

# **HALTON HOUSING TRUST**

## **SURVEILLANCE POLICY**

*Date due for Review :*

### **Introduction**

Halton Housing Trust (the Trust) has stated in its Anti-Social Behaviour Policy that it will be proactive in combating anti-social behaviour on its estates to protect the interests of its tenants and its communities. This means that in more serious anti-social behaviour cases, the Trust may have to consider using covert surveillance techniques to gather information. This could be as well as or instead of the more normal use of diary sheets to record incidents of anti-social behaviour suffered by victims and witnesses.

The Trust is aware that the gathering of information by surveillance techniques is covered by Part II of the Regulation of Investigatory Powers Act 2000 (RIPA), and largely applies to the Police and to a lesser extent local authorities rather than housing associations. The legislation sets out when authority is required from a senior officer in the organisation to enable the gathering of information by surveillance techniques. This is to ensure that when such evidence is used in court proceedings, the use of such techniques to gather it is seen to be reasonable, proportionate and robust.

As non-compliance of the regulations could be used as a defence in legal proceedings, the Trust has decided that its Surveillance Policy and procedure will closely follow the RIPA provisions when such surveillance techniques need to be used.

This policy sets out the Trust's requirements in this area and, in addition to RIPA, takes account of associated legal considerations contained in:

- the Data Protection Act 1998;
- the Human Rights Act 1998;
- the Private Security Industry Act 2001;
- the Home Office's current Code of Practice on Covert Surveillance; and
- Housing Corporation guidance.

*Date Adopted :*

## **Policy Statement**

The use of surveillance techniques, such as covert CCTV, by the Trust will always take account of the issues of necessity and proportionality. It will only be considered in the following circumstances:

- where other forms of information gathering have proved impossible or impractical;
- where informing the individual(s) concerned that recording was taking place would seriously prejudice the objective of making the recording;
- where there is reason to believe that the use of surveillance techniques such as covert CCTV is likely to produce evidence of crime, disorder or anti-social behaviour; and
- any such covert recording would only be carried out for a limited and reasonable period of time, consistent with the objectives of making the recording and will only relate to the specific suspected activity.

Any decision to use covert recording etc will be fully documented and will set out how the decision to use such techniques was reached and by whom.

Only certain nominated officers within the Trust will be allowed to authorise the use of surveillance techniques. Normally this will be the Deputy Chief Executive or the Head of Housing Management; or in their absence the Chief Executive or the Director of Resources.

In arriving at their decision, any Authorising Officer will take into account the risk of intrusion into the privacy of persons other than those who are the main subject(s) of the investigation. This is known as collateral intrusion. Any application for authorisation will include an assessment of any risk of collateral intrusion. The officer making the application should ensure that, wherever practicable, steps are taken to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation.

## **Implementation**

In cases where it is felt that evidence needs to be gathered by using covert surveillance techniques, the following process will be used:

- An application form for authorisation to carry out the surveillance will be submitted in writing by the officer dealing with the case. This will usually be a member of the Trust's Anti-Social Behaviour Team. The application will be considered by one of the nominated Authorising Officers listed above. Authorisation will normally be granted where the Authorising Officer believes it is necessary in the circumstances of a particular case:
  - (i) for the purpose of detecting or preventing crime, disorder or anti-social behaviour;
  - (ii) in the interests of public safety.

In urgent cases, it may be considered that there is not enough time to submit a formal

written application. If this was the case, the relevant officer would ask for oral authorisation, but the application form mentioned above should be completed as soon as reasonably practicable.

A unique reference number (URN) will be given to each authorisation which will relate only to that particular case.

- The Authorising Officer will consider the request and if it is agreed, the authorisation will last for 7 days. The most appropriate means of gathering the evidence will then be determined. This could be:
  - 1) by using the Trust's own equipment;
  - 2) by using an external security consultant or professional witnesses. If this is the case, the Trust will ensure that they are suitably licensed under the Private Security Industry Act 2001;
  - 3) by using its position as one of the partner agencies within the Safer Halton Partnership as a means to access suitable surveillance equipment. In doing so, it acknowledges that management of the equipment will remain with the Community Safety Partnership, whose Anti-Social Behaviour Co-ordinator will be responsible for the day to day management and deployment of this resource. Whenever this equipment is used the Trust will ensure that it complies with the Partnership's Portable, Covert, Wire-free CCTV - Protocol for Use document. It will also provide a copy of the written authorisation for the surveillance.
- Once the equipment has been obtained, evidence will start to be gathered.
- If the authorisation period is about to lapse and it is felt that the period of the surveillance needs to be extended, the officer dealing with the case will ask for a review to be carried out by an Authorising Officer. The review will decide whether the authorisation will be renewed. Authorisations can be renewed more than once, provided they continue to meet the criteria for authorisation.

If the request for the extension is agreed, the authorisation will be renewed and the surveillance will continue, with the Authorising Officer determining when or how often further reviews should be held.

If the request is denied, the authorisation will be cancelled.

- If the authorisation period comes to an end and there is no request for an extension, the original authorisation will automatically be cancelled.

For every case requiring authorisation, forms for each stage of the process – initial application, review, renewal and cancellation – must be completed.

### **Responsibility**

The Deputy Chief Executive will be responsible for the effective implementation of this policy, and for ensuring that the relevant staff are aware of and appropriately trained in the associated procedures.

### **Consultation**

The Trust will ensure that consultation on this policy will take place as part of its general management of anti-social behaviour, and will include the same range of people and organisations mentioned in the Anti-Social Behaviour Policy.

Any consultation will be in accordance with the Trust's Tenant and Resident Involvement Policy.

### **Monitoring**

A record of all authorisations will be kept and updated regularly whenever an authorisation is granted, renewed or cancelled. Such records will be retained for 3 years.

The Board of Management and Halton Community Voice will receive annual reports on the number of cases where authorisations were requested under this policy.

### **Review**

The Trust will review of this policy annually to ensure that it continues to support the main Anti-Social Behaviour Policy in its aim of protecting the tenants and residents of its communities. Any review will take account of any changes in legislation and best practice.

### **Associated Documents**

Anti-Social Behaviour Policy  
Harassment and Hate Crime Policy  
Domestic Violence Policy  
Relationship Breakdown Policy  
Equality and Diversity in Service Delivery Policy