- d) periodic refresher training for authorising officers, applicants and enforcement officers will be arranged.

Contact person for access to background papers and further information:

Name: Jane Le Fevre
Extension: 4215

Background Papers: The inspection report is marked "official sensitive" and is therefore not in the public domain.

Implications:

Relationship to Policy Framework/Corporate Priorities	Relevant to the safe place to live priority.
Financial	None
Legal Implications:	The inspection assessed the Council's actions in relation to its legal powers.
Equality/Diversity Implications	None
Sustainability Implications	None
Resource Implications e.g. Staffing / ICT / Assets	None
Risk Management Implications	None
Health & Wellbeing Implications	None
Health and Safety Implications	None

1.0 Background

1.1 The Office of Surveillance Commissioners (OSC) regularly carry out an inspection of local authorities exercising surveillance powers. The last inspection of Trafford Council was carried out in 2013. Since the last inspection, there have only been 3 authorisations for directed surveillance within Trafford Council. All of these were on behalf of the Benefit Fraud team, who investigate "working whilst claiming" or "living together" frauds. Surveillance is necessary to either prove or disprove the allegations, and is generally visual, with use of cameras as appropriate.

1.2 A further inspection was carried out earlier this year. The one-day inspection involved discussions with officers around the response to the previous recommendations, the core authorisation and oversight procedures and the provision of training. It involved feedback on the policy documents and training materials that had been examined prior to the visit by the OSC inspector. The OSC inspector also examined the three authorisations granted since the previous inspection and the central record of authorisations.

1.3 The inspection concluded that the Council had made only limited use of the powers vested in them by the Regulation of Investigatory Powers Act 2000 both in terms of quantity and the range of enforcement activity. It recognises that any applications made under the Act were of a good standard generally and that staff were knowledgeable about the use of RIPA powers and the procedures to be followed. In particular, full credit was given to the council for introducing a formal process for monitoring the use of Internet and social networking sites to assist investigations, although there is a recommendation for this to be extended to include a specific warning to staff in relation to the possibility of the use becoming such that it would require additional authorisation. The process for authorising Authorising Officers was also noted as representing good practice.

2.0 The Report

2.1 The inspection report makes two formal recommendations and some learning points.

2.2 The first recommendation requires two amendments to the main policy document, *Guidance on the Use of Surveillance* to be made as follows:-

- to remove references to urgent oral authorisations, as the power to make these has now been removed;
- to include, within the guidance regarding the use of social networking sites/internet, advice on the potential for the activity to meet the criteria for authorisation as a covert human intelligence source.

2.3 The second recommendation relates to the use of the Council CCTV system by external agencies (i.e. Police) under an authorisation for directed surveillance and requires that a process be agreed and documented whereby a copy or extract of the authorisation should be provided to CCTV staff giving details of the covert activity authorised, the identity of the authorising officer and the duration of the authorisation. This recommendation has been complied with – a process was agreed with GMP immediately following the Inspection and implemented with immediate effect.

2.4 The report also suggests but does not formally recommend (because the Inspector was satisfied that officers had a high level of knowledge and understanding of the law and practice) periodic refresher training events for authorising officers, applicants and enforcement officers.

Recommendations

That the Executive note that the Commissioner's recommendations have been accepted and that the following steps have been taken to implement the recommendations/learning points:-

- a) an officer debrief of the lessons learned as a consequence of the inspection has taken place
- b) amendments made to the main policy document *Guidance on the Use of Surveillance* as set out.
- c) process now agreed with external agencies (GMP) in relation to authorisations for directed surveillance. Follow up checks to be carried out from time to time
- d) periodic refresher training for authorising officers, applicants and enforcement officers will be arranged.

A report will also be made to full Council for noting

Other Options

None.

Consultation

None

Reasons for Recommendation

To ensure that members are aware of the outcome of the inspection and of the steps taken to implement the OSC's recommendations.

Key Decision No

Finance Officer Clearance (type in initials).....NB.....
Legal Officer Clearance (type in initials).....JLF

CORPORATE DIRECTOR'S SIGNATURE (electronic)



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To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.