

Chief  
Surveillance  
Commissioner

OFFICIAL-SENSITIVE

*Dear Mr. McCardle,*

5<sup>th</sup> February 2015

**Covert Surveillance**

On 7<sup>th</sup> January 2015, 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. Your Council makes moderate use of covert surveillance through its Trading Standards Department. The 3 recommendations made following the last inspection, in May 2011, have not been fully discharged. But your officers in Trading Standards are well- trained, knowledgeable, dedicated and enthusiastic in relation to RIPA and Mark Keal, your Business and Public Protection Manager is well informed. Some of the documentation examined had inherent weaknesses which need to be addressed.

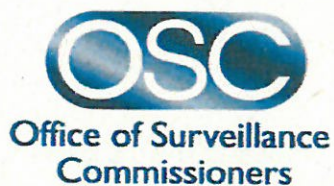
The recommendations are that a two-part Central Record in relation to directed surveillance and CHIS be created, that existing CHIS forms be corrected and all other forms checked to ensure they correspond to current Home Office forms, that the SRO and Co-ordinating Officer exercise more robust oversight of all authorisations and the authorisation process, that RIPA awareness be improved throughout the Council, that consideration be given to reducing the number of authorising officers and adequate training of them be ensured, that a controller, handler and record keeper be appointed to manage each CHIS for each of whom a risk assessment should be undertaken, that a training programme be established and the weaknesses identified in documentation addressed and that your Corporate Policy and Procedures document be amended as indicated in paragraph 38 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 Tony McCardle  
Chief Executive  
Lincolnshire County Council  
Council Offices  
Newland  
Lincoln LN1 1XY



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

**Lincolnshire County Council**

**7<sup>th</sup> January 2015**

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



## **OFFICAL- SENSITIVE**

### **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.

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**OFFICAL – SENSITIVE**

Chief Surveillance Commissioner,  
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23<sup>rd</sup>. January 2015.

## INSPECTION REPORT LINCOLNSHIRE COUNTY COUNCIL

Inspection                      7<sup>th</sup>. January 2015.

Inspector                      His Honour Norman Jones, QC.  
Assistant Commissioner

### Lincolnshire County Council and FRS

1. Lincolnshire is a non-metropolitan county administered by Lincolnshire County Council. The Council serves a population of about 1.1 Million and at 2687 square miles the County is geographically the second largest in England.
2. The Senior Management Team is headed, as at the previous inspection, by Mr. Tony McCardle, the Chief Executive, who is immediately supported by four Executive Directors, one Director and a Chief Information and Commissioning Officer. They lead services which are headed by Assistant Directors; County Officers, Chief Commissioning Officers and Consultants.
3. The Lincolnshire Fire and Rescue Service (FRS) is led by Mr. Dave Ramscar, the Chief Fire Officer who is responds to the Executive Director for Finance and Public Protection.
4. Mr Richard Wills, *Senior Responsible Officer (SRO)* for RIPA, is Executive Director for the Environment and Economy. The role of *RIPA Co-ordinating Officer* is undertaken by Ms. Sally Burke, Senior Solicitor in Legal Services though she has not formally been designated that position.
5. The most recent OSC inspection of Lincolnshire CC was conducted on 11<sup>th</sup> May 2011 by Mr Graham Wright, Surveillance Inspector.
6. Since its previous inspection the Council has undertaken 58 covert surveillance operations for which authorisation has been granted. Of these 56 were granted to the Trading Standards Department, of which 45 were for *directed surveillance* and 11 for *covert human intelligence sources (CHIS)*. The two remaining authorisations were for *directed surveillance* granted to Planning Enforcement. Save for one *directed surveillance* authorisation which had been granted to Trading Standards under the *urgency* provisions, *confidential information*, *urgency* and *self authorisation* did not feature in any authorisation.
7. The address of the Council Offices is Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1XY.



### Inspection.

8. Mr Wills, Ms Burke and Ms Leeza Mohsan, Legal Officer, extended a warm welcome to Lincolnshire. The inspection was later attended by Mr Mark Keal, Business and Public Protection Manager (Safer Communities) and Trading Standards Manager. Fire and Safety officers who attended were Mr Kieran Davey (Group Manager for Fire Safety, Health and Safety and Legal) and Mr Andy Higgins (Station Manager and Arson Task Force Manager). All officers impressed with their understanding of *RIPA* and its regulatory framework and each extended enthusiastic assistance for which gratitude is expressed.
9. The Inspection was conducted by means of discussion and interview with the initial officers followed by an examination of the Central Record of Authorisations together with a sample of the applications/authorisations, reviews, renewals and cancellations undertaken since the last inspection. Thereafter feedback was provided to all officers concerning the issues arising from the documentary examination. The inspection was completed by a discussion with the initial save officers relating to the Council's *RIPA* Policy and Procedures document.
10. Among the issues discussed were actions taken on past recommendations, the *RIPA* management structure, unauthorised surveillance, Authorising Officers, the provisions of the Protection of Freedoms Act 2012, training, policy and procedures and Councillor responsibilities.

### Examination of Records.

11. The **Central Record of Authorisations** is retained on a computerised spreadsheet and the originals of the applications/authorisations, reviews, renewals and cancellations are collated into annual files. Record keeping is the responsibility of Ms. Mohsan under the aegis of Ms. Burke. The Central Record is compliant with the *Code of Practice for Covert Surveillance and Property Interference* save that columns should be added to reflect reviews. It included columns to reflect appearances for approval before a Magistrate. It appeared well maintained and forms an invaluable tool for the *SRO* and *RIPA* Co-ordinating Officer in their exercise of oversight of the system. It was of considerable assistance to the OSC inspection process. Hard copies were available relevant to each year. It was to be noted that the files preceding January 2013 were substantially bulkier than those for 2013 and 2014. This was indicative of a substantial drop-off of authorisation following the commencement of the *Protection of Freedoms Act 2012*.
12. It was noted that the Central Record did not reflect any facility for recording issues specific to *CHIS* authorisation. With the continuation of employment of *CHIS* by Trading Standards it was felt that a similar *CHIS* Central Record should be introduced to reflect those issues.

#### See recommendation

13. It was noted that the forms for *CHIS* authorisation in use bearing the Lincolnshire county council motif were not compliant with the current Home Office forms omitting the first page bearing details of identification and office of those concerned and later boxes relating to risk assessment and pseudonyms. It is of concern that these essential elements of *CHIS* authorisation would be overlooked especially since Trading Standards from time to time do employ *CHIS*. It is important that it is ensured that all forms in use comply with the current Home Office forms.

#### See recommendation

14. Six authorisations, two *CHIS* and four *directed surveillance*, were examined in detail and certain others more briefly. All more recent authorisations had required a magistrate's approval. A common issue lay in describing the likelihood of acquiring *confidential information*. Applications tended to use phraseology which left open the possibility of such acquisition, though always in circumstances when there was no likelihood of doing so. There was some indication that officers did not understand the meaning of *confidential*

information, the likely acquisition of which requires authorisation by the Chief Executive. In the vast majority of applications officers should positively state that there is no likelihood of obtaining such information.

15. The two recent *CHIS* authorisations disclosed a number of concerns. Neither identified a controller, handler or record keeper nor were risk assessments undertaken, all of which are required by statute. The fact that these failures were not identified during the oversight process raises anxiety as to the robustness of that process. It is further to be noted that these failures did not prevent approval being granted by the Magistrate. The first examined demonstrated little intelligence basis for the authorisation whilst the intelligence basis in the other was good. In one there was little consideration in the authorisation of the '5W's' and thus poor definition of what was being authorised. In the consideration of *proportionality and necessity* of one appeared the statement 'goods on sale are aimed at babies and young infants'. That information did not appear in the application. There was no copy attached to the file of the application to the magistrates' court and only the applicant attended. The earlier *CHIS* authorisation was of a higher standard based on good intelligence and a competent authorisation. Both the application and authorisation dealt adequately with such issues as *proportionality and necessity*. A good cancellation gave detail of what had been achieved.
16. The *directed surveillance* authorisations were generally of a good standard applications gave sufficient detail of what was required and why, *proportionality and necessity* were well considered and there was a reasonable intelligence basis for the application. Cancellations were in good form but one that was out of time. However in one case, relating to multiple premises test purchasing, there was no intelligence basis pertinent to individual premises and the authorisation stated that it was granted 'on the basis of previous sales --- to minors'.
17. The one *urgent* authorisation related to a test purchasing operation conducted with the police in which the police wished to add a further set of premises at the last moment. It was decided to do that by way of the *urgency* provisions. Before *urgency* could be used there should be either a likelihood 'to endanger life or jeopardise the investigation or operation for which the authorisation was being given'. (*Code of Practice for Covert Surveillance and Property Interference*, 5.6). The circumstances did not satisfy those requirements. The authorisation was recorded in a letter stating the basis upon which it had been granted and this was subsequently supported by a fully completed authorisation form. However neither document gave evidence of the adequate consideration of either *proportionality* or *necessity* and neither articulated the intelligence basis upon which it was founded.

