



Investigatory Powers
Commissioner's Office

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Mr Robert Mitchell
Chief Executive
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2 September 2021

Dear Mr Mitchell,

Inspection of Charnwood Borough Council

Please be aware that IPCO is not a “public authority” for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: info@ipco.org.uk), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.

Your Council was recently the subject of a virtual inspection by one of my Inspectors, REDACTED. I am grateful to Mr Adrian Ward, your Head of Strategic Support and RIPA Monitoring Officer, for taking the lead in this discussion and providing all the relevant documentation. Mr Simon Jackson, your Strategic Director for Environmental Services also joined the discussion in his capacity as RIPA Senior Responsible Officer (SRO).

As a result of the inspection REDACTED has made a number of recommendations which are detailed below, and I would be grateful if they could be addressed at the earliest opportunity:

Covert Surveillance Policy

Your policy has recently been presented to and agreed by Elected Members, which is good to see. The policy is generally well written and covers many of the required elements well. As the key reference point for staff considering whether any proposed activity requires authorisation under RIPA, you may wish to follow the route that many councils have taken by including simple flow charts which guide the reader through the initial considerations, application process and include any necessary signposting.

While your policy recognises the impact of the IP Act and the existence of IPCO, there are still several references to one of its precursor organisations (OSC) which should be removed. Authorisation periods are included in the policy but the variation when considering the authorisation of a Juvenile Covert Human Intelligence Source should also be made clear.

Data Assurance

In the absence of any surveillance product, the inspection sought reassurance that the necessary measures were in place to manage such product should it ever be captured. Your current policy refers to the management of product and surveillance records but does not cover all the safeguarding requirements outlined in the current Home Office Codes of Practice for surveillance and CHIS. Your RIPA policy should be amended to reflect those requirements, and you may consider an addition to your Central Record to monitor the management of any such product.

Senior Responsible Officer

Mr Jackson seems aware of his responsibility as SRO but by his own admission, very much relies on Mr Ward to manage any RIPA related enquiries and issues, while his priorities lay elsewhere. Mr Ward has provided reassurance that any identified issues will be escalated appropriately to the SRO, aided by the fact that Mr Jackson is his immediate line manager. It is somewhat concerning that internally, beyond Mr Ward, there is little knowledge of RIPA across the organisation, which adds weight to the next paragraph.

Training and awareness

I note you have not conducted any training for some time. While this is not ideal, I do understand that training budgets are somewhat limited and bearing in mind Charnwood Borough Council has not conducted any RIPA activity in recent times, RIPA training could easily slip down the list of priorities. That said, many RIPA errors occur because of the lack of knowledge, and therefore some method of raising awareness across the organisation should be implemented. This would seem to have been highlighted by a recent letter received in my Office from one of your Elected Members. The letter not only highlighted a lack of awareness of the legislation but more importantly, a lack of understanding of where to go to seek advice internally. The letter was nonetheless responded to accordingly and the appropriate advice given.

In conclusion, although your Council is a limited user of its surveillance powers, I take the opportunity here to reiterate to you the importance of regular, ongoing internal oversight of the actual or potential use of these powers, which should be managed through your Senior Responsible Officer.

I hope that you find this letter to be helpful and constructive. My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter.

I shall be grateful if you would acknowledge receipt of the report within two months and let me know your plans in regard to the compliance matters identified herein.

Yours sincerely,

SIGNATURE REDACTED

The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner