



Office of Surveillance
Commissioners

Chief
Surveillance
Commissioner

8th May 2013

Dear Mrs Jackson

Covert Surveillance

On 16th April 2013, one of my Inspectors, Mr Kevin Davis, 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 Davis's report which I endorse. I am pleased to see that the recommendations made following the last inspection 3 years ago have been discharged. You rarely use your RIPA powers but your officers are commendably keen to discharge their responsibilities appropriately

There are no recommendations.

One of the main functions of review is to enable public authorities to improve their understanding and conduct of covert activities. I hope your Service finds this process constructive.

Please let this Office know if it can help at any time.

*Yours sincerely,
Christy Lee Rose*

M/s Antoinette Jackson
Chief Executive
Cambridge City Council
Mandela House
4 Regent Street
Cambridge
CB2 1BY

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**Office of Surveillance
Commissioners**

OFFICE OF SURVEILLANCE COMMISSIONERS

INSPECTION REPORT

Cambridge City Council

16th April 2013

**Assistant Surveillance Inspector:
Mr Kevin Davis.**

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The inspection was limited by time and could only sample a small proportion of covert activity in order to make a subjective assessment of compliance. Failure to raise issues in this report should not automatically be construed as endorsement of the unreported practices.

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Office of Surveillance
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OSC INSP/075

The Rt. Hon. Sir Christopher Rose
Chief Surveillance Commissioner
PO Box 29105
London SW1 1ZU

24th April 2013

OSC INSPECTION REPORT- CAMBRIDGE CITY COUNCIL.

The inspection took place on Tuesday 16th of April 2013.

Inspector

Mr Kevin Davis.

General Description

1. Cambridge City Council is a district council in the county of Cambridgeshire based in the city of Cambridge and delivers tier two services.
2. The Chief Executive leads a Corporate Management Team (CMT), which currently comprises five directors, each responsible for a department and the Head of Human Resources. The CMT has commissioning, prioritisation and decision-making roles to effect strategic leadership for the Council.
3. The Directors oversee Departmental Management Teams led by Heads of Service, who have responsibility for the day-to-day management of services. The Council employs just over 1100 people and has a turnover of approximately £140 million each year.
4. The Chief Executive is Antoinette Jackson. The address for correspondence is Mandela House, 4 Regent Street, Cambridge, CB2 1BY.

Inspection Approach

5. The purpose of the inspection was to examine policies, procedures, operations and administration in relation to directed surveillance and covert human intelligence sources (CHIS) under the Regulation of Investigatory Powers Act 2000 (RIPA).
6. During the inspection I had discussions with the following members of staff:
 - Mr James Stevens (Revenue and benefits)
 - Ms Liz Bissett (Director of Community Services)
 - Mr Robert Osbourne (Enforcement Manager)
 - Ms Lynda Kilkelly (Safer Communities Section Manager).

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Review of Progress

- 7 His Honour Dr Colin Kolbert in his inspection report in May 2010 made three recommendations:

1) Plainly the Council must never stray into Intrusive Surveillance at all. If training and documentation cannot ensure that there is no repeat, Simon Pugh's oversight should pick up such transgression before the proposed operation commences

Action

Advice was circulated immediately after the last inspection. Mr Pugh as Head of Legal Services now has oversight of all applications for covert activity.

Discharged

(2) Authorising Officers should have the 'Act Now' booklet to hand at all stages of an authorisation and follow its guidance as well as the prompts on the RIPA forms. It should be superfluous to comment that it is foolish not to follow guidance provided, but unfortunately it is necessary to stress the point.

Action

The comprehensive policy and guidance document produced by the Head of Legal Services is easy to understand and gives detailed guidance for both applicants and authorising officers.

Discharged

(3) Training which it is acknowledged is already overdue, should be in hand in the near future, with particular emphasis on some of the fundamental issues outlined in this report.

Action

Training has taken place on numerous occasions since the last inspection and a further two day course is to be delivered to all relevant personnel in June 2013.

Discharged

Policies and procedures

- 8 M Simon Pugh is the Head of Legal Services is the Senior Responsible Officer (SRO) in accordance with paragraph 3.28 of the revised Codes of Practice. Reporting to the Council in accordance with the Codes of Practice paragraph 3.30 is undertaken via the 'Strategy and Resources Scrutiny Committee'.

