



Office of Surveillance
Commissioners

The Rt. Hon The Lord Judge
Chief Surveillance Commissioner,
Office of Surveillance Commissioners,
PO Box 29105
London SW1V 1ZU

**INSPECTION REPORT
NORTH HERTFORDSHIRE DISTRICT COUNCIL**

June 27th 2016.

Inspector; His Honour Brian Barker CBE, Q.C.
Assistant Surveillance Commissioner.

Introduction:

1. The Authority serves a population of about 130000 who are spread between the principal towns are Letchworth, Hitchin, Baldock and Royston, and throughout a multitude of villages. The last OSC inspection was carried out by H.H. Norman Jones QC in April 2013.
2. With the swing towards overt investigations, the use of authorisations has been on a steady decline, and the last being for a directed surveillance in 2011.
3. The Authority is based at The Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire SG6 3JF and is headed by the Chief Executive Mr. David Scholes who was in post at the time of the last inspection. Some restructuring and streaming has been inevitable in the intervening period, and at the moment reporting to him are two Strategic Directors responsible for eight Heads of Services.
4. The Senior Responsible Officer is Mr. Anthony Roche, the Corporate Legal Manager and Monitoring Officer, who again was in post in 2013. The RIPA Co-ordinating officer is now Ms. Jaskiren Kalirai, the Monitoring Officer Technical Support and PA to Mr. Roche.
5. I am preparing this report without visiting on the basis of material supplied to me, and on a helpful phone call with Mr. Roche. I have concluded that a physical inspection is not necessary.

Progress against recommendations:

6. HH Norman Jones Q.C. made five recommendations. The Central Record to be compliant. Current Home Office forms to be adopted. The 2010 recommendations to be fully discharged. A training programme devised to meet the issues raised and to amend to the Policy and Procedures document as indicated.
7. An action plan was formulated and approved in June 2013 following the recommendations [this and the ongoing log of RIPA awareness events were included in my documents] to deal with these various issues, and it is apparent that swift steps were taken to have them addressed. The recommendations are discharged.

Central Record and Forms:

8. The standard computerized spreadsheet is available for use if required.
9. The standard Home Office application and record forms are available on the intranet, and I have been provided with copies of forms covering directed surveillance and CHIS
10. The form, flow chart and guidance notes for subsequent application to the Magistrates are all standard

RIPA Structure and Policy

11. The Authorities' Policy document has received praise on earlier inspections and the current revised version received cabinet approval on September 29th 2015. It is clearly written and comprehensive. It makes good use of selective bold enhancement of important points. Also impressively covered are sections on interaction with other agencies who are using *RIPA* procedures, and also the necessity for elected member to be involved and to have oversight. The section on *Part 1 of Sch. 2 of RIPA* regarding communications data is also well set out.
12. While it is clearly recognised that *CHIS* is to be rarely used, [and in fact never has been], there is a good explanation of *CHIS* and the role of handlers and controllers.
13. The consultation required and the necessity of ensuring that there are no alternatives are dealt with appropriately in the body of the document; but the impact would be improved by making it clear in the introductory section that it is vital that consultation takes place with the SRO and the legal department *before* any steps are taken. It would also assist to have the links to both the *2014 Home Office Guidance* and

the *OSC Procedures and Guidance* documents included for ease of reference when discussing guidance in paragraph 1.

14. Section 12 dealing with Social Networking Sites speaks of the potential for the inadvertent or inappropriate use of social network sites and refers to a separate Council Policy, but without further detail. This guidance, which is designed to be helpful in a wider context, is still under development but is nearly ready. [see para 20] Given the change in social habits in the last few years with the almost ubiquitous use of smart phones and personal devices, this section in the Policy should be expanded somewhat to emphasise the potential dangers of over enthusiastic but unguided research in the sites of suspects without prior consultation, in addition to directing the reader to the new policy

See recommendation

15. In Annex B the Authorising Officers are set as the Chief Executive, or in his absence the Director Head of Leisure and Environmental Services, the Head of Revenues and Benefits and the □Head of Housing and Public Protection. It is proper practice that the Chief Executive has responsibility for sensitive and juvenile matters. The task of general Authorising Officer, however, can be covered adequately by the trained listed Heads of Services.
16. The Policy is reviewed at Cabinet annually and updated where necessary.
17. A further impressive layer of awareness and exchange of views is the Corporate Enforcement Forum consisting of officers from areas requiring investigations meeting regularly to discuss problems and best practice .

Training:

18. Consequent on HH Norman Jones QC's recommendations in 2013, a day training session was conducted in April 2014 with half of that time devoted to RIPA. A good range of officers attended including come councillors. A further presentation was arranged in March 2015 for the Statutory Officer Group and line managers and was attended by upwards of forty officers.
19. It is apparent from the records of report to the Overview and Scrutiny Committee and from my conversation that the Corporate Legal Manager keeps abreast with developments; and in addition to using the intranet to give notice of changes, he uses directed emails target appropriate officers.

20. The potential difficulties with social networks had been noted and the drafting of a new policy was started late last year to assist officers. It is proposed to have an updating training session, using this as the central topic, in the near future

CCTV

21. The Authority does not operate a CCTV system.

Councillors

22. The Authority operates a Cabinet model with a Leader and seven Cabinet members, and the major responsibility for the oversight of *RIPA* comes under the Overview and Scrutiny Committee.
23. Communication with elected members on *RIPA* has been more structured since the last inspection and there has been regular quarterly reporting to Overview and Scrutiny Committee.

Conclusions

24. Previous inspections have reported good structures and high standards, and this continues to be the position. Mr. Roche impresses as a capable and forward-looking SRO who is fully aware of the potential usefulness of *RIPA* where necessary. He is also mindful of both rustiness through lack of use of the tool and also of the attraction of using social media, and is taking proper steps to deal with these problems.
25. General awareness of both potential and problems are high, both at officer as well as at elected official level, and I am satisfied that the team are alive to change and are equipped to deal with any future issue that might arise.
26. Finally, I am grateful both to Mr Roche and to Ms Kalirai for their assistance in my preparation.

Recommendations

27. *to incorporate the limited additions to the Policy document.*

Brian Barker.
Assistant Surveillance Commissioner.