



Office of Surveillance  
Commissioners



Chief  
Surveillance  
Commissioner

RESTRICTED

6<sup>th</sup> November 2013

*Dear Mr. Farrant,*

**Covert Surveillance**

On 8<sup>th</sup> October 2013, an Assistant Surveillance Commissioner, HH Norman Jones QC, 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 Jones's report which I endorse. I am pleased to see that the recommendations made following the last inspection 2 years ago have been largely, although not entirely, discharged. The standard of authorisations is, however, still below par and 2 of the AOs have not been fully trained.

The recommendations are that further training, preferably, by an external professional, address the Issues identified in the report, particularly in relation to the quality of authorisations and the management of CHIS, that robust quality control be adopted, that the number of AOs be reduced and that your Policy be amended as indicated in paragraph 26 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 your Council finds this process constructive. Please let this office know if it can help at any time.

*Yours sincerely,  
Christopher Rose*

Mr Graham Farrant  
Chief Executive  
Thurrock Borough Council  
Civil Offices  
New Road  
Grays Thurrock  
Essex RM17 6SL

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**OFFICE OF SURVEILLANCE COMMISSIONERS**  
**INSPECTION REPORT**

**Thurrock Borough Council**

**8<sup>th</sup> October 2013**

**Assistant Surveillance Commissioner:  
HH Norman Jones QC.**

**RESTRICTED**



## **RESTRICTED covering CONFIDENTIAL**

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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  
Commissioners

Chief Surveillance Commissioner,  
Office of Surveillance Commissioners,  
PO Box 29105,  
London,  
SW1V 1ZU.

27<sup>th</sup>. October 2013.

**INSPECTION REPORT  
THURROCK BOROUGH COUNCIL**

Inspection                    8<sup>th</sup> October 2013.  
  
Inspector                    His Honour Norman Jones QC.  
   Assistant Commissioner

**Thurrock Borough Council.**

1. **Thurrock Borough** in Essex is situated on the Northern bank of the lower reaches of the River Thames. It covers 63.08 square miles and has a population of about 159,000. Local government administration is the responsibility of the Thurrock Borough Council, a unitary authority.
2. The senior corporate management structure is led, as at the time of the previous inspection, by Mr. Graham Farrant, Chief Executive, who is supported by an Assistant Chief Executive and five Directors who each lead teams led by Heads of Services.
3. The last OSC inspection was conducted in March 2011 by Mrs. Clare Ringshaw-Dowle, Surveillance Inspector.
4. Ms. Fiona Taylor, Head of Legal and Democratic Services, is the *Senior Responsible Officer (SRO)* for RIPA and an Authorising Officer. The day to day role of *RIPA Co-ordinating Officer* is undertaken by Mr. Daniel Toohey, Principal Corporate Solicitor.
5. The Council is now a limited user of covert surveillance and RIPA having granted only seven authorisations since the last Inspection, all for *directed surveillance*. None were *self authorised*, concerned the acquisition of *confidential information*, granted under the *urgency* provisions nor involved the employment of *Covert Human Intelligence Sources (CHIS)*. There were no refusals recorded. Four were related to benefit fraud investigations and three were for Trading Standards. This represents a substantial reduction on the number of authorisations (35) granted in the period ensuing between the previous two inspections though that was somewhat longer than the recent period between Mrs. Ringshaw-Dowle's visit and this inspection. Those examined were considered to be justified.
6. The Council headquarters is at The Civic Office, New Road, Grays, Essex, RM17 6SL.

**Inspection.**

7. A cordial welcome to Thurrock DC was extended by Ms. Taylor and Mr. Toohey which was endorsed by Mr. Farrant when he joined the inspection a short while later. The attendance of the CEO on a day when he had important Council meetings was indicative of the seriousness with which the Council takes its RIPA responsibilities. Later in the inspection the opportunity was given to meet with and interview :

Ms. Lucy Magill Director of Environmental Services (Authorising Officer);  
Mr. Sean Clark Head of Corporate Finance (Authorising Officer);  
Mr. David Kleinberg Fraud Manager;  
Mr. Gavin Dennett Head of Public Protection and Trading Standards;  
Ms. Charlotte Edwards Principal Trading Standards Officer.

