

Audit Committee – 2 September 2013

Regulation of Investigatory Powers Act (RIPA) 2000

Summary of report:

This report is to:

- to advise the Audit Committee of the outcome of the inspection by the Office of the Surveillance Commissioner (OSC), which took place on 23 May 2013 and note the council's response; and
- to provide the Audit Committee with a summary of surveillance activities undertaken by the council under the Regulation of Investigatory Powers Act (RIPA) 2000 for the year ending 31 March 2013; and period ending 30 June 2013.

Background papers:

Regulation of Investigatory Powers Act (RIPA) 2000 activity records.

Recommendations:

1. To note the outcome of the inspection by the Office of the Surveillance Commissioner (OSC) which took place on 23 May 2013 and the council's response.
2. Note the council's use of the Regulation of Investigatory Powers Act (RIPA) 2000 and seek assurance from the Senior Responsible Officer that it is being used consistently with the council's policy and procedures.



Jamie Morris – Executive Director (Neighbourhood Services)

9 August 2013

Background

Where there is an interference by a local authority with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights and where there is no other source of lawful authority, the consequence of not obtaining an authorisation under the 2000 Act may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998.

The Home Office has strongly recommended that local authorities seek an authorisation where the surveillance is likely to interfere with a person's Article 8 rights to privacy by obtaining private information about that person, whether or not that person is the subject

of the investigation or operation. Obtaining an authorisation ensures that the action is carried out in accordance with law and subject to stringent safeguards against abuse.

Directed surveillance authorisations under Part II of the Regulation of Investigatory Powers Act (RIPA) 2000 may be granted in relation to covert surveillance undertaken in relation to a specific investigation or operation which is likely to result in the obtaining of private information about a person, and which is other than an immediate response to events or circumstances.

Regulation of Investigatory Powers Act (RIPA) 2000 Annual comparators 1 April 2010 – 31 March 2013 and First Quarter 1 April 2013 – 30 June 2013

The table at **Appendix 1** includes the general purpose or reason for which RIPA authority was granted and the number of authorities granted for each purpose or reason for the period. It is not possible to give further details as this may breach confidentiality legislation, interfere with the proper investigation of potential offenders or disclose other operational information which could hinder past, current or future activities, investigatory techniques or investigations.

Audit Committee are asked to note that the figures contained within the table have been amended from those previously submitted to the Committee. The following table contains corrected figures for the period 1 April 2010 – 31 March 2013. The reason for the amendments are that the original figures submitted for anti-social behaviour enforcement for this period mistakenly included those for the calendar year and following a Freedom of Information request, in examining the figures for trading standards, 3 authorisations were identified which had not previously been included; one in 2011/12 and two in 2012/13.

All records have now been corrected and additional measures put in place to prevent recurrence.

In accordance with the new council's new policy and procedures on the Regulation of Investigatory Powers Act (RIPA) 2000, where surveillance pertaining to a non-criminal investigation into the conduct of an employee is required, officers are now required to complete the appropriate forms and submit them for approval, but these are no longer considered to be RIPA authorisations. This follows advice given by the Office of Surveillance Commissioner in their inspection in March 2010 which was written into council's new policy and procedures on the Regulation of Investigatory Powers Act (RIPA) 2000 which came into effect on 23 February 2012. Two such authorisations were made in total in 2012/13 and none have been made in 2013/14 to date.

Office of the Surveillance Commissioner

The council was subject to an Office of the Surveillance Commissioner's inspection on 23 May 2013. The inspection concluded that the council was operating an efficient system for using covert surveillance. The Office of the Surveillance Commissioner's report is detailed at **Appendix 2** and the council's letter of response is detailed at **Appendix 3**.

Resource and legal considerations:

Material obtained through covert surveillance may be used as evidence in criminal proceedings. The proper authorisation of surveillance should ensure the admissibility of such evidence under the common law, S78 of the Police and Criminal Evidence Act 1984 and the Human Rights Act 1998.

Citizen impact:

Report scrutiny assists in demonstrating that the council and its officers are protected and provides an assurance to stakeholders about the security of the council's operations.

Performance and risk management issues:

Failure to implement these requirements may lead to adverse reports on future inspection and examination by the courts.

This report provides another layer of monitoring of the use of the Regulation of Investigatory Powers Act (RIPA) 2000 and therefore accountability of the officers is heightened.

Equality Implications:

None arising from this report.