**See recommendation**

18. All authorisations were typed. Whilst not a compliancy issue it is better practice to hand write the authorisations (applications may be typed) since that precludes particular forms of challenge at court.

**Past Recommendations.**

19. Three recommendations were made by Mr Wright in the previous inspection report. These were considered with the officers.

- I. *A single Central Record of Authorisations should be created which contains all the information required by the Codes of Practice.*

See paragraph 10 above. It was encouraging to note that a further system exists for the Diana arising of review and cancellation date's which assists Ms Mohsan in chasing up these events if documents are not submitted timeously. This recommendation has been partially discharged.

- II. *The listed failings in applications and authorisations for directed surveillance should be borne in mind by applicants, authorising officers and those with oversight responsibilities.*

There are still examples of reports not containing adequate intelligence though most do. The consideration of *proportionality* and *necessity* has improved although there are still examples of weakness in this area. Lack of consideration of the '5W's' is seen to produce authorisations with insufficient detail. Internal audit and FRS investigations have not been carried out in this period utilising covert surveillance. This recommendation has been substantially discharged.

- III. *The listed failings in applications and authorisations for CHIS should be borne in mind by applicants, authorising officers and those with oversight responsibilities.*

Examination of the records indicates that this issue has not greatly improved and new weaknesses have been identified. This recommendation has not been discharged.

### **RIPA Management**

20. Mr Wills has held responsibility as SRO for less than a year. The overall responsibility of a SRO was discussed and outlined as including responsibility for the integrity of the RIPA process within the Council; for compliance with RIPA and its regulatory framework; for engagement with the Commissioners and Inspectors when they conduct inspections; for overseeing the implementation of any recommendations made by the OSC and for ensuring that authorising officers are of the appropriate standard. In addition Mr Wills holds direct responsibility for keeping the Elected Members aware of RIPA activities within the Council. He is anxious that the Council should be compliant with the legislation and recognises that good central management is essential to that process.
21. At present Ms Burke is not regarded formally as *RIPA Co-ordinating Officer* and the structure of the Legal Department places some difficulties in the way of formalising her position. However it was felt that these may be overcome and that, with Ms Mohsan assisting by keeping the Central Record and chasing up RIPA documents, the additional responsibilities should not prove onerous. The day to day responsibilities of the *RIPA Co-ordinating Officer* should include: (a) maintaining the Central Record of Authorisations and collating the original applications/authorisations, reviews, renewals and cancellations; (b) oversight of submitted RIPA documentation; (c) organising a RIPA training programme; and (d) raising RIPA awareness within the Council.
22. The importance of day-to-day oversight by the *RIPA Co-ordinating Officer* coupled with regular oversight by the SRO cannot be emphasised too strongly. It was apparent from the examination of the records that such oversight is not being exercised in a sufficiently robust manner. An example of this was clearly provided by the failure to recognise the inadequacy of the CHIS forms in use by the Council, a factor that was leading to such authorisations not being compliant with the legislation. It is essential that the oversight officers act robustly to ensure improvement in the quality of authorisations.

### **See recommendation**

23. Ms Mohsan is new to her role in RIPA replacing an officer who had had a number of years experience in this field. It is recognised that she will need some time to gain experience and in the meantime Ms Burke, her immediate line manager, will exercise careful oversight on the process.
24. Ms Burke already delivers enforcement training at the Council and encompasses within that a module relating to RIPA. The FRS and Trading Standards conduct their own training. The only use she could perceive by departments other than those was in relation to the use of body cameras on our wardens and car parking CCTV. In each case the cameras are fully signed and clearly overt, therefore the issue of authorisation is unlikely to arise. There has been some very limited use by Planning and Environment in the past and this Department should be recognised as a potential user.