Gratitude must be expressed to all officers each of whom fully and enthusiastically engaged in the process and provided their every assistance.

8. The inspection commenced with a discussion with Ms. Taylor and Mr. Toohey which was joined by the CEO. This was followed by an examination of a sample of the retained *RIPA* applications/authorisations, reviews, renewals and cancellations. After the documents were examined there were further discussions with the other officers related to the findings and general *RIPA* issues.
9. A number of *RIPA* issues were debated including actions taken on previous recommendations, reasons for the reduction in authorisations, the management of *RIPA*, Authorising Officers, training, policy and procedures, *CHIS*, *CCTV*, Elected Members' responsibilities and the Protection of Freedoms Act 2012.

### Examination of Documents

10. A Central Record of Authorisations matrix is maintained in a spreadsheet format and is compliant with the requirements of the *Codes of Practice*. It is fully maintained and up to date. At the time of examination the hard copy provided was incomplete due to a computer malfunction and there appeared to be a few inconsistencies with dates inserted on some of the actual forms. Following the inspection Mr. Toohey has kindly provided a full document with accurate dates. Following upon the *Protection of Freedoms Act (Schedule 9(9)(2))* the oral *urgency* provisions will no longer be available to local authorities and it would be useful if further columns were added to reflect attendance at the Magistrates. This matrix is invaluable to the *SRO* in carrying out his oversight responsibilities. In one case the authorisation was permitted to expire before cancellation. It must be noted that all authorisations must be cancelled even if they have inadvertently been permitted to expire.
11. The applications/authorisations, reviews, renewals and cancellations are collated into a file where they are readily accessible to the *SRO* and *RIPA Co-ordinating Officer*.
12. A representative sample of three authorisations was examined in detail with two others being reviewed. The four trading standards authorisations were each undertaken before November 2011 with no applications from that department since. Each of the benefit fraud cases was authorised after January 2012 with the most recent, in September 2013, requiring Magistrate's approval under the provisions of the *Protection of Freedoms Act 2012*. The Authorising Officers responsible for six of these authorisations have now left the Council.
13. It was noticeable that there was a distinct improvement in the quality of fraud applications following the requirement for Magistrate's approval. Prior to that the detail provided was scant with neither application describing fully vehicles and equipment used nor how the surveillance would be conducted. Under *necessity* there was a failure to consider why it was necessary to use covert surveillance in the operation. Articulation of *proportionality* considered the seriousness of the offence and collateral intrusion but failed to consider intrusion on the subject and other means considered than covert surveillance. A typographical error in one *confidential information* box indicated that such was likely to be acquired. This highlights the requirement for careful checking of forms before they are authorised. In contrast the latest fraud application gave good detail of what was required and the proposed surveillance together with the equipment to be used. *Necessity*, *collateral intrusion* and *confidential information* were all well articulated. Under *proportionality* was a good consideration of the seriousness of the offence and other means which had been considered though intrusion on the target and others was not included. The fraud authorisations, however, were of a poor standard both before and after November 2012. It was encouraging to note that they had been handwritten which is best practice. In the earlier authorisation details were to be found which were not in the application; whilst *necessity* was adequately considered, under *proportionality* there was a failure to consider other means; the authorisation was set to expire one month after grant (see paragraph 14 below). The last fraud authorisation gave inadequate detail of



what was being authorised stating only that "surveillance will be carried out at two locations in South Ockendon and Dagenham". Other detail concentrated on a description of the offence being investigated. It is essential that full details of what is being authorised are set out in the authorisation and reliance, express or implied, upon the contents of the application is not sufficient. The Authorising Officer failed to articulate why it was considered *necessary* to use covert surveillance and failed to consider any of the three essential elements of *proportionality* which are (a) *that the proposed covert surveillance is proportional to the mischief under investigation;* (b) *that it is proportional to the degree of anticipated intrusion on the target and others and* (c) *it is the only option, other overt means having been considered and discounted.* A review date was set but no expiry date. In the case of each authorisation cancellation was effected well within time though the detail of what had been achieved could have been greater.