Consultation:

This report is produced in accordance with the agreed work programme for the Audit Committee as detailed in the report 'The Roles and Responsibilities of the Audit Committee' which was agreed by Audit Committee on 24 June 2013.

Author:

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Regulation of Investigatory Powers Act (RIPA) 2000

Annual comparators 1 April 2010 – 31 March 2013 and First Quarter 1 April 2013 – 30 June 2013

	1 April 2010 – 31 March 2011 (Annual)	1 April 2011 – 31 March 2012 (Annual)	1 April 2012 - 31 March 2013 (Annual)	1 April 2013 – 30 June 2013 (Quarter 1)
Housing benefit and / or council tax benefit investigation	16	16	4	0
Anti social behaviour enforcement	23	31	9	0
Trading standards – age restricted test purchasing (knives, cigarettes, alcohol, fireworks), taxis plying for hire, counterfeit goods, fly tipping, litter enforcement	15	19	18	1
Miscellaneous – staff working privately while absent on sick leave; insurance claims from injured parties	1	1	0	0
Total	55	67	31	1



Office of Surveillance
Commissioners



Chief
Surveillance
Commissioner

RESTRICTED

13th June 2013

Dear Mr. Sheehan,

Covert Surveillance

On 23rd May 2013, an Assistant Surveillance Commissioner, Sir David Clarke, 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 Sir David's report which I endorse. You have not been a frequent user of your covert powers. The designation of Jamie Morris as SRO is a major advance since the last inspection 3 years ago and should lead to the real issue of RIPA supervision procedures (identified by Lord Calville at the last inspection 3 years ago) being fully resolved: your senior officers are keen to achieve and maintain compliance.

The recommendations are that your policy be further revised in accordance with paragraph 9 of the report, that careful consideration be given to establishing a single central record maintained by a single RIPA co-ordinator to provide day to day oversight and that the standard authorisation form be revised as indicated in recommendation III.

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 your Council finds this process constructive. Please let me know if it can help at any time.

*Yours sincerely
Christopher Rose*

Mr Paul Sheehan
Chief Executive
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West Midlands WS1 1TR

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**Office of Surveillance
Commissioners**

OFFICE OF SURVEILLANCE COMMISSIONERS

INSPECTION REPORT

Walsall Metropolitan Borough Council

23rd May 2013

**Assistant Surveillance Commissioner:
Sir David Clarke**

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DISCLAIMER

This report contains the observations and recommendations identified by an individual surveillance inspector, or team of surveillance inspectors, during an inspection of the specified public authority conducted on behalf of the Chief Surveillance Commissioner.

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.

The advice and guidance provided by the inspector(s) during the inspection could only reflect the inspectors' subjective opinion and does not constitute an endorsed judicial interpretation of the legislation. Fundamental changes to practices or procedures should not be implemented unless and until the recommendations in this report are endorsed by the Chief Surveillance Commissioner.

The report is sent only to the recipient of the Chief Surveillance Commissioner's letter (normally the Chief Officer of the authority inspected). Copies of the report, or extracts of it, may be distributed at the recipient's discretion but the version received under the covering letter should remain intact as the master version.

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Office of Surveillance
Commissioners

Chief Surveillance Commissioner
Office of Surveillance Commissioners,
PO Box 29105,
London,
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29th May 2013

WALSALL METROPOLITAN BOROUGH COUNCIL

INSPECTION REPORT

Inspection date 23rd May 2013

Inspector Sir David Clarke
Assistant Surveillance Commissioner

Introduction

1. The Council, its name generally abbreviated to Walsall Council (WC), is a unitary metropolitan council serving an urban population of some 269,000 in the West Midlands.
2. The Senior Corporate Management structure is headed by the Chief Executive, supported by five executive directors. The Chief Executive is Paul Sheehan, whose address is The Council House, Lichfield Street, Walsall, West Midlands WS1 1TR.
3. The most recent OSC inspection of WC was conducted by Lord Colville of Colross, Assistant Surveillance Commissioner, on 6th March 2010. He made two recommendations, for amendment of WC's RIPA *Policy* and for a RIPA coordinator and improved comprehensive oversight arrangements.
4. WC has been, at least until the 2012 legislative changes, an unusually frequent user of its RIPA Part II powers, continuing the pattern described in the last two OSC reports. In the period of three years since the last inspection, 151 directed surveillance authorisations were made. Only five of these were made after 1st November 2012, one being still extant.
5. None of the applications had used the urgency provisions, none concerned Covert Human Information Sources (CHIS), and none was concerned with the likely acquisition of confidential information.

