



**North East  
Derbyshire**  
District Council

Contact: Torin Fuller - Governance Officer  
Tel: 01246 217375  
Email: [torin.fuller@ne-derbyshire.gov.uk](mailto:torin.fuller@ne-derbyshire.gov.uk)  
Date: Tuesday, 23 September 2025

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on Wednesday, 1 October 2025, at 2.00 pm in Meeting Rooms 1 & 2 at the District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steenberg".

**Assistant Director of Governance and Monitoring Officer**

<b><u>Members of The Committee</u></b>	
Councillor K Gillott (Chair) Councillor P Antcliff Councillor P Kerry Councillor K Rouse	Councillor H Wetherall (Vice-Chair) Councillor C Cupit Councillor F Petersen

Any substitutions must be notified to the [Governance Manager](#) in advance by midday the working day before the meeting.

## **A G E N D A**

**1     Apologies for Absence**

**2     Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item in the agenda and withdraw from the meeting at the appropriate time.

**3     Minutes of Last Meeting (Pages 3 - 5)**

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 2 July 2025.

**4     Complaints Performance and Service Improvement Report for Housing  
(Pages 6 - 25)**

**5     Code of Corporate Governance (Pages 26 - 29)**

**6     RIPA - Outcome of IPCO Inspection (Pages 30 - 68)**

**7     Review of the Constitution (Pages 69 - 71)**

**8     Request for Dispensation (Pages 72 - 78)**

**9     Work Programme (Page 79)**

**10    Urgent Business**

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.

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## **STANDARDS COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY, 2 JULY 2025**

#### **Present:**

Councillor Kevin Gillott (Chair) (in the Chair)

Councillor Pat Kerry  
Councillor Kathy Rouse

Councillor Fran Petersen

#### **Also Present:**

A Smith	Legal Services Manager and Deputy Monitoring Officer
R Pope	Customer Services Manager
A Bryan	Governance Manager
T Fuller	Governance Officer

#### **STA/ Apologies for Absence**

**1/25-**

**26** Apologies for absence had been received from Councillor C Cupit, Councillor H Wetherall and Councillor P Antcliffe.

#### **STA/ Declarations of Interest**

**2/25-**

**26** There were no declarations of interests made.

#### **STA/ Minutes of Last Meeting**

**3/25-**

**26** That the minutes of the meeting of the meeting held on 7 May 2025 be approved as a correct record and signed by the Chair.

#### **STA/ Annual Letter from the Local Government & Social Care Ombudsman**

**4/25-**

**26** Committee considered a report which set out details of the Local Government & Social Care Ombudsman Annual Review Letter.

The report explained that the Council had received its Annual Review letter from the Local Government & Social Care Ombudsman (LGSCO) on the 21<sup>st</sup> May 2025. The review contained information on how many complaints and enquiries had been referred to the Ombudsman between the period 1 April 2024 and 31 March 2025.

There had been 9 complaints and enquiries received by the LGSCO. Of these, for 1 complaint advice had been given, 2 complaints had been referred back for local resolution, one complaint was not under investigation, 4 complaints had been closed after initial enquiries and 1 complaint was ongoing.

The Committee discussed the report. Some Members questioned how many vexatious complaints had been received. In this context, the committee discussed the impact that vexatious complaints had on staff that handled complaints and

commended the relevant officers for their hard work. It was suggested that Officers should consider providing guidance to staff that have to break bad news to members of the public as part of their role.

**RESOLVED –**

That Standards Committee acknowledged the report and findings of the Local Government & Social Care Ombudsman.

**STA/ 5/25-26     Annual Review of RIPA Policy - Further Review**

Committee considered a report which outlined the further work that had been done on the RIPA Policy since the previous committee meeting on 7 May 2025.

Committee discussed the report. It was agreed that it was a positive that all policy and guidance was now in one place.

**RESOLVED –**

1. That subject to Members' comments and relevant officers' comments, the RIPA policy with further amendments was approved.
2. That delegated authority was given to the Assistant Director of Governance to amend the Policy following any comments received from Members or Officers.

**STA/ 6/25-26     Annual Report of the Standards Committee**

Committee considered a report which outlined the work that Standards Committee had undertaken in the 2024/25 municipal year. Members heard that the report would be considered by full Council at its meeting on 14 July 2025.

Committee discussed the report.

**RESOLVED –**

1. That the Annual Report of the Committee was approved.
2. That the Annual Report be submitted to Council for consideration.

**STA/ 7/25-26     Remote Attendance and Proxy Voting in Local Authorities - Government Response to Consultation**

Committee considered a report which informed them of the Government response to the consultation on remote attendance and proxy voting at local authority meetings. The report highlighted that the government plan to legislate to support permanent provision in relation to both remote attendance and proxy voting.

Committee discussed the report. It was shared that the government had indicated that it would permit local authorities to develop their own locally appropriate policies. It was suggested that there was little to do at this moment in time as there was no timescale for when this would become legislation.

RESOLVED –

That the report was noted.

**STA/ Work Programme**

**8/25-**

**26**

The committee considered its work programme for the 2025/26 Municipal Year.

RESOLVED –

That the work programme be noted.

**STA/ Urgent Business**

**9/25-**

**26**

None.

## North East Derbyshire District Council

### Standards Committee

1st October 2025

#### Complaints Performance and Service Improvement Report for Housing

#### Report of the Portfolio Holder for Strategic Leadership and Finance

Classification: This report is public

Report By: Jayne Dethick – Director of Finance and Resources (Section 151 Officer)

Contact Officer: Diane Parker – Housing Intelligence and Assurance Officer

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#### PURPOSE / SUMMARY

The Social Housing (Regulation) Act 2023 placed a duty on the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code (the Code), which came into effect 1 April 2024.

The purpose of this report is to note compliance with the Code's statutory requirements of publishing an annual Complaints Performance and Service Improvement report.

The report was submitted to Cabinet on the 31 July 2025 for approval and submitted to the Housing Ombudsman on the 11 August 2025.

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#### RECOMMENDATIONS

1. Standards Committee to note the publication of the annual Complaints Performance and Service Improvement Report for Housing.
2. Standards Committee to note that as part of the Complaint Handling Code regulatory annual submissions the report has been submitted to the Housing Ombudsman.

Approved by the Portfolio Holder – Cllr Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance

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#### IMPLICATIONS

**Finance and Risk:** Yes ☐ No ☒

**Details:**

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**                      **Yes**☐                      **No** ☒

**Details:** This is a statutory requirement to ensure compliance.

On Behalf of the Solicitor to the Council

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**Staffing:**            **Yes**☐                      **No** ☒

**Details:** All functions will be carried out by existing staff.

On behalf of the Head of Paid Service

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## **DECISION INFORMATION**



<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Not Applicable
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details:

<b>Links to Council Plan priorities, including Climate Change, Economic and Health implications.</b>
This is a statutory function of the Housing Ombudsman, however it will enforce our values to be honest and accountable, treat everyone fairly and with respect and listen, involve and respond.

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

- 1.1 The Social Housing (Regulation) Act 2023 placed a duty on the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code (the Code), which came into effect 1 April 2024.

1.2 As part of the Code's statutory requirements, social housing providers are required to develop and publish an annual Complaints Performance and Service Improvement report for housing.

1.3 The governing body's response to the report must be published alongside the report which can be found on the Council's website [Council Tenants / Rykneld Homes - North East Derbyshire District Council](#) .

## **2. Details of Proposal or Information**

2.1 Rykneld Homes Limited (RHL), deals with tenant complaints on the Council's behalf under their complaints Policy and Procedures which is in line with the Complaints Handling Code.

2.2 As landlord, the Council is ultimately responsible in terms of the regulatory oversight and compliance with the Code and Housing Ombudsman monitoring and reporting procedures.

2.4 The statutory annual Complaints Performance and Service Improvement report has been drafted in accordance with RHL's own complaints annual report provided to their Operational Board.

2.5 The report enables the Council to monitor RHL's performance and service improvements.

## **3 Reasons for Recommendation**

3.1 To note the Complaints Performance and Service Improvement Report for Housing and is compliant with the Code.

3.3 To note housing complaints are open and transparent to the public in line with legislation.

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

4.1 Not to have an annual Complaints Performance and Service Improvement report, this was rejected as this would not comply with legislation.

## **DOCUMENT INFORMATION**

Appendix No	Title
A	Complaints Performance and Service Improvement for Housing 2024/25

**Background Papers** (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 you must provide copies of the background papers)



**North East  
Derbyshire**  
District Council

# **Complaint Performance and Service Improvement Report for Housing**

**2024/2025**

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## Introduction

From 1 April 2024, the Social Housing (Regulation) Act 2023 gave the Housing Ombudsman new powers and duties, including a new statutory code for handling complaints and a duty to monitor whether landlords comply.

The [Complaint Handling Code](#) ('the Code') means that all members of the Housing Ombudsman Scheme are obliged by law to follow its requirements.

The Housing Ombudsman also has a legal duty to ensure landlord complaints procedures and responses are compliant with the Code.

Each year Landlords must self assess against the Code to ensure policies and practices comply. The latest [Complaints Handling Code Self Assessment](#) can be viewed on our website.

The Council's Housing Management Company, Rykneld Homes Limited (RHL), deals with tenant dissatisfactions on the Council's behalf under their complaints [Policy and Procedures](#) in line with the Housing Ombudsman's Code.

A complaint will be raised when a customer expresses dissatisfaction with the response to a request for service, even if the handling of the service request remains ongoing.

The Code specifies a landlord's complaint process must be 2 stages. The landlord must not use any 'informal complaint' stages, more than 2 stages or less than 2.

This Complaint Performance and Service Improvement Report highlights key performance data and service improvements related to council housing complaints.

### **Difference between a Service Request and a Complaint**

RHL adopted the Housing Ombudsman's Complaints definition as follows:

A Service Request is defined as:

*'A service request is a request from the resident to the landlord requiring action to be taken to put something right. Service requests are not complaints but must be recorded, monitored and reviewed regularly.'*

A Complaint is defined as:

*"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents."*

## Key Performance Data

During 2024/25 RHL on behalf of the Council conducted a media campaign to ensure tenants are aware of the complaint processes. The campaign proved to be successful due to the increased number of complaints received for this reporting period.

In 2024/25, RHL on behalf of the Council received 93 Stage 1 formal complaints, this is an increase of 42 (82%) from 2023/24 when 51 formal complaints were received.

65 complaints were upheld and 28 not upheld. 28 complaints were escalated by the customer and responded to as Stage 2 complaints, of these 15 complaints were upheld and 13 not upheld.

- 100% of stage one complaints were responded to within regulatory target timescales.
- 92% of stage 2 complaints were responded to in regulatory target timescales.

The complaints received by Service Area for 2024/25 can be seen below:

Service Area	Upheld	Not Upheld	Totals
Adaptations	1	0	1
ASB	0	2	2
Choice Move	0	2	2
Customer Services	1	0	1
Damp	12	2	14
Electrical	1	0	1
Gas and Plumbing	2	0	2
Housing and Support	2	4	6
Home Ownership/Leasehold	0	2	2
Multiple Service Areas	10	4	14
Regeneration	7	0	7
Rents	0	2	2
Repairs	32	6	38
Voids	1	0	1
<b>Total Complaints</b>	<b>69</b>	<b>24</b>	<b>93</b>

From the total number of complaints received, the following table shows the number of formal Stage 2 complaints by Service area:

**Stage 2 Complaints**

Service Area	Upheld	Not Upheld	TOTALS
Choice Move	0	1	1
Damp	3	1	4
Electrical	1	0	1
Housing and Support	0	2	2
Home Ownership/Leasehold	0	1	1
Multiple Service Areas	3	2	5
Regeneration	2	0	2
Rents	0	2	2
Repairs	8	2	10
<b>Total Formal Complaints</b>	<b>17</b>	<b>11</b>	<b>28</b>

*For a further breakdown of the complaints received, the table in **Appendix 1** shows the number of complaints by theme and Service area.*

During 2024/25, £16,096.79 has been paid in compensation during the complaints process and in accordance with the Compensation Policy.

In 2024/25 four complaints were escalated to the Housing Ombudsman Service (HOS). Maladministration was found in one complaint, one complaint found no maladministration, and we are awaiting the HOS's determination on the remaining two.

- Following the maladministration outcome, the Repairs and Maintenance Policy was reviewed and both the application and understanding of this policy tested with the service area.

**Tenant Satisfaction Measures**

The Tenant Satisfaction Measures (TSM's) provide tenants with greater transparency about their landlord's performance. There are 22 TSM's, covering five themes. Ten of these are measured by landlords directly, and 12 are measured by landlords carrying out tenant perception surveys. RHL carry out the TSM's on the Council behalf.

The TSM's show that the **overall Satisfaction** with complaints handling for 2024/25 is **43.6%**, this is a slight increase when compared to 2023/24 which was 43.1%.

Included in the TSM's are Complaints Performance Indicators, the table below shows the 2024/25 Performance information (note definitions are compliant with the Regulator of Social Housing Tenant Satisfaction Measures).



Performance Indicator	2023/24 Performance
<b>CH01</b> Number of: Stage 1 complaints received per 1,000 homes	11.5
<b>CH01</b> Number of: Stage 2 complaints received per 1,000 homes	3.4
<b>CH02</b> Proportion of: Stage 1 complaints responded to within the Housing Ombudsman's Complaint Handling Code timescales	100%
<b>CH02</b> Proportion of: Stage 2 complaints responded to within the Housing Ombudsman's Complaint Handling Code timescales	92.3%

The effective handling of complaints satisfaction is published as part of the Tenant Satisfaction Measures (TSM) perception survey – Effective Handling of Complaints.

(The full TSM's results can be viewed on [Rykneld Homes Limited's](#) website).

## Learning and Service Improvements

Learning from complaints ensures mistakes are not repeated.

Each complaint received is treated as an opportunity for us to learn and to improve our services. RHL has taken actions as a result of learning from complaints received in 2024/25, which include the following:

Provided extra training to staff and issued instructions to contractors to provide more information prior to intrusive works.

Increased the information provided at sign up to cover garden and fencing responsibilities.

Amended RHL's procedures to ensure battery alarms are fitted during any works that require the removal/disconnection of a hardwired alarm where it is the only one located within the property.

Improved the Anti-Social Behaviour Policy to make clear reasonable adjustments to support individuals are considered during service delivery.
Provided staff training to reinforce the requirements of the Lettable Standard.
Transferred the drainage works from contractors to an in-house team to improve continuity of service delivery.
Started a review of the scaffolding contract to include improved performance requirements to meet customer expectations.

The complaint outcomes are fed back to the service area involved with any learning points provided in order to establish best practice and a 'get it right first time' approach.

On behalf of the Council RHL's Complaints Team review the commonalities and trends within complaints to consider improvements that can be made to policy, procedures and the services we provide to our tenants. Learning outcomes are discussed in monthly meetings with service managers.

## Equality and Diversity

An Equality Impact Assessment (EIA) is a tool that helps us to place equality, diversity, cohesion and integration at the heart of everything we do and make sure our strategies, policies, services and functions do what they are intended to do and work for everyone.

RHL ensures the complaints policy and processes are accessible to all. Equality Impact Assessment's (EIA's) are completed for all complaints recieved to minimise risk.

## Internal Audit

Internal Audit's evaluate the effectiveness of risk management, control, and governance processes, taking into account public sector internal auditing standards or guidance.

An internal audit of Complaints was undertaken in November 2024 with an outcome of:

- Substantial Assurance (There is a sound system of controls in place, designed to achieve the system objectives. Controls are being consistently applied and risks well managed.)

The audit covered the policies / procedures and effectiveness of complaints handling and monitoring, as per the Regulator of Social Housing and Housing Ombudsman Service requirements.

## Reporting Procedures

The Complaint Performance and Service Improvement Report for Housing will be completed on an annual basis and published on the [Council's website](#) once agreed by Cabinet, which is the Council's main decision making body.

Annual complaints performance will be included in RHL Customer Annual Report and published on the RHL's website. Customer satisfaction with complaints handling will be publicised with the TSM's.

Performance regarding complaints that are referred to the Housing Ombudsman are published on the Housing Ombudsman website. RHL's compliance with the Housing Ombudsman Complaint Handling Code will be published on their website.

RHL's performance, code compliance and learning will be reviewed by RHL's Operational Board and the Council's Housing Client Team and Member Responsible for Housing Complaints (Leader of the Council & Portfolio Holder for Strategic Leadership & Finance).

Rykneld Homes report key performance data to the Council on a quarterly basis through the Council's Key Performance Indicators (KPI'S).

## Appendix 1

### Breakdown of Complaint by Service Area and Theme.

Service Area	Complaint Theme	Upheld	Not Upheld	TOTALS
<b>Adaptations</b>	Customers reported the length of time it taken to resolve the issues in their bathroom which they stated had also affected other rooms within their home and were seeking compensation on this basis.	1		
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>ASB</b>	Customer disputed the details provided on a reference provided to SYHA, following which they were denied access to the housing register.		1	
	Customer reported what they felt was a failure to act on reported antisocial behaviour.		1	
	<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Choice Move</b>	Customer was unhappy with review of their housing application and felt that they had been treated unfairly.		1	
	Customer reported a lack of/miscommunication about the best course of action for her daughter in terms of her housing situation.		1	
	<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Customer Services</b>	Customer unhappy with the lack of communication from the staff who booked in appointments for repairs to their home.	1		
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Damp</b>	Customer reported ongoing damp problem due to lack of maintenance.	1		
	Customer reported ongoing damp and mould, stating nothing had been done for 6 months following them reporting this.	1		
	Customer reported ongoing damp and mould within their home which they stated has been ongoing for the last two years.	1		
	Customer reported ongoing issues (since September 2023) with mould, causing damage to clothing and other personal items for which compensation was requested.	1		
	Customer made a request for financial assistance towards new flooring following issues with damp.	1		
	Customer advised they wished to complain about the length of time taken to do specialist damp works within their home.	1		
	Customer reported recurring Damp and Mould within their home causing damage to personal items.		1	
	Customer stated that damp works should have been completed at void stage, prior to her moving in, as the issue was present at time of viewing and sign up.	1		
	Customer reported damp and Mould issues and that damp from next door was affecting their home.	1		

Service Area	Complaint Theme	Upheld	Not Upheld	TOTALS
	Customer reported ongoing Issues with Damp and Mould/Drainage.	1		
	Customer stated that they terminated their tenancy as a result of damp and mould which they felt had remained unresolved. Also reported this caused permanent damage to their personal items which they requested compensation for.	1		
	Customer reported damp and mould causing damage to personal belongings. Customer reported multiple times since moving in to the property re the radiators not working properly, specifically in the bedrooms and this ongoing issue the customer feels has been a major contributing factor to the mould.		1	
	Customer reported that there had been damp and Mould in son's bedroom on two occasions and wanted to make a complaint about the length of time taken to clean and treat this.	1		
	Customer requested compensation to replace items mould damaged items or alternatively have them professionally cleaned.	1		
	<b>Total</b>	<b>12</b>	<b>2</b>	<b>14</b>
<b>Electrical</b>	Customer wanted to complain about the quality and appearance of electrical works carried out by contractor, inclusive of their communication in relation to this matter.	1		
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Gas and Plumbing</b>	Customers reported and unresolved drainage issue that had causes faeces to come up through the toilet and kitchen sink and that the issue with the overflowing toilet had impacted their hall carpet.	1		
	Customer was requesting compensation for items which they stated were damaged following a leak through the living room ceiling.	1		
	<b>Total</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>Home Ownership / Leasehold</b>	Leaseholder wished to dispute the payment for balcony works undertaken to their home in 2022/2023		1	
	Leaseholder wished to stop planned works to their outbuilding as they were disputing the cost.		1	
	<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Housing and Support</b>	Owner occupier requested that RHL help with the cost of having to replace their fence which was damaged by a tenants dog in a neighbouring NEDDC property.		1	
	Customer stated that a rat infestation and issues with neighbour that remained unresolved	1		
	Customer reported a lack of/conflicting communication they had been given over the last 6 months in relation to her fence.	1		
	Customer wished to complain regarding the handling of ASB and noise nuisance in the Danesmoor area		1	

OFFICIAL-[SENSITIVE]

Service Area	Complaint Theme	Upheld	Not Upheld	TOTALS
	Customer wished to complain about how RHL handled the situation between them and their neighbour.		1	
	Customer stated that due to their request to move being refused they had been treated unfairly.		1	
	<b>Total</b>	<b>2</b>	<b>4</b>	<b>6</b>
<b>Multiple Service Areas</b>	Customers stated that there were multiple repairs outstanding and that there had been a lack of communication from RHL.	1	1	
	Also, ongoing ASB from occupants below. Customers stated that one from Rykneld Homes has helped them resolve the issues and no one has ever provided them with an outcome or answer to their concerns which has caused them anxiety and distress	1		
	Customer requested compensation for the disruption to them due to the repair issues they had experienced since moving in.	1		
	Customer complained about various issues and RHL's handling of these inclusive of repairs, tenancy management and ASB.	1		
	Customer stated staff had told them to remove fencing and shrubs for which they stated that they had initially been given permission for. Secondly that they felt they had not being believed in relation to their repair and adaptation concerns and that prior visits to their address had been ineffective.		1	
	Customer reported stress caused to them in relation to the handling of their reports of noise concerns and in relation to the handling of their housing application.		1	
	Customer reported that an electrician did not turn up to a pre-planned appointment. Issue with window handles recently fitted not matching the other windows in the property. Mould in bedroom and around bedroom window.	1		
	Customer stated that they were misled at the time of viewing a property due to being given inaccurate information. Following moving in they advised that they had also reported repairs many times which had remained outstanding.	1		
	Customer stated that mould has returned in the kitchen cupboard despite anti-mould treatment being used. There was still work outstanding in the living room to block up the vent. There was also a hole in the pathway at the front of the main doorway, which was a trip hazard.	1		
	Customer reported an unidentified humming noise in their flat which they wanted RHL to resolve.		1	
	Customer complained of leaks from the boiler and the leak from the bathroom through to the kitchen. Advised they were dissatisfied with RHLs lack of action for the duration they have has lived at the property. Dissatisfaction with the condition of the	1		

## OFFICIAL-[SENSITIVE]

Service Area	Complaint Theme	Upheld	Not Upheld	TOTALS
	kitchen which they stated was in a poor state of repair.			
	Customer reported numerous outstanding repairs/damp issues.	1		
	Repair works included under previous formal complaint (78918 FC/25/013) were not completed. Reported damp and mould issues, mainly situated on external walls, to every window frame, main bedroom. Fence railing not fitted correctly and a rotten kitchen cupboard.	1		
	<b>Total</b>	<b>10</b>	<b>4</b>	<b>14</b>
<b>Regeneration</b>	Complaint also concerned several incidents with SBS/ Nationwide including an old window falling and causing damage to the complainants garden furniture.	1		
	Complaint concerned a lack of communication from contractors and RHL regarding the new window installation. Also, a number of historical issues, including the bathroom install by a contractor last year and the issues which surrounded this.	1		
	Complaint related to a member of staff for the nature of a letter sent to their mother. Complainant advised that the letter should not have been sent to mother, but to him as he has authority to act on mother's behalf.	1		
	Customer reported ongoing issues with bathroom with and with leaking walls. Also, a path was agreed to be re-done by a contractor but works had not yet been undertaken.	1		
	Customer reported that a bathroom replacement should have gone on programme following an appraisal completed in February 2024 but that they had heard nothing further.	1		
	Customer reported that the actions of a contractor had contributed to damp and mould within their home due to them not returning the loft insulation to its original position.	1		
	Customer reported work had been delayed at their home to drop the chimney and this was due to issues with the scaffold required to complete the works.	1		
	<b>Total</b>	<b>7</b>	<b>0</b>	<b>7</b>
<b>Rents</b>	Customer stated they had not receiving their rent increase letter for the second year running and stated that they felt this was intentional.		1	
	Customer reported that a Notice of Seeking Possession letter was sent to their daughter even though she was adhering to the payment agreement, resulting in undue stress.		1	
	<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>
	Customer reported ongoing drainage issues on the back garden which remained unresolved.	1		

Service Area	Complaint Theme	Upheld	Not Upheld	TOTALS
Repairs	Customer reported that they were dissatisfied that they had reported their soffits/fascia's required replacement in 2021 but had been advised they would have to wait another 3 years before these were completed on program.	1		
	Customer reported that there were outstanding/planned works in her garden which had not yet been completed following flooding.	1		
	Customer reported an incomplete repair which had first been reported July 2023 and that there had been a lack of communication from RHL staff on this matter.	1		
	Customer reported water was entering the property into the hallway where the front door is located. Multiple repairs had taken place but the issue had persisted.	1		
	Customer reported poor service and repairs to property and the lack of communication between employees with nothing being followed through causing them to be frustrated.	1		
	Customer reported a scaffold had been up at the property for 5 months without work being carried out. Conservationist had been carrying out investigation due to bats which has withheld work but there had been a lack of updates from RHL re this matter.	1		
	Customer reported that they did not feel the recent repairs done to their driveway were sufficient.		1	
	Customer reported outstanding repairs to their outbuilding roof which was leaking.	1		
	Customer wished to complain about RHL's communication around works to undertake loft insulation and to replace their kitchen and dining room doors.	1		
	Customer stated that after a cupboard unit falling in January 2024, damaging a number of items in the kitchen and a visit being undertaken to complete an incident form and assess the items damaged, they had not heard anything further about the compensation they had requested.	1		
	Customer reported that they were waiting for repairs to be done which had been marked as completed.	1		
	Customer stated she had reported her chimney 6 months ago but this had remained unresolved, despite calling in.	1		
	Tenant stated she had fitted a storm door in the past and it has now reached a state of disrepair and wished to complain that we would not replace this.		1	
	Customer reported outstanding repairs to the rendering/plaster to outside of their home which remained unresolved.	1		
	Customer stated that since moving in they had phoned RHL multiple times regarding the roof between the back door and shed to advise that	1		



OFFICIAL-[SENSITIVE]

Service Area	Complaint Theme	Upheld	Not Upheld	TOTALS
	water is leaking through without a repair being completed.			
	Customer reported poor workmanship and outstanding repairs to their home.	1		
	Customer advised they had reported pointing required to house but despite multiple contacts no repairs had been completed.	1		
	Customer reported a lack of communication in regard to the repairs progress following a fire at their home.	1		
	Customer reported a lack of communication in receiving confirmation of works or an appointment following a bathroom fan installation.	1		
	Customer reported that they had been told that no repairs will be carried out to their porch.	1		
	Also, the length of time taken to get repairs done to their kitchen and living room wall.	1		
	Customer stated hallway had been cold despite the rest of the house heating as normal and had requested compensation due to escalated heating bills		1	
	Customer reported concerns that the communal front door was faulty and this had been reported multiple times.		1	
	Customer reported outstanding repairs to their rear garden.		1	
	Customer reported that flat does not warm up and attributed this to a window replacement being required. Asked for compensation towards heating costs.		1	
	Customer stated they have reported repairs required to their windows numerous times however, repairs have not been adequate due to their age and felt required a full window replacement.	1		
	Customer reported issues with their floorboards which they stated had caused damage to their carpets.	1		
	Customer reported that the bathroom had a significant leak for the last 18 months and despite numerous visits from RHL staff the situation had deteriorated.	1		
	Customer reported their contacts to RHL regarding the condition of soffits and fascias had been ignored.	1		
	Customer stated that they had fell through one of the floor boards.	1		
	Customer advised they wanted a formal investigation into why Operatives are carding works when customers are clearly present. Also was dissatisfied with the quality of the joinery works to the front door.	1		
	Customer advised there had been number of repair issues identified upon moving in to the property and that works undertaken by the Contractor to that stage had been poor. Compensation requested towards heating costs.	1		

Service Area	Complaint Theme	Upheld	Not Upheld	TOTALS
	Customer reported outstanding repairs to their outhouse which remained unresolved.	1		
	Customer reported work not being carried out to a leak to the roof near the chimney and that this had caused damp in both main bedrooms.	1		
	Customer reported the condition of fencing at the property which they felt had not been properly addressed. Also reported they thought there was subsidence in garden and multiple cracks internally and externally within their home which had not been addressed.	1		
	Customer reported a lack of communication from Contractors who replaced doors in communal area and this had led to stress and anxiety.	1		
	Customer reported an outstanding chimney repair which they felt could have been resolved more quickly with better liaison and communication.	1		
	<b>Total</b>	<b>32</b>	<b>6</b>	<b>38</b>
<b>Voids</b>	Customer reported repair issues identified from moving in which had not been resolved.	1		
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Total Formal Complaints</b>		<b>60</b>	<b>24</b>	<b>93</b>

## North East Derbyshire District Council

### Standards Committee

1st October 2025

### Code of Corporate Governance

#### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg

Contact Officer: Sarah Sternberg

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#### PURPOSE / SUMMARY

To inform Standards Committee of the review of the Council's Code of Corporate Governance and allow Members to comment and suggest changes.

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#### RECOMMENDATIONS

1. To note the review of the Code of Corporate Governance.
2. To allow Members the opportunity to make comments on the Code.

#### IMPLICATIONS

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**Finance and Risk:** Yes ☐ No ☒

**Details:** This relates to the Council's Budget, but has no direct financial consequences.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes ☒ No ☐

**Details:** A Code of Corporate Governance is recommended by the guidance designated as proper practice by the CIPFA/SOLACE framework, entitled Delivering Good Governance in Local Government. The Council's Code forms part of the governance framework which defines the principles that underpin the governance arrangements.

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Not required.
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details: Audit Committee on

**Links to Council Plan priorities;**

- **A great place that cares for the environment**
- **A great place to live well**
- **A great place to work**
- **A great place to access good public services**

A great place to work

A great place to access good public services

**REPORT DETAILS****1     Background *(reasons for bringing the report)***

- 1.1     The Council has in place a Code of Corporate Governance (the Code). This, along with the Annual Governance Statement, reflects the main components set out in the CIPFA and SOLACE guidance “Delivering Good Governance in Local Government: Framework”. The Code is a public statement of the arrangements the Council has in place to ensure it conducts its business in a way that upholds the highest standards.
- 1.2     The Code is therefore an important part of the Council’s public accountability. It is important it remains fit for purpose, and each year the Council’s Monitoring Officer and S151 Officer conduct a review of compliance with the Code. The outcome of this year’s review was considered by the Audit Committee on 28 July 2025.
- 1.3     The reviewed Code is available here - [Appendix 2 Code of Corporate Governance , item 6b PDF 570 KB](#)

**2.     Details of Proposal or Information**

- 2.1     This report is to enable Members of Standards Committee to consider the Code of Corporate Governance 2025. Members suggestions and questions – particularly if there are changes for the 2026 version – would be very helpful.

**3     Reasons for Recommendation**

- 3.1     Standards Committee should be aware of the latest version of the Code of Corporate Governance following review.

**4     Alternative Options and Reasons for Rejection**

- 4.1     It is part of the good governance for the Council, that the Code of Corporate Governance is reviewed by Standards Committee as well as Audit Committee.

**DOCUMENT INFORMATION**

Appendix No	Title
<p><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 you must provide copies of the background papers)</p>	
None	

## North East Derbyshire District Council

### Standards Committee

1st October 2025

### RIPA – outcome of IPCO inspection

#### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg

Contact Officer: Sarah Sternberg

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#### PURPOSE / SUMMARY

Following the review of the RIPA Procedure by the Committee, IPCO (Investigatory Powers Commissioners Office) carried out an inspection by survey. This report is to report the outcome and make the relevant changes to the Procedure as recommended by IPCO.

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#### RECOMMENDATIONS

1. To note the recommendations of the inspector following the IPCO inspection.
2. To add new paragraphs 2.14.2, 2.14.3 and 2.7.8 (as outlined in the report) to the RIPA Corporate Policy and Procedure to cover the recommendations in the IPCO inspection letter.
3. To note the changes to the processes and training in relation to RIPA.
4. To note the intention to check annually the compliance with the rules in relation to social media.

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#### IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

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Legal (including Data Protection): Yes ☒ No ☐

**Details:**

As in the report.

On Behalf of the Solicitor to the Council

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**Staffing:**    **Yes** ☐        **No** ☒

**Details:**

On behalf of the Head of Paid Service

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**DECISION INFORMATION**



<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Not required as an EIA was undertaken with the RIPA Procedure review earlier this year.
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details: Standards Committee.

<b>Links to Council Plan priorities;</b> <ul style="list-style-type: none"> <li>A great place that cares for the environment</li> <li>A great place to live well</li> <li>A great place to work</li> <li>A great place to access good public services</li> </ul>
A great place to access good public services

## REPORT DETAILS

### 1 Background (reasons for bringing the report)

- 1.1 Following the Committee's review of the RIPA Procedure, the Council was inspected by IPCO. RIPA is the Regulation of Investigatory Powers Act 2000 and together with the Investigatory Powers Act 2026 (IPA) empowers the carrying out of covert surveillance and the use of Covert Human Intelligence Sources (CHIS) by public authorities.
- 1.2 Local Authorities have the powers available but are rare users of them. Overt surveillance is used. However the Council has to be ready with procedures in place to deal with such a potential use of the powers. This includes training and dealing with social media. IPCO inspect about once every 3 years. On this occasion, the inspection was carried out by completion of a survey.
- 1.3 The outcome of the inspection is at Appendix 1. The issues raised are:
- Regular Training of Authorising Officers and applying officers.
  - The consideration of additional training for those involved in RIPA on the Council's online learning platform.
  - Consideration of improvements to sections 2.14.12 and 2.7 as outlined in the letter.
  - A reminder of the key compliance issues and the need to ensure that they are dealt with, with the necessary oversight and internal governance.
- 1.4 Overall IPCO was satisfied the Council's response provides assurance that ongoing compliance with RIPA and the IPA will be maintained. There will be no further inspection until 2028.

## **2. Details of Proposal or Information**

### **2.1 Training**

- 2.1.1 At the time of the inspection it was not possible to demonstrate that training had taken place within the 3 previous years. It became clear that a way of recording when the training had taken place was needed. Accordingly this is now recorded on the Management Dashboard kept by SMT and should there be a further inspection of this Council will be available.
- 2.1.2 Since the inspection, training has now been carried out. There were 2 sessions led by an external trainer in June and July. The training records of attendance are with and will be kept by HR.
- 2.1.3 These sessions were attended by the officers who might need to seek an authorisation. The sessions themselves also dealt with social media which is an area where an investigator can slip into covert surveillance without realising it.
- 2.1.4 The Authorising Officers – the Managing Director and HOPS, the Director of Finance and Resources and S 151 Officer and the Director of Growth and Assets – will be viewing the recording in September.

### **2.2 Additional RIPA training on the Council's online learning platform**

- 2.2.1 Rather than rely on the in person training every 3 years, the online training company is being asked to look at a RIPA awareness course and a RIPA and Social Media course. At this point the company has not yet responded. This is being considered as an addition to the in person training.
- 2.2.2 Members will note from the IPCO letter, that we are required to respond with progress on this matter.
- 2.3 The inspection letter recommended some changes to 2 parts of the procedure. The first relates to demonstrating the necessity and proportionate nature of the applications and the second to the circumstances in which confidential information is obtained and the Investigatory Powers Commission must be informed.
- 2.4 Proposed amendment of Section 2.14. of the Procedure

To assist applying officers, the following elements of “necessary” and “proportionate” which should be demonstrated in an application have been added to the Procedure from the relevant Code:

2.14.2 There are four key elements of proportionality that must be considered when authorising directed surveillance. These are contained in paragraph 4.7 of the Covert Surveillance and Property Interference Code of Practice and are:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully.

2.14.3 In relation to Covert Human Intelligence Sources (CHIS) there are five key elements of proportionality that must be assessed when authorising a CHIS. These are in paragraph 3.6 of the Covert Human Intelligence Sources Code of Practice and are:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;

- whether the conduct to be authorised will have any implications for the private and family life of others, and an explanation of why (if relevant) it is nevertheless proportionate to proceed with the operation;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought.

## 2.5 Amendment of Section 2.7 of the Procedure.

It is necessary to add to Paragraph 2.7 the following paragraph to capture the need to report to the Investigatory Powers Commissioner in relation to confidential information to make sure applying officers are aware of the need:

2.7.8 Where confidential information of a kind described in this Section is obtained or retained for a purpose other than its destruction, it is required that the Investigatory Powers Commissioner is informed. The details relating to notification are outlined in the following paragraphs of the Home Office Covert Surveillance and Property Interference Code of Practice for each kind of information:

- Paragraph 35 for personal or (Parliamentary) constituent information
- Paragraph 46 for Confidential journalistic information
- Paragraphs 9.73 to 9.79 for legally privileged material

- 2.6 One further issue that came out of the inspection was in relation to the use of social media by enforcing officers. It is easy to use social media in relation to a matter in a way that needs an authorisation. This isn't always recognised by the officers concerned. There is guidance and log sheets in the Procedure for Officers use. However a further annual check is being devised to ask officers and their managers to confirm that the use of social media has not overstepped what is permissible without an authorisation. This will be introduced to coincide with the statistics return required by IPCO each year at the end of the year.

## 3 Reasons for Recommendation

- 3.1 The recommendations are to ensure that the matters raised by the inspection have been dealt with and that the Council is fully compliant with legal requirements for covert surveillance and the use of CHIS.

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

- 4.1 Not to make any changes – this was dismissed as it would leave the Council not having complied with its inspection recommendations.

#### **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	IPCO inspection outcome
2	The revised RIPA Corporate Policy and Procedure
<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 you must provide copies of the background papers)	
None	

# IPCO

## Authorisation & Oversight

PO Box 29105, London  
SW1V 1ZU

28 July 2025

Lee Hickin  
Managing Director  
North East Derbyshire District Council  
2013 Mill Lane  
Wingerworth  
Chesterfield  
Derbyshire  
S42 6NG

By email: [lee.hickin@ne-derbyshire.gov.uk](mailto:lee.hickin@ne-derbyshire.gov.uk)

Dear Managing Director,

I am grateful to your Senior Responsible Officer (SRO), Sarah Sternberg, for providing IPCO with your Council's response to the matters identified in my Inspector's letter dated 13 May 2025. The information provided has been reviewed, and my Inspector has concluded the remote inspection of the powers available to North East Derbyshire District Council to authorise directed surveillance and Covert Human Intelligence Sources (CHIS) under the Regulation of Investigatory Powers Act 2000 (RIPA) and Investigatory Powers Act 2016 (IPA).

Although it is recognised your Council has not authorised any directed surveillance or CHIS since the previous inspection, it remains vital to provide regular training, both to maintain preparedness and to ensure staff are able to identify and safeguard against potential unauthorised RIPA activity. A reminder was issued during IPCO's inspection in January 2022 regarding the importance of conducting regular training. It is therefore regrettable to note no such training occurred until June 2025, despite your policy stating, "All Authorising Officers, designated persons and investigating officers should attend at least one session every two years and further sessions as and when required."

My Inspector noted with interest the potential for broader training, including the proposed addition of 'RIPA Awareness' and 'RIPA and Social Media' courses to your online training platform. Whilst it is understood that there may be practical challenges in delivering these initiatives, the absence of wider training and awareness-raising presents a vulnerability. Accordingly, please provide an update on your Council's plans should these training initiatives not be implemented.

Your Council's Regulation of Investigatory Powers Act 2000 Corporate Policy and Procedure sets out an appropriate approach and useful guidance on the management and oversight of covert activity, with notable improvements in the Draft Policy in relation to online covert activity. In addition to the provisions of the current policy, please consider the following feedback when reviewing and updating this:

- Paragraph 2.14.2 could be strengthened by referencing the four key elements of proportionality that must be considered when authorising directed surveillance (paragraph 4.7 of the Covert Surveillance and Property Interference Code of Practice), and the five key elements of proportionality that must be assessed when authorising covert human intelligence sources (paragraph 3.6 of the Covert Human Intelligence Sources Code of Practice).

