

RESTRICTED



OFFICE OF SURVEILLANCE COMMISSIONERS

INSPECTION REPORT

Bury Borough Council

22nd October 2013

**Assistant Surveillance Commissioner:
HH David Hodson.**

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Office of Surveillance
Commissioners

The Rt. Hon. Sir Christopher Rose
Chief Surveillance Commissioner
Office of Surveillance Commissioners
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5 November 2013

**BURY BOROUGH COUNCIL
INSPECTION REPORT**

Inspection Date 22 October 2013
Inspector His Honour David Hodson
 Assistant Surveillance Commissioner

INTRODUCTION

1. Bury Metropolitan Borough Council (Bury Council) is one of the 10 authorities that made up the former County of Greater Manchester. Although the County of Greater Manchester was abolished as an administrative county in 1986 it continues to exist in law and as a ceremonial entity. Consequently Bury Council and all the other Metropolitan Borough Councils are now in effect unitary authorities. It has approximately 8500 employees and serves a population of 183.000 people. The last OSC inspection was in October 2010 by Mr Graham Wright, Surveillance Inspector.
2. Bury is, of course, celebrated as the home of the Black Pudding and as the birthplace of Sir Robert Peel, Home Secretary and twice Prime Minister. His name is, of course, perpetuated in the Home Office as that given to one of the three buildings that comprise the present headquarters in Marsham Street.
3. Mr Mike Kelley is Chief Executive and he is supported by four Executive Directors. That quintet comprises the Strategic Leadership of the Council. Ms Jayne Hammond is the Assistant Director of Legal and Democratic Services and Ms Anita Green is the Council Solicitor. Mr Kelley is the RIPA Senior Responsible Officer and Ms Hammond is the Surveillance Monitoring Officer. Ms Green has only been with the Council for approximately six months but, undoubtedly, has taken a firm grip on RIPA activities already.
4. Mr Kelley joined Ms Hammond, Ms Green and myself at the start of the inspection for a useful exchange on RIPA practices and he returned for a final

discussion at the conclusion of the inspection. I am most grateful for the constructive part he played in the inspection.

5. Since the last inspection there have been 15 authorisations for Directed Surveillance. No CHIS has been authorised. None of the authorisations has involved the acquisition of confidential information and no authorisations have been refused.
6. Mr Kelley's address for correspondence is Bury Council, Town Hall, Knowsley Street, Bury, Lancashire BL9 0SW.

MANAGEMENT STRUCTURE

7. The Chief Executive's Department has one executive director of resources, three assistant directors and 11 heads of service. The Communities and Neighbourhoods Department has one executive director, two assistant directors and two heads of service. The Children's Services Department has one executive director, two assistant directors, one strategic lead and two heads of service. The Adult Care Services Department has one executive director, two assistant directors, one director of public health, an assistant director of commissioning and procurement and three heads of service.

RIPA STRUCTURE

8. The Senior Responsible Officer and the Surveillance Monitoring Officer have already been identified. Ms Green's valuable role has also been acknowledged. I have been provided with a chart which lists the Authorising Officers and indicates who is a regular user or an occasional/infrequent user. There are five regular users and four occasional/frequent users. These numbers seem to be appropriate given the present RIPA usage by the Council.

COUNCIL POLICY AND PROCEDURAL GUIDE

9. The Guide which attracted favourable comment in the last inspection report has been kept up to date with some recent legislative changes. However, as with a number of other authorities the abolition of urgent oral authorisations has been over-looked. Similarly there are no amendments to cover the new crime threshold criteria. Therefore i) references to urgent oral authorisations in paragraphs 8 on p2, paragraph 17 on p9, paragraphs 4, 5 on p10 and on the flow chart on p21 should all be deleted, and ii) suitable references to the crime threshold criteria should be added to paragraph 8(b) on p7, paragraph 3(a) on p9 and on the flow chart on p21

See Recommendation

10. I have also suggested that in the section covering intrusive surveillance on page 6 it should be clearly emphasised that Bury Council has *no power to authorise intrusive surveillance*.

See Recommendation

11. The set of Forms and the Notes for Investigating and Authorising Officers that accompany the Guide are now out of date and need to be revised. The new form for Magistrates' approval needs to be included as well.

See Recommendation

TRAINING

12. A more satisfactory pattern of training has been established since the last inspection. Previously training had been provided by the Surveillance Monitoring Officer. No criticism was made of that in the last inspection. But it was recognised before that inspection that to introduce, in addition, some outside training would be beneficial. This commenced in October 2011. Training for 15 delegates was provided by Pannone, Solicitors. This was repeated for 22 delegates in October 2013 by the same firm and I have seen the slides of this latest presentation. They can properly be described as comprehensive, accurate and up to date. Between these sessions in-house training has continued on an approximately six monthly basis.

13. It is clear from the high quality of the authorisations I have seen that valuable lessons have been learned from the training and first class documentation is now the norm.

CENTRAL RECORD AND AUTHORISATION FORMS.

14. The Central Record of Authorisations is kept on an electronically maintained spread sheet. There were four authorisations for Directed Surveillance in 2010/11, three in 2011/12 and eight in 2012/13. I have examined a representative sample from each year and it a pleasure to report that all were of the highest quality. All aspects of necessity and proportionality were covered well by investigating and authorising officers. Review dates were properly set, renewed if necessary, and invariably cancelled in a timely way. I was pleased to be able to congratulate personally Mr Andrew Johnson, Authorising Officer, Head of Commercial and Licensing and Trading Standards on the excellence of his work. Similarly, when we were joined by Mr Ian Davenport, Principal Benefits Officer (Investigations and Overpayments), I was able to comment favourably to him on his good work.

15. In this inspection period there was only one authorisation that required judicial approval. Coincidentally, it was a case of Mr Johnson's which he successfully took before the magistrates only two weeks after the start of the new regime.

16. None of the failings reported by Mr Wright in 2010 in the completion of the authorisation forms was to be seen in the forms I examined for the present inspection.

CCTV CONTROL ROOM

17. I am very grateful to Mr Ged McGee, Head of Community Safety, for his taking the time to explain the working of the new CCTV control room. The room was opened in January 2013 with 88 cameras in use. Bury Council does not use them for any covert surveillance at all. They are used for overt surveillance and are shared by the Police and the Department for Work and Pensions. Any covert activity by either of those two bodies is regulated through their own RIPA authorisations copies of which are kept in the control room. A lively discussion on matters of current interest followed.

CONCLUSIONS

18. In my estimation this was a very satisfactory inspection. All those who contributed in any way to its success deserve congratulation. Mr Kelley can be confident that under his leadership there is a RIPA regime well placed to comply fully with all RIPA requirements. I am most grateful for the warm welcome I was given by everyone and for all the arrangements that had been made by Ms Hammond and Ms Green.

RECOMMENDATION

19. I have one recommendation; the Council to consider the amendment of the Policy Guide and its associated forms as set out in paragraphs eight, nine and ten above.

His Honour David Hodson
Assistant Surveillance Commissioner.