

**Item 5(f) – Surveillance Policy – Report of the Chief Surveillance
Commissioner**

Audit Committee’s Recommendation to Council

The Committee considered a report recommending the adoption of a revised surveillance policy and the approval of reporting arrangements to Elected Members following a recent inspection by the Office of the Surveillance Commissioner.

On 19th June 2013, the Council was inspected by the Officer of the Surveillance Commissioner (OSC). These inspections were carried out on a three yearly basis. The Council received a report from the OSC and contained within the report were a small number of recommendations, including some minor changes to the Council’s surveillance policy.

The report of the OSC made 3 recommendations:

- Elected members of a local authority should review the authority’s use of the 2000 Act and set out the policy at least once a year. They should also consider internal reports on the use of the 2000 Act on at least a quarterly basis to ensure that it is being used consistently with the local authority’s policy and that the policy remains fit for purpose. They should not however, be involved in making decisions on specific authorisations.
- The Council ensure that the extant recommendations of 2010 with regard to training is acted upon without delay.
- The future training encompasses the following issues:

The applicant for directed surveillance understands that they not only have to set out the investigation objectives of the covert activity along with a narrative of the intelligence but an outline of the provenance of the intelligence.

That the covert activity should be reviewed during the period of authorisation.

The above recommendations had been addressed in that it would be recommended to Council that it agreed that an annual report with quarterly updates be made to Councillors through the Members’ Electronic Portal. Training for Officers had also been organised.

The Chairman sought more information on the one instance of covert monitoring. In response the Chief Officer Legal and Governance reported that this had related to a housing benefit contravention and it had been necessary to undertake surveillance outside a house.

A Member queried whether, in terms of shared services, Dartford Borough Council had the same policies, procedures and training as Sevenoaks District Council.

The Chief Officer Legal and Governance reported that whilst policies, procedures and training may not be identical they should be similar.

The Chairman noted that the Council used its powers of covert surveillance extremely rarely and the Committee were advised that there was no reason to presume that there would be a dramatic increase in use.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That Council be recommended to:

- (a) Note the report of the Chief Surveillance Commissioner;
- (b) Adopt the revised Surveillance Policy as set out at Appendix B to the report; and
- (c) Agree that an annual report with quarterly updates be made to Councillors by email in addition to being available on the Members Electronic Portal.