14. The single Trading Standards application examined in detail concerned the covert surveillance of shops which, based on intelligence, were believed to be concerned in the underage sale of alcohol. Good detail was given of the operation proposed including the use of mobile CCTV cameras. *Necessity* and *proportionality* were both well articulated as was *collateral intrusion*. The authorisation, however, was of poor quality. It was typed rather than adopting the better practice of handwriting which avoids the risk of later allegations that the document was completed before being submitted to the Authorising Officer who did not consider but merely signed it and/or that it has been tampered with *ex post facto*. It concentrated on a description of the offence rather than detailing what was authorised. Considerations of *necessity* and *proportionality* failed to deal with any of the essential elements (see above). A review was not set. An expiry date was set for two days after authorisation. The method for calculating the expiry date is clearly set out in the box on the authorisation form. It is three months from the date the authorisation takes effect, which date cannot be varied by the Authorising Officer. (*nb*: Authorisations, since the commencement of the *Protection of Freedoms Act 2012*, take effect at the date and time of the Magistrate's approval). A cancellation was effected on that date which would have benefitted from a better description of what was done and achieved.

**See recommendation**

#### **Past Recommendations**

15. Five recommendations were made by Mrs. Ringshaw-Dowle in her previous report:
- (i) *Thurrock Council should now establish a suitably robust internal management and oversight regime for RIPA. The SRO, in line with the Code of Practice for Covert Surveillance and Property Interference revised Code of Practice, should ensure that all Authorising Officers are now suitably trained for this important responsibility, and that such training is refreshed at regular intervals. In turn, there should be a system of internal quality assurance established to ensure that compliance standards are set up and maintained.*  
Following the report an action plan was produced by the Council and put into effect. A system now exists whereby an applicant officer will be anticipated to approach the *RIPA Co-ordinating Officer* or a legal officer for advice before drafting an application. A drafted application is submitted to the Authorising Officer, who may also seek legal advice if s/he wishes, and, upon authorisation, will be referred to the *RIPA Co-ordinating Officer* for inclusion on the central record. At that stage the document is reviewed by the *RIPA Co-ordinating Officer* and the *SRO* may also carry out a review. It is submitted for Magistrate's approval. A further system of review is conducted at quarterly intervals by Authorising Officers cross-auditing authorisations granted by their colleagues and commenting thereon in a Council derived audit form. It is to be noted that the failure to cancel in one case (see paragraph 10 above) was picked up at such an audit and the process strengthened. A training programme has been established (schedule provided for the inspection) with training being provided by an external firm of public law solicitors on two occasions since the last inspection and internal refresher training having been provided three times. Additionally two individual officers have received training from external trainers. This recommendation has been discharged.
  - (ii) *The RIPA policy document should be revised regularly, and immediate guidance should be enhanced on the matter of necessity, proportionality and the management of any surveillance product.*

A consolidated *RIPA* policy was adopted in 2011 which contains appendices with copies of relevant *RIPA* legislation and the most recent Home Office Forms. The current version of the *RIPA Corporate Policy* is dated 4<sup>th</sup> April 2012 though it contains provisions of the *Protection of Freedoms Act 2012*. Appropriate guidance on the topics highlighted is contained within it. This recommendation has been discharged.

- (iii) *If the Council uses CHIS in the future, there should be an appropriate, bespoke risk assessment undertaken for the person so used. Generic risk assessment forms are unlikely to be suitable for the purpose.*

*CHIS* have not been employed since the last inspection but appropriate arrangements are in hand. This recommendation has been discharged.

