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The Rt Hon Sir Christopher Rose
Chief Surveillance Commissioner
PO Box 29105
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Chief Executive

21 May 2007

Our Ref RH/rb/210507

Dear Sir Christopher

Covert Surveillance

Thank you for your letter of 9 May 2007, enclosing the inspection report from Mr Wright.

We have found this helpful and accept all the recommendations. We have compiled an action plan to ensure implementation.

We particularly appreciated Mr Wright's advice and the considerable practical expertise of the topic which he was able to bring to the inspection.

Yours sincerely



Robert Hammond
Chief Executive



Office of Surveillance
Commissioners



Chief
Surveillance
Commissioner
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Handwritten notes:
CEN
cc.
Please draft a reply
Summary
CEN

9th May 2007

Dear Mr. Hammond,

Covert Surveillance

On 24th April 2007 one of my Inspectors Mr Graham Wright visited your Council on my behalf to review your management of covert activities. I am grateful to you for the facilities afforded for the inspection.

I enclose a copy of Mr Wright's report which I endorse. You will see that you use your RIPA powers infrequently but a genuine desire to comply with the legislation was manifested by your staff. There is, however, a continuing marked lack of central oversight which must now be addressed.

The three recommendations are that your policy and guidance document be amended to reflect para 6.3 of the report, that your Head of Legal and Democratic Services carry out central quality assurance and oversight and maintain a proper Central Record as indicated in paras 7.1 to 7.4 of the report and that your applications and authorisations should accord with the comments made in para 7.9 of the report.

I shall be glad to learn that your Council accepts the recommendations and will see that they are implemented.

One of the main functions of review is to enable public authorities to improve their understanding and conduct of covert activities. I hope the Council finds this process constructive. Please let this Office know if it can help at any time.

*Yours sincerely,
Christy Ann Rose*

Mr Robert Hammond
Chief Executive
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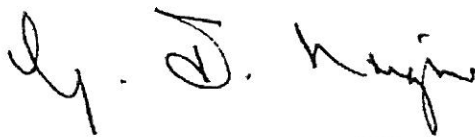
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8 Conclusion

- 8.1 Cambridge City Council is an infrequent user of the powers vested under the Regulation of Investigatory Powers Act 2000. There is no philosophical objection to the use of the powers; rather the limited use is based upon the lack of the necessary resources to carry out covert activity in a professional manner and a quite proper reliance on more overt means. It is also true to say that in the near future there may be a slight increase in the number and range of authorisations. There was no evidence of unauthorised activity being conducted and those members of staff spoken to display a genuine desire to be compliant with the legislation.
- 8.2 Little progress appears to have been made since the last inspection and there is a marked lack of central oversight. In a pre-inspection briefing note to the inspector, many of the shortcomings were identified by the council. It now needs to address those shortcomings rather than waiting for the next scheduled OSC inspection before it takes remedial action.

9 Recommendations

- 9.1 The council's policy and guidance document should be amended to reflect the specific points raised herein and any other relevant learning points from this inspection report – paragraph 6.3
- 9.2 The Head of Legal and Democratic Services should carry out central quality assurance and oversight of authorisations and processes and maintain a Central Record as specified in paragraph 2.14 of the Covert Surveillance Code of Practice – paragraphs 7.1 to 7.4
- 9.3 The contents of applications and authorisations should be in accordance with the comments made in this report – paragraph 7.9



Graham Wright
Surveillance Inspector

6.3 The references to Directed Surveillance are accurate and succinct and the document also contains a list of the current Authorising Officers as well as links to other useful sites such as the Home Office and OSC. It would however benefit from the following amendments/additions:

- Paragraph 9.7 refers to cases involving the potential acquisition of 'confidential information' and incorrectly states "authorisation of the Monitoring Officer should be sought". This should be amended to read "authorisation of the Head of Paid Service or (in his absence) a Chief Officer".
- There is a lack of practical guidance and interpretation of the key principles of proportionality, collateral intrusion and necessity to assist applicants and Authorising Officers in these aspects and wider guidance on the completion of applications and authorisations.

7 Inspection Findings

Central Record and Oversight

- 7.1 The council's policy states that this function should be carried out by the Head of Legal Services; however, as mentioned above, whilst some copy authorisations are sent to this person, there is by no means full compliance with this instruction.
- 7.2 The reality is that there is no corporate oversight of RIPA processes other than by the Authorising Officer whose staff are conducting covert surveillance. There are obvious weaknesses in such a system. There was no evidence of any meaningful quality assurance of authorisations and the manner in which they were filed lead to some confusion during the examination of them.
- 7.3 Additionally, there is no Central Record of authorisations to be found anywhere in the system. The original figures provided to the inspector relating to the number of authorisations granted was found to be incorrect as several additional cases were 'discovered' by the inspector during his examination of files.
- 7.4 Beside the failure of compliance with Paragraph 2.14 of the Covert Surveillance Code of Practice, this situation results in a total absence of any corporate and objective oversight, or 'gate keeping', on behalf of this public authority.

7.9 Below is a summary of the matters that need to be addressed in order to raise standards and ensure compliance:

- In applications, the activity for which authorisation is sought should be specified. It is not sufficient to use phrases such as 'general surveillance' or 'monitoring'.
- The sections in applications and authorisation statements relating to proportionality, necessity and collateral intrusion, displayed a poor understanding of the facts to be considered.
- Authorising Officers failed to specify the covert activity to be conducted; often merely signing a pre-typed "as detailed above".
- Review dates were not set at the time of authorisation and were often not completed.
- Cancellations were often either late or not completed at all.
- Out of date forms were being used, which sometimes lead to the wrong statutory grounds of necessity being stated i.e. protecting public health.

7.10 One case examined related to an application to access the number and to...