

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

22ND NOVEMBER 2017

PRESENT: Councillor P.M. Hughes (Executive Board Member)

The following officers were in attendance:

R. Edgecombe, Legal Services Manager

Roberts, Policy and Strategy Officer, Environmental and Enforcement

J. Owen, Democratic Services Officer

Democratic Services Committee Room, County Hall, Carmarthen – 9:00am - 9:20am

1. DECLARATIONS OF INTEREST

There were no declarations of personal interest.

2. REGULATION OF INVESTIGATORY POWERS ACT

The Executive Board Member considered a report which reviewed the written procedures for the conduct of covert surveillance by staff and for the use of such surveillance.

The Executive Board Member noted that the Regulation of Investigatory Powers Act (RIPA) required local authorities to adopt written procedures governing them to be monitored by elected members and that the last annual report was presented shortly before the local authority elections in May 2017.

The Legal Services Manager explained that whilst to date the Authority had not used its powers under the Regulation of Investigatory Powers Act to acquire communications data, there had been an occasion where an Investigating Officer had sought to do so. Therefore, it had been necessary to amend the corporate procedure to include an additional section which related to the acquisition of communications data.

Reference was made to the new Section 9 – Communications Data which highlighted that the process now included a requirement for applications to be scrutinised and approved by the National Anti-Fraud Network (NAFN) in the first instance. The Policy and Strategy Officer for Environmental Enforcement confirmed that he was the contact for NAFN.

The Executive Board Member made reference to Section 14 – Scrutiny and Tribunal of the procedure and following a query the Legal Services Manager stated that the last inspection by an OSC inspector was 2016 in which one of the outcomes of the inspection was to be more consistent with regard to completion of forms. Appendix 3 appended to the procedures provided an example of a completed Authorisation Directed Surveillance form which would provide officers with guidance for a more consistent approach.

Following a query, the Policy and Strategy Officer for Environmental Enforcement stated that a database of all operations involving covert surveillance was supplied to the Legal Services Manager who was responsible for vetting all RIPA applications and maintaining the Central register.

The Executive Board Member asked to be kept informed of any approved applications, the Legal Services Manager agreed and stated that a report reviewing and monitoring activity would be brought to the Executive Board Member for consideration in May 2018.

In response to a query regarding cameras (Body Cams) worn by Enforcement Officers, the Legal Services Manager clarified that as body cameras were clearly visible and that officers inform individuals verbally that a surveillance camera was in operation, the RIPA legislation would not apply.

RESOLVED to approve the amendments to the corporate procedure on the conduct of covert surveillance.

3. TO RECEIVE THE DECISION RECORD OF THE EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION HELD ON THE 25TH SEPTEMBER, 2017.

RESOLVED that the decision record of the meeting held on 25th September, 2017 be signed as a correct record.

EXECUTIVE BOARD MEMBER

DATE