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24th June 2024

IPCO Surveillance and CHIS Inspection of Huntingdonshire District Council

Dear Chief Executive,

Thank you for providing IPCO with your response to the matters identified at points 1 to 10 of my Inspector's letter dated 15th February 2024, and for your Councils engagement with the inspection conducted on the 20th June 2024 at your offices.

The last inspection of Huntingdonshire District Council took place remotely in February 2024, and there were no formal recommendations made that required reviewing at this inspection.

Since the last inspection, there have been some changes in staff within the key RIPA roles of Authorising Officer and RIPA coordinator. Training to staff was conducted in February 2023 and to Authorising Officers in May 2023. Providing training on RIPA is a key compliance issue, to ensure the appropriate internal governance and oversight through yourself and your Senior Responsible Officer. I am assured that further RIPA training is budgeted for and takes place at regular intervals. It would be beneficial to review the awareness training that is provided to investigators at 'grassroots' level, for example in newsletters, intranet, or other such general communication methods that your Council employ.

I understand that you hold a Central Record of Authorisations, and these are subject to the retention, review and destruction (RRD) of any documents or product. It was evident to my inspector that you have good processes in place for the review of material and that you hold no legacy material in respect of investigatory powers pre-2017. Your policy on Record Retention and Management needs amending to add a review period in respect of any CHIS material, as well at retention and review on any product gained as a result of use of the powers, such as CCTV footage or images captured.

I understand that your RIPA policy is subject to annual review, and was last reviewed in 2024, and that RIPA activity is reported to Members annually. Your RIPA policy sets out your position well and contains relevant commentary. There are a few amendments that are required, that are predominantly administrative:

1. Reference to part III Police Act 1997 which concerns property interference should be amended to clarify that your Council have no access to these powers.

2. Any reference to the Office of Surveillance Commissioners Procedures and Guidance 2016, should be removed as this has been formally withdrawn.
3. The policy should be updated to reflect the correct references to the most current Codes of Practice, which are Covert Human Intelligence Sources 2022 and Covert Surveillance and Property Interference 2018.

The two Directed Surveillance applications that have taken place since the last inspection in 2021 were reviewed and the following recommendations result:

1. Collateral Intrusion is poorly understood and both applications stated that they resulted in no collateral intrusion occurring despite having covert cameras deployed in a public place. The Authorising Officer should take into consideration the risk of obtaining private information about persons that are not subject of the surveillance, in order to fully consider the proportionality of authorising activity. Furthermore, the application should articulate what methods are proposed in order to minimise the collateral intrusion that has been identified and how any collateral intrusion gained will be dealt with¹.
2. The four elements of proportionality² needs to be articulated within the application, in particular explaining how and why the methods adopted will cause the least possible intrusion on the subjects, and evidencing, as far as practicable, what other methods have been considered and why they were not implemented or have been implemented unsuccessfully.
3. It would be helpful to include within the application, the feasibility study conducted which would ascertain the type of camera and location of installation that has been identified.
4. Reviews should contain a summary of the activity to date, along with the collateral intrusion obtained; this is to enable the AO to make an informed decision as to whether the activity remains proportionate and necessary.
5. Review dates are not set in stone and can be moved to suit operational activity. For example, there is little point conducting a review and a cancellation on the same day. The information that would have been on the review can instead, form the cancellation material.
6. In regard to cancellations, it is good practice to state the result of the activity and the product gained³.

In respect of Council owned CCTV, the Council should be careful that operators do not stray into the realms of unauthorised surveillance due to a lack of police response to any potential crime; and may wish to consider some guidance in this respect. It is easy for enthusiastic and diligent operators to become frustrated where a police response to town centre drugs dealing for example, is not forthcoming, and continue to monitor known offenders for a period of days or weeks. This type of monitoring, where not authorised, would constitute an error, and should be reported to IPCO.

Overall, my Inspector was impressed at the professional attitude that was displayed with regards to compliance with the legalisation available to the Council. The Council is clearly keen to use the powers in an appropriate manner, and it is nice to see that some success has resulted. I hope that you found the Inspection useful.

I would ask that you ensure that the key compliance issues continue to receive the necessary internal governance and oversight through yourself and your Senior Responsible Officer: policy refreshes; annual

¹ Paragraph 4.11-4.14 of the Covert Surveillance and Property Interference Code of Practice 2018 refers.

² Paragraph 4.6 and 4.7 of the Covert Surveillance and Property Interference Code of Practice 2018 refers.

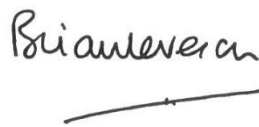
³ Paragraph 5.22 as above

updates to your Elected Members; ongoing training and awareness raising; internal compliance monitoring by lead managers within their business areas; and the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice).

I shall be grateful if you would acknowledge receipt of this letter within two months and let me know your plans in relation to the various matters identified.

Your Council will be due its next inspection in 2027, but please do not hesitate to contact my Office if IPCO can be of assistance in the intervening period.

Yours sincerely,



The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner