

**North East Derbyshire District Council**

**Standards Committee**

**20 April 2016**

**Outcome of RIPA Inspection**

**Report No ADGMO/33/15-16/SS of the Assistant Director – Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To advise members of the outcome of the recent inspection of RIPA operations at Bolsover and North East Derbyshire District Councils.

**1 Report Details**

- 1.1 The Office of the Surveillance Commissioner undertook a joint inspection of Bolsover and North East Derbyshire District Councils' operations under the Regulation of Investigatory Powers Act (RIPA) on 17 November 2015. A copy of the inspection report is attached as an **Appendix**.
- 1.2 The Regulation of Investigatory Powers Act enables the Council to use covert surveillance, covert human intelligence sources (CHIS) and the acquisition of service use or subscriber information in relation to communications data in a manner that is compatible with Article 8 of the European Convention on Human Rights governing an individual's right to respect for their private and family life, home and correspondence.
- 1.3 Local authorities are sparing users of RIPA legislation. This has become more so since the enactment of the Protection of the Freedoms Act in 2012 which required local authority use of RIPA to be subject to approval by a Magistrate. Use of directed surveillance is also subject to a separate "seriousness threshold" which means that it may only be used where the offence is punishable by a maximum term of at least six months' imprisonment, or where it would constitute an offence involving sale of tobacco or alcohol to underage children regardless of length of prison term.
- 1.4 In the past three years, neither Bolsover nor North East Derbyshire District Councils have used RIPA although officers within the Benefits section have assisted the Department of Work and Pensions - who are not required to obtain judicial approval - on applications and investigations. Regardless of our low level of use, the Council is required to have in place up-to-date policies and procedures.

1.5 The attached inspection report is largely positive with only minor recommendations for improvement of the new joint policy and procedures document. These have been accepted in full and were incorporated prior the recent approval of the document by members.

## **2 Conclusions and Reasons for Recommendation**

2.1 This report is for information.

## **3 Consultation and Equality Impact**

3.1 None.

## **4 Alternative Options and Reasons for Rejection**

4.1 N/A

## **5 Implications**

5.1 N/A

## **6 Recommendations**

6.1 To note the attached RIPA inspection report from the Office of the Surveillance Commissioner.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	None.
<b>Links to Corporate Plan priorities or Policy Framework</b>	None.

8 **Document Information**

Appendix No	Title
A	OSC Inspection Report
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
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