

4. Covert Surveillance follow up review

Working Group Members: Councillors Miller, Ainley, Tomlinson, Parr, Paling and Barnfather.

4.1 Conclusions

In conclusion, Members understood the impact of the changes to mean that the Council will continue to use its' powers in the pursuance of benefit fraud cases and in specific, targeted cases of fly tipping.

In cases of ASB, use of covert surveillance is now likely to be very rare, however Members were satisfied that the Council will continue to advise victims to report incidents to the Police in cases of criminal damage, and also to encourage individuals to record ASB on diary sheets, as there needs to be evidence of considerable harm and distress to activate an Anti - Social Behaviour Order. Members are aware that if there is a breach of an ASB order this is a criminal offence, therefore covert surveillance could be applied at that point.

Members were also satisfied that the Council's RIPA Policy and procedures are heavily scrutinised in line with statutory requirements. This includes an annual internal inspection, the outcomes of which must be reported to Cabinet along with any changes to the policy, and the assurance that the Legal department see and advise on all authorisations for the use of Covert Surveillance. There is also a 3 yearly inspection of the Council's use of RIPA by the Office of the Surveillance Commissioner. The last inspection was in September 2012.

Members were informed that a RIPA authorisation once approved by a JP has a three month lifespan, and that any reviews are done by Corporate Directors internally. An investigation can be cancelled by a Corporate Director or extended for up to three months. Any extension would require further approval from a JP

The working group was assured that the process of authorising and implementing RIPA procedures has not changed, the only difference being that the approval form now goes to the Magistrates Court rather than to a Corporate Director; therefore Members' earlier concerns that the process may become too time consuming were addressed.

Members were pleased to hear that the Council has been leading the way in enabling the Magistrates Courts to get up to speed with their new role by delivering training to the Nottingham and Mansfield Magistrates Courts' legal advisers, and that further training has been rolled out to Council officers and partners including CCTV operators and other relevant bodies.

The group was however keen to establish further clarification of the cost of such surveillance against the benefits achieved, particularly with reference to CCTV; to include equipment provision and maintenance, the scope of CCTV monitoring and associated manpower costs.

4.2 Recommendations

The Covert Surveillance Scrutiny working group would like to thank the Service Manager, Public Protection and Senior Solicitor for their input to both stages of the review, and now makes the following recommendations to the Portfolio Holder for Public Protection and Communications

- i. That the Council continues to apply its' powers to undertake covert directed surveillance in appropriate cases where a 6 month custodial sentence is the likely outcome.
- ii. That a report is submitted to the Overview Scrutiny Committee in due course providing details of the cost/benefits of undertaking such surveillance.