



Investigatory Powers
Commissioner's Office

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Mr Duncan Sharkey
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May 2024

Dear Chief Executive,

On the 3rd of April 2024 your Local Authority was subject of a physical inspection and follow up meeting with your Senior Responsible Officer, Mr David Clark, to assess your response to the matters identified at points 1 to 9 of my Inspector's letter dated August 2023.

It is recognised that since the amalgamation of Mendip, Sedgemoor, Somerset West and Taunton, and South Somerset Councils in April 2023, significant financial constraints have necessitated a continued programme of reorganisation which has meant that RIPA policy and oversight arrangements for Somerset Council remain incomplete. Whilst there are remnants of the original councils' structures in lieu of a revised process, these are incomplete in relation to authorising officers, RIPA gatekeepers, and extant recommendations from previous IPCO inspections. The Senior Authorising Officer is therefore unable to discharge fully their responsibilities described at 4.41 of the Covert Surveillance and Property Interference Revised Code of Practice 2018, and 10.1 of the Covert Human Intelligence Source Revised Code of Practice 2022.

Ms Dolan and Ms Byron, your Deputy Monitoring Officers, have conducted some preparatory work. My Inspector, Mr Coull, noted a very comprehensive RIPA training package that has been agreed to be delivered to all staff. It was described that a new policy would be presented to the Council Executive in July for approval. Whilst no draft was yet available for inspection, my Inspector was directed to existing Somerset County Council and South Somerset Council policies that are intended to be relied upon to draft your new document. Mr Coull has reviewed both documents and has offered feedback on both positive aspects, and outdated or redundant information, to assist in developing this.

It was observed that whilst there are some local operational teams which have unchanged remits and line management structures, some departments that could utilise RIPA powers, particularly online, have changed. It is therefore important that staff, on behalf of the Senior Responsible Officer, conduct an audit to understand which departments are likely to, or could, use surveillance or CHIS powers. This will ensure that you will be able to determine the appropriate number of Authorising Officers to cover relevant council functions and provide resilience; that awareness training is prioritised; and that there are suitable oversight arrangements in place to monitor intelligence gathering.

I am satisfied from the responses from Mr Clark, Ms Dolan, and Ms Byron that the issues raised will receive their fullest attention.

I require Mr Coull to be updated on your progress in relation to policy and compliance by September this year, after which a decision will be made as to the requirement for a further physical inspection. I shall be pleased if you could acknowledgment the findings of this letter within two months.

Yours sincerely,

Brian Leveson



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