Inspection

6. I carried out the inspection on 23rd May 2013 at the Civic Centre adjoining the Council House. I met the following council officers:
 - Jamie Morris, Executive Director of Neighbourhood Services;
 - John Beavon, Head of Regulatory Services;
 - Rebecca Neil, Head of Internal Audit;
 - Dominic Patouchas, Solicitor;
 - Craig George, Benefits Investigation Manager;
 - (by telephone) Andy Jones, CCTV Manager.
7. At the outset I was welcomed by Mr Morris, who has undertaken the role of RIPA Senior Responsible Officer (SRO) since the 2010 report. After a preliminary discussion about WC's RIPA structure and oversight arrangements, I met Mr Beavon and Ms Neil, examined the Central Records and a sample of the RIPA authorisations, then held a round-table meeting, at which we were joined also by Mr Patouchas and Mr George, for a discussion of my findings and of WC's RIPA *Policy* and governance. I also had a telephone discussion with Mr Jones about WC's CCTV system and associated arrangements.
8. I am grateful to all concerned for their helpful cooperation and engagement with my inspection. I have been particularly assisted by a comprehensive folder of relevant information, prepared especially for my visit.

RIPA Structure

9. WC's *RIPA Procedures Manual* document (the *Policy*) is clear, readable and essentially accurate. It has undergone revisions to encompass the recent legislative changes. This work has been done to a high standard. I made, however, three suggestions for further improvement:
 - Paragraph 4.3.3, in the section *Who is a CHIS?*, states that RIPA does not apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties. I would prefer "does not normally apply". The *Policy* does not presently address the problem of recognising that a member of the public giving information, albeit not tasked to do so, may nevertheless be a CHIS if the information which he covertly passes to the authority has been obtained in the course of (or *as a consequence of the existence of*)¹ a personal or other relationship. The *Policy* needs to draw attention to this risk. It is highlighted in paragraph 2.22 of the CHIS Code of Practice, a paragraph which is sometimes overlooked, and is touched on in paragraph 270 of OSC Procedures and Guidance 2011, which refers to the risk of "status drift". When an informant gives repeat information about a suspect or about a family, and it becomes apparent that the informant may be obtaining that information in the course of a family or neighbourhood relationship, alarm bells should begin to ring. It probably means that the informant is in reality a CHIS, who may be at risk of reprisals and to whom a duty of care is owed if the information is then used. This risk needs to be highlighted in the *Policy*,

¹ RIPA, section 26(8)(c)

with an instruction to refer any such instance for legal advice before acting on the information received from such an informant.

- The principles contained in paragraph 11.4 are of general application, particularly the setting of a review date at the time of authorising, and are not limited to Communications and CHIS applications².
- Paragraphs 12.1-12.2 deal with urgent oral authorisations, which are no longer within the power of local authorities³. These should be removed.

See recommendation

10. Only four officers of WC are designated as Authorising Officers (AOs). This is good practice. Though each AO generally authorises applications emanating from his or her own department, Mr Beavon has recently acted as AO in antisocial behaviour cases as well as trading standards. An AO may of course authorise across the whole range of RIPA usage.
11. Unusually in my experience, WC does not have a single individual designated as RIPA Coordinator. In most public authorities, this individual receives the authorisations, allocates sequential Unique Reference Numbers (URNs) and enters the necessary details (manually or electronically) in a single central record of authorisations. He then exercises the necessary oversight of review and expiry dates, issuing reminders as necessary and ensuring that prompt cancellations are effected.
12. By contrast, WC's Central Record comprises three separate electronic spreadsheets, listing separately the authorisations made in the three departments using RIPA powers, namely regulatory services (primarily trading standards), antisocial behaviour and benefit fraud. The three records differ slightly in format, though they do contain most of the information listed in paragraph 8.1 of the Covert Surveillance etc Code of Practice 2010.⁴ URNs are applied departmentally, so that there is no system of single sequential URNs. It is the responsibility of the individual applicants to enter the details in the record and to submit timely review and cancellation forms to the AO. The authorisations and associated forms themselves are kept in the offices of the three separate departments, and were brought separately for my inspection.
13. This arrangement does not constitute the unified comprehensive record recommended in earlier reports and in the Code of Practice. Mr Morris explained that careful thought had been given to the recommendation for a single record and coordinator, but it was not felt that this would add value to the existing process. Before examining the records and authorisations, I explained that I had no wish to be prescriptive, and that if the arrangement

² Communications applications are, of course, outside the remit of the OSC and of my inspection.

³ Protection of Freedoms Act 2012, Schedule 9 Part 3, paragraph 9(2), inserting subsection 1A into section 43 of RIPA.

⁴ No column is provided to highlight instances of authorisation by a person directly involved in the investigation. It would also be good practice to include review dates set and reviews held, though this is not one of the items specified in the Code.

works well I would not necessarily recommend WC to consider changing it. On examining the records, and a sample of authorisations, however, I concluded that the present fragmentation of RIPA management and record-keeping is not entirely satisfactory.

14. Three authorisations were made, one in 2011 and two in 2012, which were not entered in the regulatory services record. This was recently discovered by Mr Beavon in the course of a review of that record and of the underlying file of authorisations, undertaken in response to a freedom of information request. One was an authorisation of extensive directed surveillance at a market where counterfeit goods were believed to be on sale; the others were in fly-tipping investigations. The applicant in these three cases was unmindful of his duty to enter the details on the record and thereby to acquire URNs for these authorisations. It is to Mr Beavon's credit that these omissions were discovered and notified to me, and the record corrected, in advance of my visit.
15. I also found some inconsistency between the three spreadsheets, both in their format and in the way entries are made, particularly in the authorisation date column. In one, the applicants are not identified.
16. It is right to recognise that Mr Morris, as SRO, exercises a closer oversight of RIPA authorisations than is the case in most public authorities. He has access, of course, to the three spreadsheet records of authorisations. He dip-samples authorisations from each department periodically to assess their quality, discussing them with the applicants and AOs and completing a pro-forma which was shown to me. Quarterly reports of RIPA usage are made to the Audit Committee, which is one of the "best working practices" recommended in the Code of Practice.⁵
17. Despite this, I shall recommend that consideration be given to creating and maintaining a single corporate central record of RIPA authorisations, to be maintained by a single designated RIPA coordinator. The *Policy* should then make provision for authorisations and associated forms to be supplied immediately to the coordinator, to be kept by him and entered in the central record. This would facilitate the oversight described in paragraph 13 of Lord Colville's 2010 report and would ease the task of future OSC inspections.
18. The *Policy* also contains a section, at paragraphs 1.7-1.9, on non-RIPA surveillance, particularly to be used in non-criminal investigations falling outside the core functions of a local authority, undertaken for disciplinary reasons or to enforce contract compliance. Such non-RIPA surveillance may now, theoretically at least, also include instances of surveillance undertaken in cases which, though criminal in nature, do not pass the new crime threshold. Non-RIPA surveillance is a topic on which Mr Patouchas, after attending a training course in June 2012, had sought OSC guidance. We had an interesting discussion on the topic. A quasi-RIPA process of authorisation, giving careful consideration to necessity, proportionality and Human Rights issues, will be undertaken. Whilst this falls outside my direct remit, it is clearly good practice.

⁵ Covert Surveillance Code of Practice, para 3.30

19. In relation to the new requirement for a magistrate's approval, I discussed with Mr Beavon the Home Office Guidance to local authorities, particularly paragraph 43. WC follows that guidance, the applicant (investigator) attending court to present the application and answer any questions. I expressed my view that logically it should be the AO who attends, since the magistrate's task is to review his reasoning in granting the authorisation or renewal. Mr Beavon takes the view, understandably, that this would be impractical.

Training

20. As befits an authority making extensive use of its RIPA powers, a good training programme is in place. As well as training arranged departmentally, corporate RIPA update training is arranged at intervals of about 15 months. Each of the last three courses has been delivered by a different external trainer and has been attended by the SRO, all AOs and relevant area managers.

RIPA usage

21. During the period under review, 36 authorisations were made in the area of benefit fraud investigation. Many of these were in joint investigations with the DWP. Mr George explained that any necessary RIPA authorisations are now handled by DWP, who do not require authorisation by a magistrate. None, however, have been made since 1st November 2012. Enhanced other powers have reduced the need for covert surveillance in this area.
22. 63 authorisations were made in antisocial behaviour investigations, many of them to identify the perpetrators of persistent harassment of vulnerable residents. Many of these applications have arisen from joint working arrangements with West Midlands Police (WMP). It is recognised that these cases do now not normally pass the serious crime threshold, and no authorisations have been made since 1st November 2012. WC expressed to me some anxiety that WMP, with their different priorities, may be less ready than WC to pursue these investigations to the length of obtaining directed surveillance, even when it is in fact necessary and proportionate to do so.
23. Most of the 50 regulatory services authorisations were made in juvenile test purchase operations. Some have been made in other areas of trading standards work, including markets and counterfeit goods. None have arisen from internet investigations. It is recognised that straight test purchasing, via eBay and the like, does not involve getting past privacy settings into potential CHIS territory.
24. The juvenile test purchase operations are conducted under RIPA directed surveillance authorisation, in accordance with paragraph 261 of OSC Procedures and Guidance 2011. The number of retail premises to be tested is usually no more than six, which is good practice. In the most recent case (URN 197), particular care was taken to summarise the evidence (complaint or intelligence) on which the decision to test those particular premises has been based; this shows excellent compliance, not often matched elsewhere, with paragraph 262 of that Guidance. In two of the others (URNs 195 and 194), it

was apparent that the district judge closely questioned the applicant about the case of each individual shop, and it is good practice to include this information in the application and authorisation form itself.

25. I discussed with Mr Beavon the Code of Practice on Age Restricted Products recently issued by the Better Regulation Delivery Office of the Department for Business Innovation and Skills. This Code covers all age-restricted sales, not being limited to alcohol and tobacco, and is clearly intended to replace and broaden the scope of the former LACORS Guidance.
26. This new Code contains a section on test purchasing, citing in full paragraphs 261 and 262 of the OSC Procedures and Guidance verbatim, then adding ominously that *Decisions to deviate from the guidance will have to be justified to the OSC*. Accordingly, the Code adopts the Surveillance Commissioners' view that such test purchasing, using a juvenile volunteer observed by an adult officer, should be covered by directed surveillance authorisation.
27. I drew attention to the fact that parts of the Code are not agreed by the Association of Chief Police Officers (ACPO). A letter dated 5th March 2013, addressed by the Chief Constable of Northamptonshire (ACPO Lead for Alcohol Licensing and Harm Reduction) to all Chief Constables and Commissioners and "Alcohol Leads", states that the Code is not endorsed by ACPO. One of the areas of disagreement is *Interpretation of RIPA authority requirements*. Unhelpfully, the nature of that disagreement is not explained, and this is a matter which you may wish to raise with ACPO in due course.
28. ACPO also indicates disagreement with the *Requirement to provide advance notice to premises on planned test purchase operations*. I do not read the Code as making any such requirement, though it does contain lengthy sections on notification after the event. Mr Beavon understandably takes the view that there should be no requirement to notify a shop that it has been tested and has passed the test; if it has failed, of course, notification necessarily takes place. In my view this is not a RIPA compliance issue, but this point also calls for some clarification with ACPO.
29. It was valuable to discuss these matters with Mr Beavon, who chairs CENTSA, the regional grouping of trading standards authorities, and is therefore well placed to take discussion of this topic forward.

Examination of Records

30. I examined ten authorisations in detail, concentrating on the most recent cases from each directorate. I found some minor discrepancies as to dates which differed from the spreadsheet record, apparently arising from differing departmental practices; I pointed these out during the feedback discussion and do not need to be repeated here. One authorisation (183a, fly-tipping) included inadmissible purposes (public safety; public health), an error which should have been picked up by the AO and which might have been detected by improved corporate oversight.

31. Applications are all generally well articulated, with good statements of necessity and proportionality and with collateral intrusion properly addressed. Proper reviews were set and conducted. Cancellations were generally good and contained appropriate information, though in one case which I examined (Benefit fraud URN 517) the cancellation was very late; this error had been noted before I found it. In two of the three departments, the form in use is not the latest version with cross-references to the 2010 Codes of Practice; this is easily corrected for the future.
32. I was concerned about the necessity and proportionality of a market surveillance authorisation (URN 192a). A surveillance team of Birmingham officers (who would be strangers to the stallholders) was to conduct surveillance of traders believed to be selling counterfeit goods. No specific suspects were named as targets, nor were any details given of the evidence or intelligence about counterfeit goods being on sale in the market. The AO's comment included a reference to "sometimes dangerous goods", not mentioned in the application. It also stated that "the individuals concerned are in various categories of criminal activity including organised crime", even though no individuals are named.
33. This authorisation, examining it critically as a paper exercise, had the appearance of a fishing expedition with insufficient evidence or intelligence to establish its necessity and proportionality. Mr Beavon explained more of the background, which may well have fully justified the decision to authorise. If so, that explanation, in summary form, should have appeared in the authorisation.
34. My principal concern, however, is the authorisation form itself. Box 12 in the Home Office standard form is designed for the AO to set out the "5 W's", i.e. what he is authorising, why, when, where, by whom and how it is to be carried out. In WC's form, this box is overprinted with a grid in which each element (why, where, who etc) is answered "See paragraph 3", "See paragraph 4" etc. A small box is then provided for the AO to include a comment on each element, initialling each comment. Thus, the AO is not required to set out the "5 Ws" in his own words, as is recommended good practice, but the reader is referred back to the words of the applicant entered earlier in the form.
35. One AO made no attempt, in any of his authorisations, to comment on each element of the "5 Ws" but wrote a single sentence across the five boxes, addressing the "why" of directed surveillance rather than the other Ws.⁶ I also considered that some entries in box 13, necessity and proportionality, did not sufficiently cover the separate elements of proportionality; see paragraphs 106 and 107 of OSC Procedures and Guidance.