25. The importance of establishing good *RIPA* awareness throughout the Council, and not merely in enforcement departments, was emphasised and means of improvement were discussed. The Council has an intranet training system which would be ideally suited to including very basic training to all staff members of the requirement for the consideration of authorisation whenever the use of surveillance was in mind. In addition the practice of cascading down *RIPA* information from management meetings should be extended.

**See recommendation**

#### **Authorising Officers**

26. The current authorising officers are listed in an appendix to the *Corporate Policy and Procedures Document on RIPA 2000*, which is the Council's guide on the subject. In addition to the CEO some nine authorising officers are listed. In reality the vast proportion of authorisations are undertaken by Trading Standards and by one authorising officer attached to that department. Whilst the CEO, or in his absence whoever deputises for him, are the only officers who may authorise for the employment of juvenile or vulnerable *CHIS* or the acquisition of *confidential information*, most of the other authorising officers are unlikely to be engaged. This calls into question whether this number of authorising officers is required for the Council's purposes. Each requires training which makes demands on the Council's resources. It may well be felt that the Council could adequately undertake its responsibilities with no more than two or three authorising officers. At the least this position should be reconsidered. It was to be noted that Mr Wills, who should be an authorising officer though only authorising in exceptional circumstances, has received no training and it appears unlikely that other authorising officers have been trained in recent times, including the CEO. (See **Training** below)

**See recommendation**

#### **Trading Standards**

27. Trading Standards is by far the principal user of *RIPA* within the Council. The department falls within Mr. Keal's responsibilities and he is the authorising officer who undertakes most of the authorisations for that department. As such he is the most experienced authorising officer in the Council. The findings of the examination of documents were discussed with him and he appreciated that there were areas which were in need of improvement. It was of some concern that the weaknesses in the *CHIS* forms had not been appreciated.
28. Since 2011 there has been a reduction from over 50 to 23 trading standards officers employed by the County. That has clearly had some effect on the levels of investigation that can be undertaken. Trading Standards Officers engaged with *RIPA* are trained to a high standard having the benefit of professional training courses with *RIPA* modules in addition to training provided which is bought in by the Trading Standards Department. No corporate training is provided. In addition Mr Keal conducts in-house training during the year. Training notes used in May 2014 were provided to the inspection. They form a comprehensive discourse upon the subject of *RIPA* and are concise and easily understood. He himself has attended two courses with *RIPA* input during the past year. He keeps himself abreast of any developments within *RIPA* and is clearly well informed on the subject.

#### **Social Media**

29. The Trading Standards Department is the most likely within the Council to use social media for investigatory purposes. In recent years certain sites have been commonly used by criminals for the sale of illicit goods and as a result the Department now investigates them. The officers target specific crimes and multiple crimes. It has become apparent that the types of criminal resorting to social media have become more intelligent and more prolific. To investigate the sites the officers have adopted a particular practice and are well aware of the requirements of authorisation in certain circumstances. If the department gets information that a particular site is being used for illicit sales and the



volume of information is sufficient for it to consider investigation an officer will check the open pages of the site to confirm suspicions. If further investigation is justified a lead officer is assigned and the team is tasked. The principal officer in the team overseas the operation which will normally proceed using a covert identity. If the privacy controls are breached a direct surveillance authorisation will have been obtained and this is to determine when the goods are on sale. Further involvement by approaching the owner/operator will be undertaken following the obtaining of a *CHIS* authorisation.

30. The attention of Mr Keele was drawn to the 2014 edition of the *OSC Procedures and Guidance Document*, paragraph 288 for assistance in this field and in determining when *RIPA* authorisation is required.
31. The requirement for the appointment of a controller and handler as well as a record keeper when *CHIS* authorisations are granted was emphasised. Whilst it is appreciated that one officer is appointed to oversee the operation that is insufficient to satisfy the statutory requirements which must be addressed. (*RIPA* section 29(2)(c) and (5))

See recommendation

### Fire and Rescue Service

32. The Lincolnshire FRS is a County service and is integral to the County Council. As a result it adopts all of the Council practices and procedures in relation to *RIPA*. It is highly unlikely to use covert surveillance as a tool of investigation although it has obtained authorisations in the past. However the last of those was in 2009. At that time it had a dedicated authorising officer but has relinquished that and now would rely on the Council to provide this service.
33. A service level agreement exists with the police whereby the police undertake any surveillance required in arson investigations and they provide the authorisations. All equipment for surveillance purposes hitherto owned by the FRS has been passed onto the police. Officers consider that they have adequate powers in relation to any other type of investigation without resorting to covert surveillance.
34. In the unlikely event of considering authorisation an approach would first be made to Ms Burke and the legal Department to see if there was an alternative. A Guidance Note on *RIPA* instructs junior fire officers considering the use of covert surveillance to seek the advice of Mr Davey before proceeding. This training note is drawn to the attention of officers at four monthly intervals during training and lengthier training periods also encompass *RIPA*. *RIPA* developments are drawn to the attention of all officers including the new *Codes of Practice*. Enforcement officers have a manual with a section relating to *RIPA* and additionally they receive training by Ms Burke and by the police. The overall policy of the FRS is to come to the Council, in particular Ms Burke, whenever they would consider using covert surveillance.

### Training

35. Whilst the Trading Standards Department and the FRS engage in *RIPA* training for their own departments (see above) there is no corporate training programme for the rest of the Council. Since Trading Standards became the only department to use covert surveillance the regular *RIPA* Update Meetings which involved all authorising officers and Ms Burke, and which were considered good practice at the last inspection, have been discontinued. It was of particular concern that no dedicated *RIPA* training is undertaken for authorising officers and has not been for some time. It is a pre-requisite of any person authorising that they should have been trained and attention should be paid to this omission in the near future. This requirement was discussed with the officers. Ms Burke laid some emphasis on the fact that *RIPA* is included in all enforcement training. However, whilst of considerable value, that is clearly insufficient for any authorising officer and many regular applicants who need detailed training. In the light of the fact that Trading Standards provide dedicated *RIPA* training and also buy in such training it would appear sensible for the Council to take advantage of such facility. In any event authorising officer training should be undertaken for all those who remain authorising officers in the event of a

reduction in numbers. It must be appreciated that the quality of applications and authorisations will only be improved with the quality of training and that it may be necessary, at least initially, to buy in professional training to achieve a minimum standard. Thereafter refresher training could be undertaken at 18 monthly intervals by internal officers although the electronic training system available through the Council intranet would be another effective means of delivery.

**See recommendation**

**Protection of Freedoms Act 2012**

36. The provisions of this legislation taken in conjunction with those of the *RIP(Directed Surveillance and CHIS)(Amendment) Order 2012, SI 2012/1500* were discussed. It was considered by the officers that this legislation has had a considerable effect upon the Council's usage of covert surveillance. Indeed this is one of the main reasons why the only investigations now being undertaken using covert surveillance were within the Trading Standards Department which has been largely excluded from effect by those provisions.
37. Only the investigating officer has been attending on the magistrates. This was discussed with the officers and it was recognised that if the Magistrate were to raise questions they are likely to be only answerable by the authorising officer. The officers and particularly Mr Keal recognised that likelihood and it was considered that the authorising officer should attend the Court to assist the Magistrate with the investigating officer.

**Policy and Procedures.**

38. The *Corporate Policy and Procedures Document on the Regulation of Investigatory Powers Act 2000* is the Council's policy and guidance document on *RIPA*. It is kept constantly under review by Ms Burke who has revised it in the last six months. It takes account of the recent legislative changes. It is a succinct but readable document which, with a few minor amendments, should serve the Council's requirements well. In due course Mr Wills will present it to the Elected Members for their approval. The amendments proposed include:

- Changing the term *authorised officer* to *authorising officer*.
- Indicating that covert surveillance of County Council employees may not be undertaken solely for employment/disciplinary investigations
- Under **proportionality** indicate that the least intrusive means of surveillance *on the target and others* should be chosen and that all alternative covert means have been considered and rejected.
- Remove references to *urgent authorisations*. (These are no longer available to local authorities).
- Indicate that the duration of authorisations commences with a Magistrate's approval.
- Indicate that the duration for an authorisation of a juvenile *CHIS* is one month.
- Indicate that the authorising officer should attend at the Magistrate's hearing for approval.
- Indicate that originals of all applications/authorisations, reviews, renewals and cancellations should be forwarded to the *RIPA Co-ordinating Officer* for filing with the Central Record.
- Include the office and identities of the *SRO* and *RIPA Co-ordinating Officer* in appendix 1.
- Ensure all forms referred to as in use correspond with the current Home Office forms.
- Where appropriate make reference to the 2014 editions of the *Code of Practice for Covert Surveillance and Property Interference* and the *Code of Practice for CHIS*.
- Provide links to the *Codes of Practice*. (This should be taken in conjunction with ensuring that copies of the 2014 editions of the *Codes of Practice* and of the *OSC Procedures and Guidance* are available to all authorising officers.)