- (iv) *All authorisations must be authorised clearly for the relevant statutory durations, and this must be reflected correctly on the Central Record. Review dates must be set by Authorising Officers and adhered to. Cancellations must be prompt, and include suitable detail of the activity undertaken and surveillance product resulting. Authorising Officers must give their directions as to the future use and management of this.*

A review of paragraphs 10 to 14 above will clearly lead to the conclusion that all of these topics are to a greater or lesser degree outstanding. Each continues to need to be addressed. These are crucial considerations in the authorisation of *RIPA*. This recommendation has NOT been discharged.

- (v) *The detailed issues covered at paragraphs 6.3 – 6.10 of this report (specific issues arising from Mr. Ringshaw-Dowle's examination of applications/authorisations, reviews, renewals and cancellations) should be used as a basis for future *RIPA* training and borne in mind by both applicants and Authorising Officers for future cases. Of particular importance is the explanation by Authorising Officers of their personal considerations regarding necessity and proportionality, and the clarity of their authorisation statements, so as to better satisfy *R v Sutherland*.*

Whilst these issues were addressed during training there is little evidence that Authorising Officers have adopted the criticisms. Comments made under (iv) of this paragraph are pertinent here. This recommendation has been partially discharged.

**See recommendation**

### **Reduction in Authorisations.**

16. Since the last inspection the number of authorisations has reduced by 80%. Explanations were sought for this dramatic fall. Those provided included (i) the adoption by Trading Standards of a pro-active overt approach to shops which may be breaching sales legislation, engaging with the proprietors to encourage legal tendering, talking with youngsters on the street about the legal and personal risks of underage drinking and smoking and distributing leaflets giving advice and warnings. (ii) Benefit fraud is now regularly investigated in conjunction with the DWP and the police, either of which may provide *RIPA* authorisation. In addition the Council has adopted a more overt approach to investigation which has led to the successful use of alternative means to covert surveillance. Direct access to police computers has assisted in acquiring intelligence which can be used in data matching exercises. It is not considered that the *Protection of Freedoms Act 2012* has had any meaningful effect on the level of authorisation since offences which now may be investigated using covert surveillance are much the same as those for which the Council used covert surveillance before the promulgation of the legislation.

### ***RIPA* Management**

17. At the time of the last inspection Mrs. Ringshaw-Dowle remarked on the overall problems the Council had had with regard to Senior Management and with the management of *RIPA*. Mr. Farrant was, at that time, the newly appointed CEO there having been five predecessors in as many years. It was apparent to her that the ownership of *RIPA* did not vest in any particular officer and that the SRO was a title only. There has been a dramatic improvement since that time. Ms. Taylor, as SRO, assumes overall responsibility for *RIPA* and is aware of and undertakes the duties outlined in the *Code of Practice for Covert Surveillance and Property Interference*, (3.29). She ensures that she

has knowledge of all *RIPA* activity within the Council and exercises oversight as described above. Mr. Toohey as *RIPA Co-ordinating Officer* has day to day responsibility as also outlined above (paragraph 15(i)). Both of these officers have adopted their roles with the Council and *RIPA* since the last inspection. With the quarterly audit regime of Authorising Officers there is now in place a strong system for exercising oversight and quality control. However whilst the system may now be compared to a Rolls Royce the inadequacies of the authorisations make it appear rather like one with the petrol watered down. This is unfortunate since the Council has so thoroughly and conscientiously addressed most of the numerous issues raised by Mrs. Ringshaw-Dowle at the time of her inspection.

18. One means by which the problems may be addressed is given rise to by the *Protection of Freedoms Act 2012* procedure. To ensure that authorisations receive approval by the Magistrates the standard has to be high. That has apparently been appreciated by applicants and reflected in the improved quality of application seen in the most recent case. A similar appreciation by Authorising Officers should now be reflected in the quality of authorisation. Furthermore it is to be anticipated that authorisations will be reviewed by the *RIPA Co-ordinating Officer* and/or the *SRO* before they are submitted to the Magistrate to ensure that a high standard is being achieved. It is to be hoped that robust intervention at that stage will help effect the required improvement.

