



Office of Surveillance  
Commissioners



Chief  
Surveillance  
Commissioner

OFFICIAL - SENSITIVE

17<sup>th</sup> December 2014

*Dear Mr. Cullinan,*

**Covert Surveillance**

On 26<sup>th</sup> November 2014, an Assistant Surveillance Commissioner, HH David Hodson, 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 Hodson's report which I endorse. It is over 50 years since, as a young barrister, I first appeared in the old Magistrates Court in Lancaster Town Hall, to which Mr Hodson refers in paragraph 7 of his report; and it is at about the same time that my late father retired as Town Clerk of Morecambe. Much legislation has flowed under the bridge since then, of which RIPA is for present consideration. I am very pleased to see that Mr Hodson describes your officers as 'second to none in their dedication, experience, expertise and professionalism'. Your processes and practices are generally RIPA compliant and some errors can readily be addressed.

The two recommendations are that your Central Record be amended as indicated in paragraph 13 of the report and that the frailties exposed in paragraph 14 be addressed by refresher training.

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 this office know if it can help at any time.

*Yours sincerely,  
Christopher Rose*

Mark Cullinan  
Chief Executive  
Lancaster City Council  
Town Hall  
Dalton Square  
Lancaster LA1 1PJ

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**OFFICE OF SURVEILLANCE COMMISSIONERS**

**INSPECTION REPORT**

**Lancaster City Council**

**26<sup>th</sup> November 2014**

**Assistant Surveillance Commissioner:  
HH David Hodson.**

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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.

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.

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Office of Surveillance  
Commissioners

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Chief Surveillance Commissioner  
Office of Surveillance Commissioners  
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London SW1V 1ZU

2 December 2014

**LANCASTER CITY COUNCIL  
INSPECTION REPORT**

Inspection Date            26 November 2014  
Inspector                    His Honour David Hodson  
   Assistant Surveillance Commissioner

**Introduction**

1. I suppose it was just mere chance that found a Lancastrian Assistant Surveillance Commissioner visiting his old county town on the day before "Lancashire Day" was due to be celebrated. I have to confess that I was unaware that such a red letter day was in the calendar. But there it is, 27 November. The Lancashire Day Proclamation is read out by town criers throughout the county to give Lancastrians the opportunity to declare how proud they are to be Lancastrians. How long it has been celebrated I do not know but, apparently, it commemorates the day in 1295 when Lancashire sent its first representatives to Parliament to form what later became to be called "The Model Parliament."
2. As you will know well, Lancaster City Council is situated in the north-west corner of Lancashire bordering Cumbria to the north and to the east North Yorkshire. It covers approximately 222 square miles and includes the city of Lancaster and the towns of Morecambe and Carnforth. There is a large rural hinterland with a host of villages and hamlets. The population is approximately 135,000 and the Council has a staff of about 880.
3. The senior management structure consists of the Chief Executive with five Chief Officers respectively of Environmental Services, Governance, Health and Housing Services, Regeneration and Planning

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and Resources. Supporting those Chief Officers are 20 Service Managers.

4. Mr Mark Cullinan remains Chief Executive and his address for correspondence is The Town Hall, Dalton Square, Lancaster LA1 1PJ.
5. The RIPA officers, veterans now of several previous inspections, are Mrs Sarah Taylor, Chief Officer, Governance, who is Senior Responsible Officer and Mr Derek Whiteway, Internal Audit Manager, who is RIPA Co-Ordinating Officer. Authorising Officers are the Chief Officers of the four other departments.
6. During the inspection period there were but three authorisations for Directed Surveillance, two for dog-fouling in March and September 2012 and one for an alleged benefits fraud in October 2012. None involved the obtaining of confidential information or the deployment of a CHIS and no application was refused.

### **The Inspection**

7. I was warmly greeted by Mr Whiteway who immediately introduced me to Mrs Taylor. We had our meeting in what had been the Magistrates' retiring room and I was shown the old court room, long since put out to grass but still obviously a court room with its fine oak furnishings.
8. This Council has won many plaudits in previous inspections and all that I had read in the material that had been sent to me in advance of the inspection led me to expect that this would prove to be yet again a successful inspection.
9. In his report of the previous inspection Sir David Clarke made two recommendations. Firstly, he suggested that the "change of circumstances" form, and all references to it in the Policy, Mini Guides and training materials be dispensed with. That has been done. Sir David also recommended (in paragraph 18) that the Working Policy document be amended to clarify the position where an informant gives repeat information about a suspect or a family so that he may probably be a CHIS. Again this has been done in paragraph 88 of the current version of the Policy with Sir David's words almost jumping off the page.
10. We had an interesting and wide-ranging discussion on RIPA matters generally. It was remarked that the advent of the crime threshold meant that two of the three authorisations I was examining would not now be

possible and that before much longer the DWP would itself be investigating alleged benefit frauds. Consequently it was envisaged that there would be even fewer authorisations in the future. Nonetheless it was fully appreciated that the Council needed to keep its processes and training up to date. Given the experience, expertise and enthusiasm of these RIPA officers I have no doubt that will happen. The pride they have in what they do is almost palpable.

