

Policy and Resources Committee	
Meeting Date	10 September 2025
Report Title	Revisions to the Covert Surveillance and Access to Communications Data Policy and Guidance Notes
EMT Lead	Larissa Reed - Chief Executive
Head of Service	Claudette Valmond – Head of Mid-Kent Legal Services
Lead Officer	Gary Rowland – Team Leader Corporate Governance and RIPA Co-ordinating Officer
Classification	Open
Recommendations	1. That the Covert Surveillance and Access to Communications Data Policy and Guidance Notes for 2025/26 be approved by the Policy and Resources Committee.

1 Purpose of Report and Executive Summary

- 1.1 As the Council's RIPA Co-ordinating Officer, I am required to review and revise the Council's Covert Surveillance Policy ('the Policy'), where necessary, every year. Having reviewed the Policy for 2025/26, I have set out my proposed revisions by way of tracked changes to the current policy at Appendix I.

The Committee are asked to approve the proposed revisions to the Policy for 2025/26.

2 Background

- 2.1 The Home Office Covert Surveillance and Property Interference Revised Code of Practice 2018 makes it a requirement that the authority's elected members should review the Policy at least once a year.

- 2.2 The revised Policy, set out at Appendix I, has been revised as follows:

- that the role of Senior Responsible Officer ('SRO') be transferred to Emma Wiggins (Director of Regeneration and Neighbourhoods) from Larissa Reed (Chief Executive). The Investigatory Powers Commissioners' Office ('IPCO') have advised that the role of SRO should be to have general oversight of RIPA, to ensure the integrity of the process, and to audit and advise on any proposed authorisations. The SRO should not, for the purposes of covert surveillance, be an Authorising Officer.

The reason that a Chief Executive should not be the SRO is that they are the only person who can be an Authorising Officer for confidential information or juvenile Covert Human Intelligence Source ('CHIS').

3 Proposals

- 3.1 The Committee are asked to approve the proposed revisions to the Policy for 2025/26.

4 Alternative Options Considered and Rejected

- 4.1 The Committee may wish to make alternative or additional revisions to the 2025/26 Policy.

5 Consultation Undertaken or Proposed

N/A

6 Implications

Issue	Implications
Corporate Plan	No direct implications however the revised Policy will enable the Council to carry out surveillance in line with its values.
Financial, Resource and Property	There will be a cost to the Council as all applying and Authorising Officers will need to undertake training once in every three years.
Legal, Statutory and Procurement	Clear policy and guidance is necessary as failure to comply with the requirements of RIPA could lead to evidence in criminal proceedings not being admissible under the common law, section 78 of the Police and Criminal Evidence Act 1984 and the Human Rights Act 1998. It may also lead to proceedings being taken against the Council under the Human Rights Act 1998.
Crime and Disorder	The appropriate use of RIPA will enable the Council to provide evidence to support prosecutions in the public interest and tackle crime.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	Compliance with the Policy, together with the necessary training, will minimise the risks involved in carrying out covert surveillance and the associated risk of having critical information treated as inadmissible.
Equality and Diversity	This Policy treats all groups equally.
Privacy and Data Protection	No personal information is provided as part of this report.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Proposed Covert Surveillance and Access to Communications Data Policy and Guidance Notes 2025/26

8 Background Papers

N/A