



Chief
Surveillance
Commissioner

Official -Sensitive

16 January 2017

Dear *Chief Executive,*

I enclose a copy of the report dated 9 January 2017 prepared by Sir David Clarke, Assistant Surveillance Commissioner, following his examination of the arrangements made by the Council to secure compliance with the legislative provisions which govern the use of covert surveillance. For the purposes of the inspection Sir David did not visit the Council. He was provided with the relevant material, which he examined, and discussed with Mr David Gill, Legal Services Team Manager. Neither he, nor I, believe that a personal visit is needed, but if after consideration of the report or this letter you believe that such a visit would be appropriate, the necessary arrangements will be made.

I have studied the report and endorse it.

It is clear that the Council makes very limited use indeed of its statutory powers. There have been no relevant authorisations during the last four years, and no change of policy is anticipated. Nevertheless it is positive that the four formal recommendations made following the last inspection in August 2013 have been addressed and are discharged. In particular sensible refresher training has been organised.

The single specific recommendation made this year relates to the Policy document. Useful improvements are suggested at paragraph 10 of the report, which will no doubt be assimilated into the document, and then drawn to the attention of officials.

I am particularly pleased to notice is that the Policy document already includes appropriate guidance on the use of Internet and social media sites for investigation processes. Given the wide-ranging responsibilities of the Council, particularly in relation to children and vulnerable adults, I have little doubt that over the next three years considerable use will be made of the facilities for the purpose of discharging these responsibilities. The imperative is that officials should be aware that if they conduct investigations using the technological advances, they may fall within the protective ambit of the legislation. Without training and awareness they are unlikely to do so, and although acting in good faith, may inadvertently act unlawfully. The training arrangements must address the impact of the legislation on investigations of this kind. Provided the arrangements for training described in the report will continue, and the issue is treated as an ongoing one, the vulnerability of the Council will be minimal.

Yours sincerely,

A handwritten signature in black ink that reads "Lyn Judge". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Christine Fisher
Chief Executive
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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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