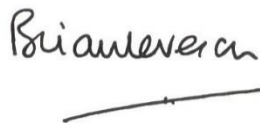
- Section 2.7 relating to the management of confidential and legally privileged material could helpfully be improved with reference to the requirements to notify the Investigatory Powers Commissioner should any such material be obtained and retained for a purpose other than its destruction (see paragraphs 9.35, 9.46 and 9.73 – 9.79 of the Covert Surveillance and Property Interference Code of Practice).

Notwithstanding the points raised above, I am satisfied your response provides your assurance that ongoing compliance with RIPA and the IPA will be maintained. Accordingly, your Council will not be subject to further inspection this year. I would though ask that you ensure the key compliance issues continue to receive the necessary internal governance and oversight through yourself and your SRO: policy refreshes; annual updates to your Elected Members; ongoing training and awareness raising; internal compliance monitoring by lead managers within their business areas; and the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice).

Your Council will be due its next inspection in 2028, but please do not hesitate to contact my Office if you have any queries about this letter or if IPCO can be of assistance in the intervening period.

I shall be grateful if you would acknowledge receipt of this letter within two months and inform me of your plans in relation to the matters identified.

Yours sincerely,



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

#### Freedom of Information Act (FOIA)

*Information contained in this document is exempt from disclosure under s.23 of the Freedom of Information Act 2000 (FOIA). If consideration is being given to disclosure of this information through any other avenue, please consult IPCO (at [info@ipco.org.uk](mailto:info@ipco.org.uk)), before making any disclosure.*



**North East  
Derbyshire**  
District Council

# **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) CORPORATE POLICY AND PROCEDURES**

**CONTROL SHEET FOR REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) –  
CORPORATE POLICY AND PROCEDURES**



## Section: Introduction

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	RIPA Corporate Policy and Procedures
Current status – i.e. first draft, version 2 or final version	2025 3 <sup>rd</sup> Review
Policy author	AD Governance and Monitoring Officer
Location of policy – i.e. L-drive, shared drive	S Drive
Member route for approval	Standards Committee
Cabinet Member (if applicable)	Cllr J Birkin
Equality Impact Assessment approval date	July 2025
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Executive/ Council /Planning Committee	Standards Committee
Date policy approved	1 <sup>st</sup> October 2025
Date policy due for review (maximum three years)	May 2026
Date policy forwarded to be included on Intranet and Internet if applicable to the public	Following Standards Committee consideration on 1 <sup>st</sup> October 2025.

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## **Abbreviations**

AOs	Authorising Officers who are the Managing Director and Head Of Paid Service, Director of Finance and Resources and Section 151 Officer, Director of Growth and Assets.
CCTV	Closed Circuit Television
CSP	Communications service provider
Council	North East Derbyshire District Council
CHIS	Covert Human Intelligence Sources
ECHR	European Convention on Human Rights
HRA	Human Rights Act 1998
IPCO	Investigatory Powers Commissioner's Office
NAFN	The National Anti Fraud Network
OCDA	The Office for Communications Data Authorisations
PFA	Protection of Freedoms Act 2012
IPA	Investigatory Powers Act 2016
RIPA	Regulation of Investigatory Powers Act 2000
SPoCs	Single Points of Contact for Acquisition and Disclosure of Communications Data

## **1.1 Introduction**

## Section: Introduction

- 1.1.1 This Corporate Policy and Procedures document is based upon the requirements of the Regulation of Investigatory Powers Act 2000 and the Home Office's Codes of Practice on Covert Surveillance and Property Interference, Covert Human Intelligence Sources and Acquisition and Disclosure of Communications Data.
- 1.1.2 The use of covert surveillance, covert human intelligence sources and the acquisition of service use or subscriber information in relation to communications data is sometimes necessary to ensure effective investigation and enforcement of the law. However, they should be used only rarely and in exceptional circumstances. RIPA requires that public authorities follow a clear authorisation process prior to using these powers. Authorisations granted under Part II of RIPA are subject to all the existing safeguards considered necessary by Parliament to ensure that investigatory powers are exercised compatibly with the ECHR.
- 1.1.3 **Any potential use of RIPA should be referred to the Monitoring Officer for preliminary advice at the earliest possible opportunity. In the Monitoring Officer's absence, advice should be sought from the Deputy Monitoring Officer .**

### **Consequences of Failing to Comply with this Policy**

- 1.1.4 Where there is interference with Article 8 of the ECHR, and where there is no other source of lawful authority for the interference, the consequences of not following the correct authorisation procedure set out under RIPA and this Policy may result in the Council's actions being deemed unlawful by the Courts under Section 6 of the HRA or by the Investigatory Powers Tribunal, opening up the Council to claims for compensation and loss of reputation. Additionally, any information obtained that could be of help in a prosecution may be inadmissible.

## **1.2 Background**

- 1.2.1 On 2 October 2000 the Human Rights Act 1998 ("HRA") made it unlawful for a local authority to breach any article of the ECHR. An allegation that the Council or someone acting on behalf of the Council has infringed the ECHR is dealt with by the domestic courts rather than the European Court of Human Rights.

- 1.2.2 The ECHR states:-

- (a) individuals have the right to respect for their private and family life, home and correspondence (Article 8 ECHR); and
- (b) there shall be no interference by a public authority with the exercise of this right unless that interference is:-

## Section: Introduction

□ in accordance with the law; necessary; and proportionate

□

1.2.3 □ RIPA, which came into force on 25 September 2000, provides a lawful basis for three types of covert investigatory activity to be carried out by local authorities which activities might otherwise breach the ECHR. These activities are:-

- covert directed surveillance;
- covert human intelligence sources ("CHIS"); and
- acquisition and disclosure of communications data

1.2.4 RIPA sets out procedures that must be followed to ensure the investigatory activity is lawful. Where properly authorised under RIPA the activity will be a justifiable interference with an individual's rights under the ECHR. If the interference is not properly authorised an action for breach of the HRA could be taken against the Council, a complaint of maladministration made to the Local Government Ombudsman or a complaint made to the Investigatory Powers Tribunal. In addition, if the procedures are not followed any evidence collected may be disallowed by the courts. RIPA seeks to balance the rights of individuals against the public interest in the Council being able to carry out its statutory duties.

1.2.5 A flow chart attached at Appendix A to this policy sets out the process for covert directed surveillance and covert human intelligence sources (CHIS).

### What RIPA Does and Does Not Do

1.2.6 RIPA does:-

- require prior authorisation of covert directed surveillance;
- prohibit the Council from carrying out intrusive surveillance;
- compel disclosure of communications data from telecom and postal service providers;
- permit the Council to obtain communications records from communications service providers;
- require authorisation of the conduct and use of CHIS;
- require safeguards for the conduct of the use of a CHIS.

1.2.7 RIPA does not:-

- make conduct unlawful which is otherwise lawful;
- prejudice any existing power to obtain information by any means not involving conduct that may be authorised under RIPA. For example, it does not affect the Council's current powers to obtain information via the DVLA or to obtain information from the Land Registry as to the owner of a property;

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- apply to activities outside the scope of Part II of RIPA. A public authority will only engage RIPA when in performance of its “core functions” – i.e. the functions specific to that authority as distinct from all public authorities.
- cover overt surveillance activity.

1.2.8 RIPA only applies to the Council’s core functions – i.e. its statutory duties, and not staffing issues or contractual disputes.

1.2.9 Under no circumstances can local authorities be authorised to obtain communications traffic data under RIPA. Local authorities are not permitted to intercept the content of any person’s communications and it is an offence to do so without lawful authority.

### 1.3 Policy Statement

1.3.1 The Council is determined to act responsibly and in accordance with the law. To ensure that the Council’s RIPA activity is carried out lawfully and subject to the appropriate safeguards against abuse, a Corporate Policy and Procedures document has been drafted as detailed below.

1.3.2 All staff who are considering undertaking RIPA activity should be aware that where that activity may involve handling confidential information or the use of vulnerable or juvenile persons as sources of information, a higher level of authorisation is required. Please see paragraphs 2.7 (in respect of handling confidential information) and 2.9 (in respect of using information sources who are vulnerable or juvenile persons) below.

1.3.3 The following information and documents are available:-

- Home Office Statutory Codes of Practice on the Gov.uk website.
- Links to RIPA forms online for covert surveillance; CHIS and acquisition and disclosure of communications data;
- Corporate RIPA Training.

1.3.4 The Monitoring Officer is the Council’s Senior Responsible Officer (SRO) and is responsible for the following roles:-

- Appointing Authorising Officers (see 2.11);
- Appointing Designated Persons (see 3.4);
- Maintaining a central record for all RIPA authorisations;
- Arranging training to individuals appointed as Authorising Officers and Designated Persons, and
- Carrying out an overall monitoring function as the SRO for the Council’s use of RIPA powers.

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- 1.3.5 Any officers who are unsure about any RIPA activity should contact the Monitoring Officer for advice and assistance.
- 1.3.6 Where surveillance activity is carried out in relation to crimes that do not meet the RIPA Thresholds as detailed within this policy, these must be logged within individual Council departments and submitted to the Monitoring Officer on a quarterly basis. Non-RIPA Authorisations will be considered by Members as part of their Annual Report.

## **1.4 Social Media**

- 1.4.1 The use of the internet may be required to gather information prior to and/or during an operation, which may amount to directed surveillance. Although information that individuals make publicly available on the internet would not normally be classed as 'private information', the Office of the Surveillance Commissioners' Annual Report 2016 states that repeated visits to individual sites may develop into surveillance activity which would require authorisation. By virtue of conducting research online, rather than using other more 'overt' methods, there may be a perception that the investigation is intended to be covert. Whenever a public authority intends to use the internet as part of an investigation, they must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights. Particular consideration should be paid to the likelihood of collateral intrusion through obtaining private information about others who have not given their consent. Advice should be sought as early as possible.
- 1.4.2 Any activity likely to interfere with an individual's Article 8 rights should only be used when necessary and be proportionate to meet the objectives of a specific case. Where it is considered that private information is likely to be obtained, an authorisation (combined or separate) must be sought as set out elsewhere in this code. Where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites, a CHIS authorisation should be considered.
- 1.4.3 The Council maintains detailed and specific guidance for its officers' use of social media in investigations. This forms an annex to this policy and should be referred to in all circumstances where:
- open source research is gathered;
  - open source information is publicly available; and
  - Information is stored for an investigation.
- 1.4.4 The Social Media guidance includes details as to how access to social media should be monitored to ensure compliance.
- 1.4.5 The Council does not ordinarily permit the use of false personas to obtain information. Any such need to do so requires the authorisations detailed in Section 2.

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### **1.5 Training & Advice and Departmental Policies, Procedures and Codes of Conduct**

- 1.5.1 The Monitoring Officer will arrange regular training on RIPA. All Authorising Officers, designated persons and investigating officers should attend at least one session every two years and further sessions as and when required.
- 1.5.2 Training can be arranged on request and requests should be made to the Monitoring Officer. In particular training should be requested for new starters within the Council who may be involved in relevant activities.
- 1.5.3 If officers have any concerns, they should seek advice about RIPA from the Monitoring Officer.
- 1.5.4 Where in practice, departments have any policy, procedures or codes of practice in relation to RIPA that are different from or in addition to this Code, they must immediately seek advice from the Monitoring Officer.

### **1.6 Complaints**

- 1.6.1 Any person who believes they have been adversely affected by surveillance activity or other investigatory activity covered by RIPA by or on behalf of the Council may complain to the authority by contacting the Monitoring Officer.
- 1.6.2 They may also complain to the Investigatory Powers Tribunal at:-

Investigatory Powers Tribunal  
PO Box 33220  
London  
SW1H 9ZQ

### **1.7 Monitoring of Authorisations**

- 1.7.1 The Monitoring Officer is the senior responsible officer in relation to RIPA and is responsible for:-
- The integrity of the process in place to authorise directed surveillance, the use of CHIS and the acquisition and disclosure of communications data;
  - Compliance with Part II of RIPA and this Policy;
  - Engagement with the Investigatory Powers Act Commissioner's Office when they conduct inspections; and
  - Where necessary, overseeing the implementation of any post-inspection plans recommended or approved by a Commissioner.



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1.7.2 The Monitoring Officer is also required by law to ensure that the Council does not act unlawfully and will undertake audits of files to ensure that RIPA is being complied with and will provide feedback to the Authorising Officer/designated person where deficiencies in the RIPA process are noted.

1.7.3 The Monitoring Officer will invite the Standards Committee to review the Council's RIPA Policy on an annual basis and to recommend any changes to the Council's Policy or Procedures and will also provide members with an annual update on use.

## **1.8 Error Reporting**

1.8.1 The Council is required to report 'relevant errors' to the Investigatory Powers Commissioner, which includes circumstances where the requirements of the RIPA legislation or guidance have not been met. Examples include:

- Surveillance activity has taken place without lawful authorisation
- There has been a failure to adhere to the safeguards applicable to the use of a CHIS.

1.8.2 When any officer identifies that activity that should have been authorised under RIPA may have taken place, they must notify the Monitoring Officer immediately. The officer(s) involved in the investigation will be required to provide a report on all relevant circumstances including:

- Information on the cause of the potential error
- The amount of surveillance or property interference conducted
- Nature and amount of any material obtained or disclosed
- Details of any collateral intrusion (i.e. any third party information collected in addition to that of the subject of the investigation.)
- Whether any material has been retained or destroyed

1.8.3 The Monitoring Officer will determine whether a 'relevant error' has occurred. If required, the Monitoring Officer will also give advice on steps to be taken to avoid the error recurring.

1.8.4 If the Monitoring Officer establishes that a 'relevant error' has occurred, this must be reported to the Investigatory Powers Commissioner as soon as reasonably practicable and no later than 10 days after the error has been established. If additional time is required to ascertain the full facts of the error, an initial notification must be submitted with an estimated timetable of when the full report can be supplied.

1.8.5 The report to the Investigatory Powers Commissioner must contain the details set out at 1.8.2 as well as details of any steps taken to prevent recurrence of the error.

1.8.6 If an authorisation has been obtained on the basis of information provided by a third party that later turns out to be incorrect, but was relied upon in good faith, this error

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should also be notified to the Investigatory Powers Commissioner (although it does not constitute a 'relevant error' under the legislation).

- 1.8.7 The Home Office Guidance sets out what action the Investigatory Powers Commissioner will take following notification of relevant errors, including determining whether it is a serious error and whether the person concerned should be notified.
- 1.8.8 The Council has a responsibility to report to the Inspector at the commencement of an inspection all activity which should have been authorised but was not. This is to confirm that any direction provided by the Commissioner has been followed.

## RIPA PART 2

### COVERT SURVEILLANCE AND THE USE OF COVERT HUMAN INTELLIGENCE SOURCES

#### 2.1 Types of Surveillance

2.1.1 Surveillance can be overt or covert and includes:-

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; and
- Surveillance by or with the assistance of a device.\*

\*More detailed guidance on the use of surveillance devices, such as cameras, microphones, vehicle tracking and drones can be found in the relevant Home Office Code of Practice.

2.1.2 Indicators of whether investigatory activity will amount to surveillance include the formality and duration of the activity and the nature of what is being observed.

#### 2.2 Overt Surveillance

2.2.1 The majority of the Council's surveillance activity will be overt surveillance, i.e. will be carried out openly. For example (i) where the Council performs regulatory checks on licensees to ensure they are complying with the terms of any licence granted; and (ii) where the Council advises a tenant that their activities will be monitored as a result of neighbour nuisance allegations. This type of overt surveillance is normal Council business and is not regulated by RIPA.