- 9 I examined the background papers circulated in October 2012, they were detailed and complied with the requirements of the Codes of Practice. In discussion with Mr Pugh and his colleagues it was apparent that although the Council is not a frequent user of covert investigative techniques the elected members take their legal obligations very seriously.
- 10 Policies and procedures relating to covert surveillance and CHIS are contained in a comprehensive and easy to understand policy document which has been amended in light of the Protection of Freedoms Act 2012.
- 11 There are three authorising officers who are named in appendix one to the RIPA policy document. All applications are submitted to them but have to be first be quality assured by the Head of Legal Services. All documentation is required to be sent to Legal and Democratic Services department who oversee the Central Record of Authorisation and management of reviews renewals and cancellations. The necessary forms are attached to the policy document at appendix three and are current versions issued by the Home Office.

Training

- 12 Since the last inspection there has been regular training delivered internally. Further training in light of the Protection of Freedoms Act 2012 is planned for the 5th and 13th of June and will be delivered by Mr Pugh and Mr Beaumont. I have seen the course outline and it is designed to cover the core elements of RIPA along with the role of magistrates.

Significant issues

Council ethos

- 13 The Council is not a regular user of the powers vested under RIPA. The policy document at paragraph 3.3 contains a statement of intent with regard to the Codes of Practice:

'Cambridge City Council attaches a high value to the privacy of citizens. It will adhere to the letter and to the spirit of the Act and will comply with this Code'.

Central Record of Authorisations

- 14 The Central Record of Authorisation is compliant with paragraph 8.1 of the revised Code of Practice for Covert Surveillance and Property Interference.

Directed Surveillance

- 15 There have been no authorisations for directed surveillance since February 2010.

CHIS

- 16 There have been no authorisations for CHIS since the last inspection. This is an area of covert activity that Council does not believe they have the experience or desire to embark upon.

Focus group

- 17 I interviewed a focus group of both practitioners/potential applicants and an authorising officer; all had a good knowledge of the legislation and were familiar with the new requirements introduced in the Protection of Freedoms Act 2012. Though they had little practical experience of the process of applying for and authorising covert activity I am confident that if called to do so they would be professional in their endeavours.

CCTV

- 18 The Council maintains an extensive CCTV capability with 150 cameras in public places. The unit is managed by Mr Martin Beaumont who was voted by those within the CCTV industry as 'Manager of the Year' in 2012. The Council CCTV unit won a similar accolade in 2010. Mr Beaumont is keen to ensure that the public are aware of the capability and extent of CCTV coverage operated by Cambridge City Council and encourages visitors. In 2012 approximately 1000 members of the public visited the unit. I interviewed a camera operator; he had a good level of RIPA awareness and was familiar with the doctrine of R v Sutherland.
- 19 I was pleased to note CCTV report 60056. This was a request to utilise CCTV cameras that had been made by a police officer and was rejected by Mr Beaumont. The brief circumstances were that a request was made by a police officer to utilise CCTV equipment in circumstances that were judged by the CCTV operator to require an authorisation for directed surveillance. In accordance with the doctrine of R v Sutherland he required the officer to produce the appropriate documentation. The matter was raised with Mr Beaumont who concurred with his member of staff. The officer who was unable to utilise the CCTV cameras disagreed BUT chose not to raise his concerns with a senior officer from his force in accordance with the joint protocol in place between the Council and Cambridgeshire Constabulary.
- 20 I do not wish to make comment upon the decision by Mr Beaumont or the operator other than to say that it is indicative of robust management and a keenness to ensure legislative compliance by the operator.

Observations

- 21 The Cambridge City Council is not a significant user of RIPA but it was evident from the inspection that they are keen to discharge their legal responsibilities appropriately and have followed the advice given in previous inspection reports.

Finally, I would to thank all of those who participated so positively in the inspection process, and in particular Mr Simon Pugh for making all the necessary arrangements.

Recommendations

22 I make no formal recommendations.

Kevin Davis

Surveillance Inspector.