

OFFICIAL  
**IPCO**  
Investigatory Powers  
Commissioner's Office

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Mr. Kevin Dicks  
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12 January 2022

Dear Mr. Dicks,

**Inspection of Bromsgrove and Redditch Councils**

*Please be aware that IPCO is not a “public authority” for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: [info@ipco.org.uk](mailto:info@ipco.org.uk)), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.*

Your Councils were recently the subject of a video and desktop-based inspection by one of my Inspectors, and I trust you will find it acceptable to receive a single report accordingly. The inspection has been facilitated through your Senior Responsible Officer (SRO) [the ] Director of Finance and Resources, who assumed the role as SRO in March 2021. My Inspector is also grateful to [the] Principal Solicitor, for providing the supporting information required. [The SRO] confirmed that there has been no use of the available covert powers since the last inspection, with the priority over the last 18 months being the response to the current pandemic.

The information provided has demonstrated a level of compliance which removes, for the present, the requirement for a physical inspection.

The last inspection was also undertaken [by the same Inspector], in February 2019. On this occasion two recommendations were made, as follows:

1. *Whilst RIPA awareness training has been undertaken and is refreshed with staff on an annual basis, there is a clear need to have training delivered forthwith to those staff within the Trading Standards services, and in order that those who are most likely to engage RIPA powers remain “match fit”.*

**Discharged** - Those officers within Trading Standards have been involved in the pandemic response and therefore any covert activity has sought to utilise the National Anti-Fraud Network (NAFN) for investigations using communications data. Training of some officers took place in March 2021, with further training inputs scheduled to take place before the end of January 2022. These training inputs will be aimed at all authorising officers, several officers from legal services, and your in-house solicitors.

2. *Whilst it is understood that no RIPA activity has been undertaken since the last inspection, it is unsatisfactory that elected officials are to be updated on RIPA matters “if and when RIPA activity is undertaken”. I would draw your attention to the revised Code of Practice for Covert Surveillance and Property Interference 2018 (paragraph 4.47), which advises that Elected Members should, at least on an annual basis, review the RIPA policy and the authority’s use of the Act. This applies whether or not RIPA powers are engaged.*

**Discharged** - Although no covert activity has been authorised, annual reports to Council Members have been provided.

I am pleased to note that these recommendations have been fully discharged.

Your RIPA policy is endorsed annually as part of the Report to the Audit Governance & Standards Committee, with members informed of any changes made since the previous review. The Policy was last reviewed in November 2021. The most recent addition to the policy has seen a section specifically dedicated to Data Safeguards and introduced to address the requirements as set out in my letter to all Local Authorities, dated April 2020. It is pleasing and reassuring to note that action has been taken in this regard. Sound advice is contained within this section of your policy to advise on the storage of covertly obtained material and the need to reduce the copying of it, but my Inspector has advised that to address fully the minimum standards expected, the policy should identify the timeframes within which covert material gathered should be subject to review and then, if no longer required to be retained, destroyed.

Whilst my Inspector is satisfied that data safeguard matters have now been included within your policy, this area of compliance will continue to be focused upon in future inspections. Highlighting retention, review, and destruction (RRD) responsibilities to new staff and weaving this into your regular refresher training inputs will ensure those persons likely to engage the covert powers are fully au fait with the safeguarding requirements contained within the Codes of Practice.

A couple of further additions to your policy, which it is hoped may further assist the reader in understanding matters pertaining to the use of social media in covert investigations, and when public volunteers may become Covert Human Intelligence Sources (CHIS), are outlined below for consideration for inclusion in your, already well formed, RIPA policy:

- Paragraphs 3.10 – 3.17 Covert Surveillance and Property Interference Code of Practice 2018. (Social media)
- Paragraphs 2.18 – 2.26 CHIS Code of Practice 2018 (Public Volunteers).

The oversight provided by your SRO is of a high standard and is undertaken through bi-annual meetings with representatives from Legal, Enforcement, and Information Management Services. My Inspector informs me that your SRO has found the IPCO newsletter a helpful source of information; I am pleased to hear this and I hope this continues to be the case.

Your authority has been found to be in a good place, with your SRO fully aware of his responsibilities.

I hope the authorities which you head have found this inspection to be of benefit. My Office is available to you should you have any further queries following this inspection, or at any point in the future. Contact details are provided at the foot of this letter.

I shall be grateful if you would acknowledge receipt of this letter within two months.

Yours sincerely,

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