**See recommendation**

19. The risks of unauthorised surveillance are recognised at Thurrock DC and it is to be noted that it is not uncommon for officers to come to Mr. Toohey enquiring whether covert surveillance should be authorised. Consequently it is felt that in those departments which may be anticipated to have recourse to *RIPA* awareness is high. Awareness is transmitted through other departments by means of the cascading down of information from management meetings. An additional means which should be considered is the use of the Council's intranet to advertise the requirement to consider if authorisation may be required in any investigation where surveillance, overt or covert, may be contemplated.

**Authorising Officers**

20. Currently ten officers are identified as Authorising Officers. These include the CEO, Assistant CEO, five Directors and three Heads of Service including the *SRO*. With the reduced reliance on covert surveillance that number is clearly surplus to requirements. It would therefore be advisable to reduce it to a number which will satisfy the Council's requirements taking into account absences, holidays and sickness. A number overall of about four was considered sufficient. They will include the CEO, who will undertake regular authorisation, and the *SRO*, who will authorise only in exceptional circumstances to avoid conflict with her oversight responsibilities. A small number such as this will serve to reduce the requirement for wider scale training and should ensure that each Authorising Officer gains some experience of the process. (see also **Training** below)

**See recommendation**

**Training**

21. The training programme at Thurrock BC has been outlined above (paragraph 15(i)). This has been instituted since the last inspection and is an excellent achievement for which the responsible officers, especially the *SRO* and *RIPA Co-ordinating Officer* deserve congratulation. The disappointment lies in the weaknesses still discerned in authorisations. This may indicate that training has concentrated too much on the theoretical aspects of *RIPA* and requires more concentration on the practical considerations such as completion of the forms. It was noted in discussions with the Authorising Officers that, whilst both were very enthusiastic, neither was aware of the duration periods of any of the different classes of authorisation including *directed surveillance* and their observations relating to *necessity* and *proportionality* did not give confidence that the essential elements readily sprang to mind. Although a number of Authorising Officers had attended Authorising Officer training provided by a firm of public law solicitors (2011) it was noted that neither Authorising Officer interviewed appeared on the training schedule as having attended but both had attended refresher training, in September 2012, directed at addressing the provisions of the *Protection of Freedoms Act 2012*. Both officers accepted that the training they had received had been somewhat theoretical. It was comforting to note that each would refer to the Council's *RIPA Policy* document before undertaking authorisation. Neither officer has, as yet, authorised for the Council, nor should any officer do so until properly trained. It is noted that further internal

training is planned for early in the New Year but consideration should be given to the provision of external professional training in the near future which would bring officers fully up to date and would concentrate on the practical aspects raised in this section and under *CHIS* below.

22. A high quality of authorisation is the essential prerequisite of the *RIPA* process. It is therefore necessary that Authorising Officers are well trained and regularly refreshed. Training to date does not appear to have laid sufficient emphasis on the practical aspects of completing the forms and upon the personal consideration required to be given, and articulated within the forms, to the essential elements. As Mrs. Ringshaw-Dowle sought to highlight in her report, it is the Authorising Officer's personal opinions which are required in the authorisation coupled with his/her detail of precisely what is being authorised (the 5 Ws). The *RIPA* authorisation and ancillary forms are the cornerstone of evidence given in court by Authorising Officers and must therefore be capable of sustaining hostile examination. The fact that the document has received approval by a Magistrate under the *Protection of Freedoms Act 2012* procedures will not necessarily help in such circumstances. Training which concentrates on these issues should be undertaken in the near future.
23. No officers have received corporate training directed to *CHIS* management. (see *CHIS* below).

