



Investigatory Powers
Commissioner's Office

PO Box 29105, London
SW1V 1ZU

Mrs Anne Court
Chief Executive
Oadby & Wigston Borough Council
40 Bell Street
Wigston
Leicestershire
LE18 1AD

13 February 2019

Dear Mrs Court

Inspection of Oadby & Wigston Borough Council

Your Council was recently subject of a desktop-based documentary inspection by one of my Inspectors, Samantha Jones. I am grateful to you for facilitating this through your Head of Law and Governance, Mr Dave Gill who has provided the relevant materials.

The information you have provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. It is anticipated that this will be undertaken when your authority's next three-yearly inspection is due.

There have been no RIPA authorisations granted by your Council since the last inspection was conducted, however it was found to have clear processes in place whereby the RIPA processes and the quality of relevant documentation would be overseen by Mr Gill as your RIPA Co-ordinating Officer.

It had been recognised prior to the inspection that the Council had not complied with the requirement to report RIPA policy to elected members on at least an annual basis, in accordance with paragraph 4.47 of the Covert Surveillance and Property Interference Code of Practice, re-issued in 2018. This is now being rectified with a report due in the first quarter of the 19/20 Municipal Year.

The following matters were identified as part of the process:

1. Training has been undertaken during the past three years by the authorising officers. Although there is only a small cadre of applicants, it is important that all officers can recognise when the activity they undertake as part of their role may well fall within the legislation. The absence of awareness amongst employees gives rise to the possibility that covert surveillance or the use of CHIS may occur unwittingly. I note it is intended that following the adoption of the new RIPA policies, a formal training session will be undertaken.

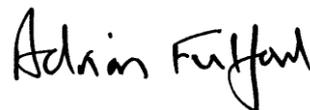
2. The policy document has been extensively revised and split into two separate draft documents. One in relation to directed surveillance the other in respect of CHIS. The following general matters in both documents need to be revisited:
 - I. Errors should be reported to the Investigatory Powers Commissioner, whilst complaints should be made to Investigatory Powers Tribunal.
 - II. Generally, the applicant should ideally be accompanied to Court by the authorising officer.
3. These additional matters should be reflected in the policy document in respect of CHIS:
 - I. All reference to surveillance should be removed.
 - II. The Juvenile CHIS sections should be amended to incorporate the Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018 (which provides for a longer period of authorisation of four months instead of one).
4. The central register should include the detailed requirement set out in the new policy.

I would be grateful if you could ensure these matters are addressed at the earliest opportunity and provide me with an update on progress within two months of receipt of this letter.

I take the opportunity here to remind you of the importance of regular, ongoing internal oversight of the actual or potential use of these powers, which should be managed through yourself as Senior Responsible Officer. I also draw attention to the increasing usefulness and accessibility of social media which can offer initial investigative leads and assist with your enforcement or other responsibilities, but it behoves you to ensure that such resources as these are used in a controlled, auditable, and well understood manner. The Home Office Covert Surveillance and Property Interference Code of Practice (2018) provides some helpful advice on this point. It would also be advisable, regardless how unlikely use of the powers might appear, to maintain refresher training on a suitably regular basis for key officers following that you have planned in coming weeks.

My Office is available to you should you have any queries following the recent desktop inspection, or at any point in the future. Contact details are provided at the foot of this letter.

Yours sincerely



The Rt. Hon. Lord Justice Fulford
The Investigatory Powers Commissioner