### **The Council's "A Working Policy"**

11. The current edition of this admirable document is dated June 2013 and, as previously, is the work of Mr Whiteway. Again he is to be commended on the excellence of his work not only in the Policy document itself but in the five "RIPA Surveillance Mini Guides" all of which are available on the Intranet. A very helpful feature is the colour coded links to source material.
12. It is most unusual for an Assistant Surveillance Commissioner or an Inspector not to be able to highlight some aspect – however minor - of a Council's policy document that needs amendment. So far as this Council is concerned I have no suggestions for any amendments at all. I was, however, able to point out ( for the benefit in due course of paragraph 8) that a new OSC Procedures and Guidance was imminent.

### **The Central Record.**

13. This electronic database designed by Mr Whiteway has been commented upon very favourably in previous inspection reports. I repeat those remarks and would only suggest that the section headed "Authorised by urgent procedure" may be removed and that space be found to record the date when judicial approval is given.

**See Recommendation**

### **Examination of the Forms for Directed Surveillance.**

14. I examined all three forms for Directed Surveillance. Points arising from numbers 69 and 70 are as follows:

- Number 69. In the cancellation form at paragraph 4 there is confusion. Including the end date of the authorisation in that box is misleading and not necessary. The details as to when the surveillance ceased do not accord with the detail set out in paragraph 2. Further, there is approximately three weeks' delay between the cancellation of the surveillance and the date of the actual cancellation of the authorisation.
- In number 70 the form carries no authorisation URN. The Authorising Officer does not adequately set out why the proposed surveillance is proportionate. She seems to be saying that because the surveillance is necessary it is *therefore* proportionate. There was a delay of approximate *seven* months between the end of the surveillance and the cancellation of the authorisation.
- By way of contrast the forms in number 71 which included two reviews were a perfect example of how these forms should be completed. Necessity and proportionality were covered appropriately. The duration of the authorisation was properly set. Review dates were identified and adhered to. Cancellation was timely and properly recorded. The Authorising Officer responsible for this excellent piece of work was Mrs Taylor and I was able to congratulate her personally. Indeed, so overwhelmed was I with what she had done that I failed to remind her that, ideally, SROs should not generally act as Authorising Officers!

**See Recommendation**

### **Training.**

15. The Council relies heavily on the on-line Mini Guides amplified if necessary on a case specific basis with advice from either the SRO, Mr Whiteway or the Senior Solicitor, Ms Angela Parkinson. The SRO attended refresher training run jointly with Fylde Borough Council and delivered by Act Now in July 2013 and July 2014. It is felt that this approach is more effective than more formalised training courses for larger groups.

### **CCTV.**

16. Mrs Taylor, Mr Whiteway and I were joined by Mr Mark Davies, Chief Officer, Environmental Services, to discuss the position with regard to CCTV. The basic picture is that the Council does not use their CCTV systems for any covert surveillance activity. Council owned cameras are located in the centres of Lancaster, Morecambe and on two estates. These are used overtly and are, in fact, fairly old and quite primitive. They are analogue and a review as to whether they should be up-dated or replaced is currently under way. The operators had previously been employed by Remploy but the same staff are now employed by Enigma. The same person – previously an officer of HM Customs and Excise – spoken of in Sir David's report is the Supervisor. He is still, I was informed, as robust as ever whenever the Police come to him with their own RIPA authorisations. He ensures that there is no covert use of the CCTV systems without proper RIPA authorisation. Any covert use of the CCTV system is in accordance with the well established agreed protocols.

### **Conclusion**

17. This was the successful inspection that I had expected. The Council's RIPA officers are second to none in their dedication, experience, expertise and professionalism. Their processes and practice are generally RIPA compliant although it is true that some errors were discovered in two forms. These, I am sure can be addressed in specific training. "A Working Policy" is a first rate document and the RIPA Mini Guides are little masterpieces.

18. It is unlikely that RIPA activity will increase much in the near future. Should it do so this Council with this stable RIPA team still in post will be more than able to satisfactorily handle anything that comes their way.

### **Recommendations**

1. That the Central Record be amended to cover the suggestions made in paragraph 13 above.
2. The frailties exposed in paragraph 14 above be addressed in refresher training.

**His Honour David Hodson**  
**Assistant Surveillance Commissioner**