

Ms Judith Greenhalgh
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25 October 2018

Dear Chief Executive,

Inspection of Denbighshire County Council

Your Council was recently subject of a desktop based documentary inspection by one of my Inspectors, Mr Graham McCrory MBE. I am grateful to you for facilitating this through your Legal Services manager, Ms Lisa Jones, who has provided the relevant materials and also spoke to my Inspector to provide further details.

Whilst there is no need for a physical inspection at this stage, the desktop review has identified certain matters that require remedy and Mr McCrory has made the following recommendations:

1. Whilst RIPA awareness training has been undertaken since the last inspection, there is a need for regular training and awareness to be developed and introduced throughout the Council in order that those who may engage RIPA powers remain "match fit".

2. Whilst the Senior Responsible Officer (SRO) has received Authorising Officer Training, their use to authorise RIPA applications should only be as a last resort. Their role as SRO is to oversee the use of RIPA powers by the Council employees.

3. The Council's Policy documents should be updated and added to in the following areas:

- Details on the use of Social Networking Sites (SNS) should be developed further to include advice and guidance contained within the revised Code of Practice for Covert Surveillance and Property Interference 2018 (Paragraphs 3.10 to 3.17)
- The authorisation period for a juvenile CHIS has been amended and is now for a maximum duration of four months and not one month as documented at Section (4.2) of the Council policy document. (Revised Code of Practice for Covert Human Intelligence Sources 2018, paragraph 4.2 refers)
- Any references to the Office of Surveillance Commissioners (OSC) as the oversight body for RIPA powers should be updated to reflect that oversight is now undertaken by the Investigatory Powers Commissioner's Office (IPCO)

4. The two directed surveillance authorisations reviewed were found to have been completed to a good standard. That said, the cancellation of the authorised activity should be timely and follow promptly after the need for surveillance has finished.

I shall be grateful if you would respond to me within six weeks from the date of this letter to advise the action taken in response. I will then decide whether a physical inspection is required.

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 your Senior Responsible Officer [REDACTED]. Officers need to maintain their levels of training lest, however remote a possibility it may appear, the powers need to be used. 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, as alluded to, provides some helpful advice on this point.

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

A handwritten signature in black ink that reads "Adrian Fulford". The signature is written in a cursive, slightly slanted style.

The Investigatory Powers Commissioner