

Audit Committee – Supplementary agenda

A meeting of the Audit Committee will be held on:

Date: 10 July 2012

Time: 7.00pm

Venue: Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

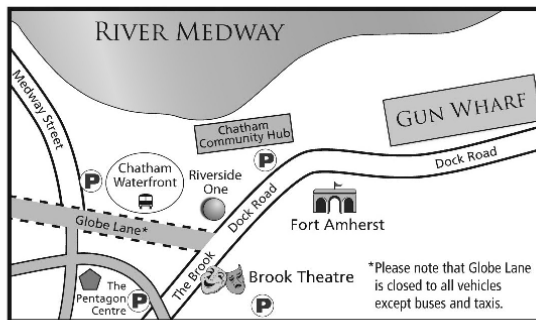
13. Covert Surveillance

(Pages
1 - 8)

A copy of the presentation given at the Audit Committee

For further information please contact Anthony Law, Democratic Services Officer on Telephone: 01634 332008 or Email: democratic.services@medway.gov.uk

Date: 10 July 2012



This agenda and reports are
available on our website
www.medway.gov.uk

A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	ارو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	ਏਡਵੇਂਸ਼ਵ	331786	فارسی	331840	Lietuviškai	332372

This page is intentionally left blank

Covert Surveillance



By Perry Holmes,
AD Legal & Corporate Services
Lucy Cokayne, Paralegal

Medway
COUNCIL
Serving You

Covert Surveillance

- Our Housing Benefit team, Trading Standards and others investigate and prosecute “baddies”
- We obtain most evidence openly
- We sometimes want to get evidence covertly/secretly
- There are legal rules about this to ensure we only invade people’s privacy in a lawful and proportionate way and when this approach is necessary

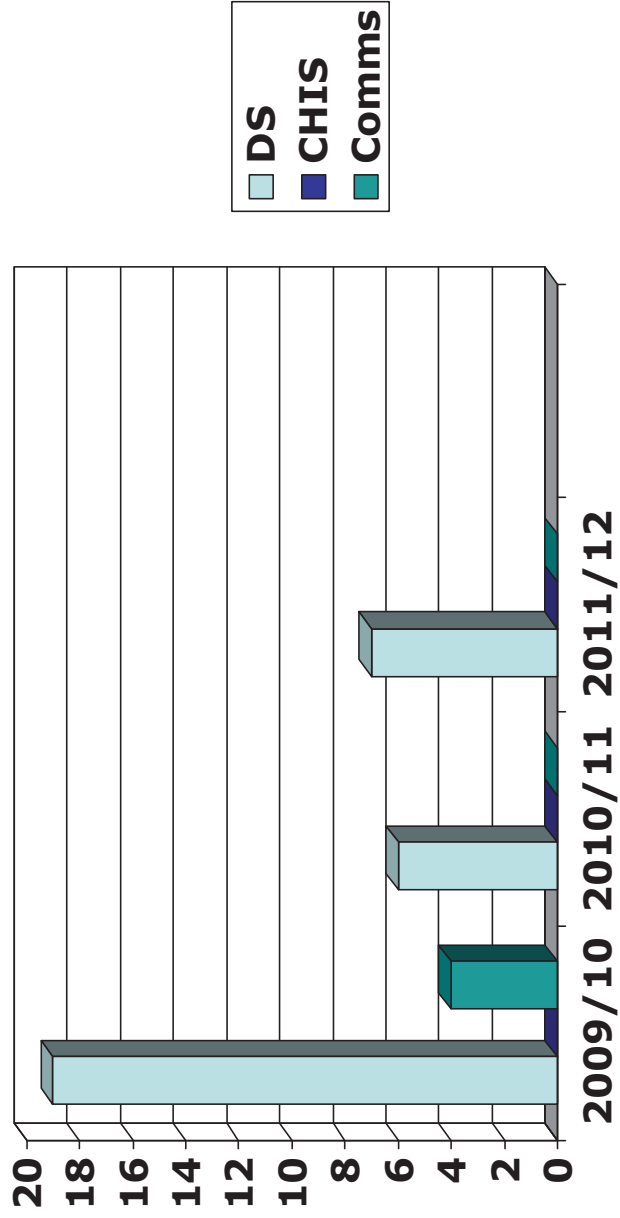




Methods to obtain evidence

- Directed surveillance
 - Deciding to turn our attention on someone
- Covert Human Intelligence Sources
 - People tasked to obtain evidence where there is a risk
- Communications Data
 - Telephone records

Statistics



Medway
COUNCIL
Serving You



Recent Developments

- Regulation of Investigatory Powers Act
 - Internal authorisation
 - OSC inspection 2009, 2012
- Protection from Freedom Act
 - Judicial authorisation

Impact of Protection of Freedoms Act 2012

- Limits use of covert surveillance
- Introduces Seriousness Threshold Test
- Requires application to the Magistrates Court
- What previous Medway prosecution cases would pass the threshold?
 - Surveillance of persistent vehicle repairs on public highway
NO
 - Surveillance of persistent anti-social behaviour in the public area
NO
 - Land being used to incinerate large amounts of waste (illegally)
YES
 - Fraud
YES
- We can still use RIPA for test purchases of alcohol and tobacco to an under 18, although these do not meet the seriousness threshold test





Our response

- Agreed action plan with Chief Executive to implement OSC recommendations
- Cabinet & Audit Committee oversight and review
- Extended Management Team
- New internal SRO monitoring
- Covert surveillance training seminar with Kent Law School and including Magistrates court staff
- Joint training to Magistrates

This page is intentionally left blank