**See recommendation**

#### ***CHIS***

24. *CHIS* considerations were addressed during the discussions. The Council has not employed *CHIS* since the last inspection. However there is recognition of the fact that it has been empowered by Parliament to authorise such usage and, indeed, in the past has done so. Therefore it should be equipped to do so in the knowledge that sources may suddenly appear who it may not be able to refer on to the police and who need to be managed as *CHIS*. The problem of inadvertent "status drift" from casual informant to *CHIS* was considered, though the officers considered this highly unlikely. The greatest risk may lie in the use of Council "hotlines" whereby the public are encouraged to disclose the identities of individuals suspected of committing benefit fraud. The experience at Thurrock, which operates such a system, was that all save one caller had given information anonymously and tended to be single time callers. The fraud investigators are aware of the risks and are careful that correct procedures are adopted to avoid *CHIS* situations arising. Both benefit fraud investigators and Trading Standards use Social Networking Sites (SNS) to glean intelligence. The benefit fraud investigators use their council identity and merely explore open source material within the public domain. Trading Standards investigators have recently created a "pseudo identity account" but again only use it to examine open source material. However this step is often a precursor to the breaching of privacy controls and entering into the private area of the account. This possibility was considered but at present the officers felt it unlikely. However, were it to occur it is important that the officers are alert to the requirement to obtain at least *directed surveillance* authorisation and, if any relationship is established with the account holder/operator, to obtain *CHIS* authorisation.
25. The obtaining of *CHIS* authorisation will require the officer acting as *CHIS* to be managed in accordance with the legislation and the *Code of Practice for CHIS*. The only trained *CHIS* manager is one benefit fraud investigator who has had *CHIS* training as a handler with his previous service. Neither benefit fraud or Trading Standards investigators number a trained controller among their officers. This deficiency requires to be addressed in future training.

**See recommendation**

#### **Policy and Procedures.**

26. The Council's *RIPA* guide is the *RIPA 2000 Corporate Policy*. It is a succinct yet comprehensive guide which contains relevant passages covering the provisions of the *Protection of Freedoms Act 2012* and the *RIP(Directed Surveillance and CHIS)(Amendment)Order 2012, SI 2012/1500*. It is readable and covers both Part I and Part II of *RIPA*. A few points were raised with the officers during discussions which should be contained in a few suggested amendments. They include:

- Correcting the statement that public and media criticism led to revised legislation in 2009 and 2010 to indicate that it led to the *Protection of Freedoms Act 2012* and the *RIP(Directed Surveillance and CHIS)(Amendment)Order 2012, SI 2012/1500*.
- Adding to the statutory requirements for a consideration of *necessity* a requirement to consider why it is *necessary* to use covert surveillance in the investigation.
- Adopt for the principal *RIPA* officers the titles *Senior Responsible Officer* and *RIPA Coordinating Officer* rather than their Council Office titles, and describe their responsibilities in the guidance. Identify them by name and rank in the annexe to the guide together with the Council Authorising Officers,.
- Add to the acquisition of *confidential information* and vulnerable *CHIS* - juvenile *CHIS* – as requiring Head of Paid Service (or, in his absence, whoever deputises for him) authorisation.
- Removing references to the use of oral *urgency* procedures which are no longer available to the Council (*Protection of Freedoms Act 2012*, Schedule 9(9)). Indicate that many presumed *urgency* situations can be brought within the *immediate response* provisions of *Section 26(2)(c)* of *RIPA*.
- Indicating that authorisations take effect from the time of the Magistrate giving approval and duration periods are calculated accordingly. (*RIPA*, *Schedule 9(9)*)
- Indicating that the processes for use of *CHIS* have similarities to that for *directed surveillance* (rather than “are the same as for surveillance”) but also indicating that there are significant differences.
- Where appropriate throughout use the term *directed surveillance* rather than “surveillance”.
- Indicating that the penal threshold limiting the Council’s powers of authorisation is to be found in the *RIP(Directed Surveillance and CHIS)(Amendment)Order 2012, SI 2012/1500* and noting that among investigations excluded are those relating to the underage sale of tobacco.