See recommendation

### Councillor Responsibilities

39. The *Code of Practice for Covert Surveillance and Property Interference* and the *Code of Practice for CHIS* require that Councillors are kept informed of the *RIPA* activities of the Council sufficiently to enable them to undertake their ongoing oversight of *RIPA* policy. This is undertaken at Lincolnshire County Council by virtue of a quarterly report to the Councillors. Although this practice had recently fallen into abeyance it is to be revived in the very near future. A fuller annual report should be provided to the Council to assist Councillors in assessing the fitness for purpose of the Council's *RIPA* policy.

### Conclusions

40. Lincolnshire County Council makes moderate use of covert surveillance but that is now confined entirely to the Trading Standards Department. The officers within that Department are well trained in respect to *RIPA* and Mr Keal impresses as a well informed and knowledgeable officer on the subject. It is however important that it should recognise the statutory requirements for the employment of *CHIS* and that the correct forms should be in use.
41. The Council has a distinct preference for the use of overt means of investigation whenever possible. Save for Trading Standards it would rebuff the opportunity to employ *CHIS* unless a source was forced upon it. The officers responsible for *RIPA* impress with their knowledge, dedication and enthusiasm. They appreciate the sensitivity of covert surveillance as a tool of investigation but recognise that there are instances in which its use is unavoidable. Equally they recognise that when it is used it must be used in compliance with *RIPA* and its regulatory framework.
42. The effects of the limitations placed on the Council by the *RIP(Directed Surveillance and CHIS)(Amendment)Order 2012, SI 2012/1500* are noticeable in that Council departments other than Trading Standards have effectively ceased to use covert surveillance. That has resulted in a reduced concentration on the subject highlighted by the discontinuation of the *RIPA* Update Meetings and the continued lack of training for authorising officers. It is to be emphasised that the standards of authorising officers must be maintained though a reduction in the numbers would be justified.
43. Whilst in most cases the documents examined exhibited a reasonable standard of performance some continue to disclose inherent weaknesses which require to be addressed. This is best done by ensuring that they are addressed by *RIPA* training and by using exercises in training which test the competency of applicant and authorising officers.
44. Oversight of submitted authorisations requires to be more robustly exercised by the *RIPA* Co-ordinating Officer and the *SRO* and there is a requirement to ensure that all forms in use correspond with the current Home Office forms. The Central Record requires being in two parts and styles to reflect *directed surveillance* and *CHIS*.
45. The **Lincolnshire Fire and Rescue Service** is an unlikely user of covert surveillance though circumstances can be conceived in which it may do so. It has adequate awareness training for its officers and its Guidance Notes contains useful references to *RIPA*. It is aware of the risks of unauthorised surveillance and officers are keenly trained to recognise those risks and seek advice. In the event of requiring authorisation it would rely upon the Council's authorising officers.

### Recommendations.

- 46.
- I. Create a Central Record matrix in two parts, one to reflect *directed surveillance* and the other *CHIS*. (Paragraph 12).

- II. Correct the existing *CHIS* forms and check all other forms in use to ensure they correspond to the current Home Office forms. (*Paragraph 13*).
- III. The *SRO* and *RIPA Co-ordinating Officer* should exercise more robust oversight on all authorisations and the authorisation process. (*Paragraph 22*).
- IV. Improve *RIPA* awareness throughout the Council. (*Paragraph 25*).
- V. Consider reduction of the number of authorising officers and ensure all who may authorise are adequately trained. (*Paragraph 26*).
- VI. Ensure that a controller, handler and record keeper (who may be either controller or handler) is appointed to manage each *CHIS* and that risk assessments are undertaken in each such case. (*Paragraph 31*).
- VII. Establish a training programme and address the weaknesses disclosed in the documentary examination by further training. (*Paragraph 35 and 17*).
- VIII. Amend the Corporate Policy and Procedures Document on *RIPA*. (*Paragraph 38*)

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