

# WRITTEN RESPONSES TO ELECTOR'S QUESTIONS FROM THE MEETING HELD ON 18 JANUARY, 2010

## DIRECTOR FOR CORPORATE SUPPORT

### Q1 PCC Surveillance Techniques

A1 Surveillance can be overt or covert.

#### Overt:

Staff whilst undertaking their job role can inform citizens whether children or adults, that their behaviour or communications are being monitored. Staff are provided with guidance on complying with the requirements of the Human Rights Act Article 8 'right to respect for private and family life' when undertaking overt monitoring.

#### Covert surveillance:

The Council is required to operate within the requirements of the Human Rights Act and in order to clarify the circumstances of when the Human Rights Act applies subsidiary legislation was enacted which was principally the Regulation of Investigatory Powers Act 2000 (RIPA).

The Council only allows staff to undertake covert surveillance according to the requirements of RIPA.

### Response to Question 1:

#### Who initiates?

An application for covert surveillance is 'initiated' by a Council case officer when the evidence that is required to support the Council's duty to enforce the law or to bring a prosecution will not be available by other means.

The case worker initiates the application for covert surveillance, then the line manager checks the application and then an approved Authorising Officer directs the covert surveillance that can be undertaken and the time scale for the surveillance.

### Response to Question 2:

#### How much does it cost?

A separate response has been sent to this question.

### Response to Question 3:

#### On what grounds is it used?

There is only one ground that is available to the Council – 'For the purpose of preventing or detecting crime or of preventing disorder'

**Response to Question 4:**

**How successful is it in value for money?**

A separate response has been sent to this question.

The number of covert surveillance applications for 2009 and the service area is in the following table:

<b>Service Team</b>	<b>Authorisation Date</b>	<b>Cancellation Date</b>
Anti Social Behaviour Unit	20/01/2009	09/02/2009
Anti Social Behaviour Unit	21/01/2009	06/02/2009
Benefits Investigation Team	28/01/2009	24/02/2009
Anti Social Behaviour Unit	18/12/2009	04/01/2010