See recommendation

CCTV

⁶ The standard form is itself unsatisfactory in my view, because "why" is better addressed in box 13 which requires the AO to address necessity as well as proportionality

36. I did not visit the CCTV Control Room on this occasion. I discussed the arrangements by telephone with Mr Jones.
37. WC operates some 114 CCTV cameras from a single control room manned by directly-employed trained and licensed operators. The cameras are overt, signs being placed throughout the coverage area. Footage is automatically recorded for 30 days, and the police attend to view and recover recorded footage.
38. Occasionally WMP and other agencies use the system for live surveillance in the course of an operation. This is not permitted without formal evidence of the RIPA authorisation in place, copies of which are kept in a file in the control room. The last such occasion was in an operation of the Serious Organised Crime Agency (SOCA); earlier occasions involved WMP.
39. I am satisfied that appropriate procedures are in place to ensure that WC does not take part in or permit unauthorised covert surveillance by CCTV.

Conclusions

40. WC has been, at least until the recent legislative changes, a frequent user of its RIPA powers. The SRO designation of Mr Morris, who sits high in WC's corporate structure, and his hands-on approach, represent major advances since the last inspection. But the "real issue" identified by Lord Colville in paragraph 13 of his 2010 report has not been wholly resolved and should now be reconsidered.
41. I was impressed by the determination of WC's senior officers to achieve and maintain a compliant RIPA structure. The thoughtful and analytical input of Mr Patouchas is a valuable resource to be drawn upon. A revision of the authorisation form, and attention to the observations made in this report, will raise the standard of compliance yet higher.
42. I make the following

Recommendations

- I. *That WC's RIPA Policy be further revised in accordance with paragraph 9 of this report;*
- II. *That WC gives careful consideration to establishing a single central record of RIPA authorisations and associated forms, to be maintained by a single named RIPA Coordinator who can provide day-do-day oversight;*
- III. *That the standard authorisation form be revised, deleting the overprinted grid in box 12, so that the AO himself articulates the "5 Ws" and his judgment on the necessity and proportionality of what he is authorising.*

David Clarke
Assistant Surveillance Commissioner



Walsall Council

Neighbourhood Services

Our Ref: JM/LS
Date: 19 July 2013
Ask for: Jamie Morris
Direct Line: (01922) 653203

The Rt Hon Sir Christopher Rose
Chief Surveillance Commissioner
Office of Surveillance Commissioners
PO Box 29105
London,
SW1V 1ZU

Dear Sir Christopher

Inspection Report 23 May 2013

Thank you for your letter of 13 June enclosing the report of the inspection of Walsall Council carried out by Sir David Clarke on 23 May.

The report makes three recommendations which you refer to in your covering letter:

1. That our policy be further revised in accordance with paragraph 9 of the inspection report. We accept this recommendation. I have authorised the changes and they will be made to the policy and communicated to relevant staff;
2. That careful consideration be given to establishing a single central record with a single administrator to provide oversight. We accept this recommendation. Arrangements are being made to establish the single electronic record to be managed by my office;
3. That the standard authorisation form be revised to require the Authorising Officer to provide specific answers to each of the questions asked about the proposed surveillance. We accept this recommendation and the changes will be made.

The inspection report will be reported to the next available meeting of the council's Audit Committee who will require me to update them on the progress in implementing these recommendations.

We are grateful for Sir David's advice and recommendations on how we can ensure continued good practice in our use of covert surveillance.

Yours sincerely

Jamie Morris
Executive Director