



OSC/INSP/075

Office of Surveillance
Commissioners

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

25th July 2017

OSC INSPECTION – TAMWORTH BOROUGH COUNCIL

Inspector

Graham Wright

Introduction

1. Tamworth Borough Council is one of the geographically smallest council areas. It is situated in the south-west of Staffordshire and has a population of approximately 77,000.
2. The previous inspection of this Council by the OSC was undertaken by His Honour Norman Jones QC in October 2014.
3. The Chief Executive is Mr Anthony Goodwin, whose address for correspondence is Marmion House, Lichfield Street, Tamworth B79 7BZ. Mr Goodwin was in post at the time of the previous inspection in 2014.
4. The RIPA Senior Responsible Officer (SRO) is Mrs Jane Hackett, Solicitor to the Council who was also in post at the time of the earlier inspection and took part in it.
5. Since the last inspection there have been no RIPA authorisations of directed surveillance or covert human intelligence sources (CHIS).
6. I am preparing this report without visiting the Council. I sent the agreed questionnaire which was completed and returned to me along with other requested material. Having considered this material in detail, I have concluded that I can properly report to you without a physical inspection. This is in accordance with your recent direction that not every second-tier district or borough council needs to be visited every three years as a matter of course.

Progress against recommendations/Action Plan

7. The previous inspection made three recommendations, all of which were accepted by the Council.
8. *Raise RIPA awareness throughout the Council.*

Completed: This recommendation was made as there was some concern that there was a lack of awareness among those departments that were unlikely to use RIPA. The RIPA policy has been circulated to all staff, along with a questionnaire to ensure that the policy is read. Staff are required to read the policy and answer the questionnaire prior to logging onto their system.

9. Address the risks of "status drift" and those posed by the usage of social media.

Completed: Training in relation to these issues has been provided to staff likely to encounter them. Additionally, the circulation of the RIPA policy addresses the areas of concern. The current policy does not have a section on social media but one is due to be developed by the SRO in the autumn and a full survey undertaken of staff likely to access social media sites which will thereafter be monitored. A recent communication to departments regarding use of surveillance equipment included a question regarding use of social media. In all departments the response indicated that no use is currently being made. **However, I make a specific recommendation regarding the need for advice and guidance in relation to use of the internet and social networking sites.**

10. Amend the Procedure and Guidance document.

Completed: The suggested amendments have been made to the current document.

RIPA Structure and Policy

11. Jane Hackett, Solicitor to the Council, is the appointed 'senior responsible officer' and also the RIPA monitoring officer. She maintains the Central Record of authorisations, which is a spreadsheet and contains all the information required by the Code of Practice. No authorisation has been granted since October 2010.
12. There are three appointed and trained authorising officers: the Chief Executive, Executive Director Corporate Services and Corporate Director Growth Assets and Environment.
13. The main policy document is the *Policy and Procedure Regulation of Investigatory Powers Act 2000*. This is in many ways a useful and compliant document. What is lacking is any guidance in relation to use of the internet and social networking sites by council staff to carry out research on persons. In the questionnaire response it was said that a policy will be produced in the autumn but given that this issue was raised during the inspection in 2014 **I am inclined to make this an unequivocal recommendation.**

Reports to Members

14. There is an annual report to the full Council meeting at which the policy is approved. In addition there are quarterly reports to the Audit and Governance Committee.

Liaison with magistrates' court under The Protection of Freedoms Act 2012

15. There have been no authorisations granted since the inception of the Protection of Freedoms Act 2012 but detailed guidance is laid down in the policy document regarding the procedure to be adopted in the unlikely event of an authorisation being granted. Delegated officers will present the authorisation at the local Magistrates Court and the authorising officer should also be prepared to attend. The advice of the Solicitor to the Council is recommended.

Training

16. Since the previous inspection an external provider has conducted training sessions for all authorising officers, the SRO and enforcement/investigative staff. An overview of RIPA has been provided to elected members also. All staff in the Council have had the aforementioned policy and questionnaire sent to them.
17. It is intended to convene training sessions in the autumn.

Social media investigations

18. It is assessed by the SRO that very little use is being made of these media based upon recent responses from departments to a questionnaire sent out by the SRO. Training sessions have emphasised that repeated viewing and interaction with other persons may need authorisation under RIPA.
19. These measures need supporting by a clear and appropriate section of guidance within the policy document and this needs promulgating to all staff.

CCTV

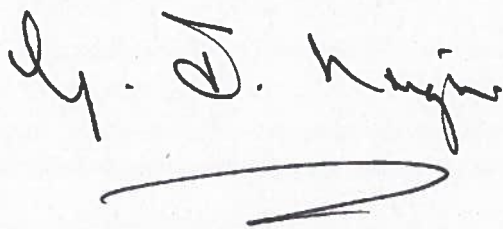
20. The public place CCTV system is wholly owned and managed by Tamworth Borough Council and its staff. There is a protocol with Staffordshire Police in which it is recognised that any use of the system under RIPA should be authorised by the police and details of that authorisation provided to CCTV managers.
21. A full review of the system has been carried out to ensure compliance with the Surveillance Camera Commissioner's Code of Practice and the Third Party Self-Certification Scheme has been completed.

Conclusions

22. Tamworth Borough Council has not granted an authorisation for covert activity under the Regulation of Investigatory Powers Act 2000 since October 2010. The reasons for this position are: a greater reliance on more overt means to investigate cases and carry out enforcement; concern expressed by elected members regarding the frequency of usage of covert activity; the constraints imposed by the Protection of Freedoms Act 2012; and staffing reductions.
23. All these factors have resulted in the Council being very unlikely to use the powers vested under RIPA – albeit that the internet and SNS has the potential to challenge this stance. It is for this reason, and the ease with which staff may unwittingly engage in covert surveillance in the 'virtual world', that I make this a recommendation. It is also incumbent on a council to provide adequate guidance to its staff.
24. With this one exception the regime of guidance, oversight and training at Tamworth is appropriate for their situation and Jane Hackett is an experienced, knowledgeable and conscientious SRO.

Recommendation

25. Guidance regarding use of the internet and SNS for research of persons and how this might meet the requirement for authorisation as directed surveillance or CHIS should be drawn up and actively disseminated to staff – paragraphs 9, 13, 18 and 19.



Surveillance Inspector