**See recommendation**

***Protection of Freedoms Act 2012.***

***RIP(Directed Surveillance and CHIS)(Amendment)Order 2012, SI 2012/1500***

27. The Council has undertaken one authorisation since the commencement of this legislation. This has been described above (*paragraphs 13 and 14*). The level of Council representation at court was discussed with the possibility that questions which the DJ or Magistrate may raise may be only answerable by the Authorising Officer. Care would have to be taken to ensure that an investigating officer was not led into giving hearsay evidence on matters relating to the Authorising Officer. In such cases it may be necessary to adjourn to enable the attendance of the Authorising Officer. In the light of these concerns the Council may wish to reconsider its decision not to provide legal representation before the Magistrate. Certainly the attendance of a legal officer with familiarity with *RIPA* may be of assistance to the Magistrate in these early days of requiring approval.

**CCTV**

28. The Borough Council Operations Centre, was not visited but its operation remains substantially as it was at the time of the last inspection.

**Elected Members**

29. The requirements of the *Code of Practice for Covert Surveillance and Property Interference (3.30)* and *Code of Practice for CHIS (3.26)* were considered. The need to produce a quarterly report to Councillors of *RIPA* activity was discussed in the light of the fact that a practice of providing reports only at annual intervals to the Audit and Standards Committee is presently adopted. The relevance of providing a report of *RIPA* inactivity to Councillors was discussed. An annual report should be prepared to enable Councillors to determine that the policy is appropriate for Council purposes. It was clearly understood that Councillors may not involve themselves in individual authorisations.

**Conclusions**

30. When Mrs. Ringshaw-Dowle visited Thurrock in 2011 she was somewhat unimpressed by the quality of *RIPA* management and performance. The Council had undergone a long period of problems with no less than five CEOs in six years. The present CEO, Mr. Farrant, had just taken

over. Her critical but helpful report made five recommendations. It is very encouraging to be able to observe that the Council immediately produced an action plan to address these recommendations and have enthusiastically followed it through. As a result it can be reported that three of the five recommendations have been discharged and a fourth partly so. Consequently there is now in place a strong *RIPA* management structure with *SRO* and *RIPA Co-ordinating Officer*, a dedicated quality control and audit system, a good *RIPA* guide and an excellent training programme. I have already remarked that the *RIPA* management structure and training programme is akin to a Rolls Royce. For these achievements the Council and Mr. Farrant must be congratulated.

31. However the downside of the situation is that both the earlier applications and all authorisations are still below standard. The improvement in application since the commencement of the *Protection of Freedoms Act 2012* is encouraging. However the continuing poor standard of authorisation is the water in the Rolls Royce fuel. Authorising Officers are not observing and reacting to the helpful prompts in the authorisation form and are not benefitting from the training given hitherto. It was of concern that two of the Authorising Officers did not appear to have been fully trained for the function and that there was no provision for the management of *CHIS*. Whilst a reduction in the overall number of Authorising Officers will serve to reduce the demand for training these deficiencies can only be resolved by effective training of those who may authorise, training especially directed at the practical aspects of the system. Professional external training by trainers with experience in practical training would be most helpful at this juncture.
32. It must also be remarked that neither the quality control nor *RIPA* audit system appears to have recognised the problems displayed. This can be addressed by more robust quality control and oversight by the *RIPA Co-ordinating Officer* and the *SRO* at the time before authorisation is submitted to the Magistrate for approval.
33. The officers interviewed impress as enthusiastic and determined that the Council acts in a manner compliant with *RIPA*. They are determined that their good work of the past two and half years will be built upon and the highest of standards will be achieved.

#### **Recommendations**

34.
  - I. Address the issues raised in this report by further training, preferably by an external professional trainer' especially the quality of authorisations and the management of *CHIS*. (*Paragraphs 13, 14, 15(iv) and (v), 21 to 23 and 25*).
  - II. Adopt a system of robust quality control to timeously identify and rectify below standard authorisations. (*Paragraph 18*).
  - III. Reduce the number of nominated Authorising Officers. (*Paragraph 20*).
  - IV. Amend the *RIPA Corporate Policy*. (*Paragraph 26*).

**His Honour Norman Jones, QC,  
Assistant Surveillance Commissioner.**