#### 2.3 Covert Surveillance

2.3.1 This is where surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware it is taking place. Covert surveillance can be intrusive or directed. **The Council is not permitted to carry out covert intrusive surveillance.** Para 2.4 below explains when covert surveillance is intrusive and therefore not permitted. The Council is permitted to carry out covert directed surveillance subject to strict compliance with RIPA. Paragraph 2.5 below explains when covert surveillance is directed.

#### 2.4 Covert Intrusive Surveillance

2.4.1 Covert intrusive surveillance takes place when covert surveillance is carried out in relation to anything taking place on residential premises or in a private vehicle and

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which involves the presence of an individual or surveillance device on the premises or in the vehicle, or which uses a device placed outside the premises or vehicle which consistently provides information of the same quality and detail as expected of a device placed inside. Additionally, the Regulation of Investigatory Powers (Extension of Authorisations Provisions: Legal Consultations) Order 2010 states that covert surveillance carried out in relation to anything taking place in certain specified premises is intrusive when they are being used for legal consultation.

### 2.5 Covert Directed Surveillance

2.5.1 This is surveillance that is:-

- Covert;
- Not intrusive;
- For the purposes of a specific investigation or operation;
- Likely to obtain private information\* about a person (whether or not that person was the target of the investigation or operation); and
- Not carried out as an immediate response to events or circumstances which could not have been foreseen prior to the surveillance taking place.

\* Private information includes any information relating to a person's private and family life including professional and business relationships, home and correspondence (whether at home, in a public place or in the work place). Further information and examples of what is considered private information is contained at section 3 of the Home Office Code of Practice on Covert Surveillance and Property Interference.

### 2.6 Directed Surveillance Crime Threshold

2.6.1 Following the changes to RIPA introduced by the Protection of Freedoms Act 2012, a crime threshold applies to the authorisation of covert directed surveillance by local authorities. (*Article 7A of Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010*)

2.6.2 Local Authority Authorising Officers may not authorise covert directed surveillance unless it is for the purpose of preventing or detecting a criminal offence **and** meets the following test:-

- The criminal offence is punishable by a maximum term **of at least six months imprisonment**, or
- It would constitute an offence under Sections 146, 147A of the Licensing Act 2003 or Section 7 of the Children and Young Persons Act 1993 (**offences involving sale of tobacco and alcohol to underage children**) regardless of length of prison term.

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- 2.6.3 Whether or not the crime threshold is met should be kept under review during the course of the investigation. If the relevant criminal offence is downgraded and the threshold is no longer met, the authorisation for surveillance should be cancelled.
- 2.6.4 The crime threshold **only** applies to covert directed surveillance, not to CHIS or Communications Data.
- 2.6.5 The Home Office Statutory Covert Surveillance and Property Interference Code of Practice can be found on the Home Office website.

### 2.7 Confidential Information

- 2.7.1 A higher level of authorisation to apply to the Magistrates Court is required in relation to RIPA activity when the subject of the investigation might reasonably expect a high degree of privacy, or where “confidential information” might be obtained. For the purpose of RIPA this includes:-
- Communications subject to legal privilege (see below);
  - Communications between a member of parliament and another person on constituency matters;
  - Confidential personal information (see below); and
  - Confidential journalistic material (see below).
- 2.7.2 The Authorising Officer and the person carrying out the surveillance must understand that such information is confidential and is subject to a stringent authorisation procedure. **Authorisation can only be granted by the Head of Paid Service.**
- 2.7.3 **Legal privilege** is defined in Section 98 of the Police Act 1997 as:-
- communications between a professional legal adviser and his client, or any person representing his client which are made in connection with the giving of legal advice to the client.
  - communications between a professional legal adviser and his client or any person representing his client, or between a professional legal adviser or his client or any such representative and any other person which are made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
  - items enclosed with or referred to in communications of the kind mentioned above and made in connection with the giving of legal advice, or in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
- 2.7.4 Communications and items are not matters subject to legal privilege when they are in the possession of a person who is not entitled to possession of them, and

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communications and items held, or oral communications made, with the intention of furthering a criminal purpose are not matters subject to legal privilege.

2.7.5 If advice is required on this point, officers should contact the Monitoring Officer.

2.7.6 **Confidential personal information** is described at paragraph 9.29 of the Home Office Covert Surveillance and Property Interference Code of Practice.

2.7.7 **Confidential journalistic material** is described at paragraph 9.38 of the Home Office Covert Surveillance and Property Interference Code of Practice.

2.7.8 Where confidential information of a kind described in this Section is obtained or retained for a purpose other than its destruction, it is required that the Investigatory Powers Commissioner is informed. The details relating to notification are outlined in the following paragraphs of the Home Office Covert Surveillance and Property Interference Code of Practice for each kind of information:

- Paragraph 35 for personal or (Parliamentary) constituent information
- Paragraph 46 for Confidential journalistic information
- Paragraphs 9.73 to 9.79 for legally privileged material

2.7.9 **Any officer contemplating RIPA activity where the above circumstances may apply must seek advice from the Monitoring Officer prior to making any application.**

## 2.8 Covert Human Intelligence Sources (“CHIS”)

2.8.1 The Council is permitted to use CHIS subject to strict compliance with RIPA.

Under the 2000 Act, a CHIS is a person who establishes or maintains a personal or other relationship with a person for the covert purposes of facilitating:-

- (a) covertly using the relationship to obtain information or provide access to information to another person, or
- (b) covertly disclosing information obtained by the use of the relationship or as a consequence of the existence of such a relationship.

and if the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. Guidance can be obtained from the Home Office “Guidance Covert Human Intelligence revised code of practice”.

2.8.2 A RIPA authorisation and order from a magistrate is required for the above activity and should be obtained whether the CHIS is a Council officer or another person who is asked to be a CHIS on the Council’s behalf. Authorisation for CHIS can only be

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granted if it is for the purposes of “preventing or detecting crime or of preventing disorder”.

- 2.8.3 Members of the public who volunteer information to the Council and those engaged by the Council to carry out test purchases in the ordinary course of business (i.e. they do not develop a relationship with the shop attendant and do not use covert recording devices) are not CHIS and do not require RIPA authorisation.
- 2.8.4 However, by virtue of Section 26(8) of RIPA, there may be instances where an individual, covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship. In such circumstances where a member of the public, though not asked to do so, gives information (or repeated information) about a suspect, then serious consideration should be given to designating the individual as a CHIS, particularly if the Council intends to act upon the information received. It is recommended that legal advice is sought in any such circumstances.

### 2.9 Safety and Welfare of CHIS

- 2.9.1 The safety and welfare of the CHIS is paramount. Risk assessments should be carried out to determine the risk of tasking a CHIS and the activities being undertaken by the particular person appointed. The risk assessments should be regularly reviewed during the course of the investigation.
- 2.9.2 A single point of contact should be appointed for the CHIS to communicate with, who will be responsible for carrying out the risk assessments and taking all possible steps to ensure their safety and welfare. A senior officer should also have oversight of the arrangements and be regularly updated by officer acting as the single point of contact. Regular face-to-face meetings should occur with the CHIS rather than solely remote contact, such as telephone or email, although remote contact may be appropriate in addition.

### 2.10 Vulnerable Individuals/Juvenile CHIS

- 2.10.1 A vulnerable individual is a person who by reason of mental disorder or vulnerability, other disability, age or illness, is or may be unable to take care of themselves or protect themselves against significant harm or exploitation.
- 2.10.2 Additional requirements apply to the use of a vulnerable adult or a person under the age of 18 as a CHIS. In both cases **authorisation for an application to the Magistrates Court can only be granted by the Head of Paid Service. Any officer contemplating the use of a juvenile or a vulnerable person as a CHIS must seek advice from the Monitoring Officer prior to making the application.**
- 2.10.3 The use or conduct of a CHIS under 16 years of age **must not** be authorised to give information against their parents or any person who has parental responsibility for

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them. In other cases authorisations should not be granted unless the special provisions contained in The Regulation of Investigatory Powers (Juveniles) Order 2000 are satisfied. This sets out rules about parental consent, meetings, risk assessments and the duration of the authorisation.

### 2.11 CCTV

- 2.11.1 The installation and use of unconcealed CCTV cameras for the purpose of generally observing activity in a particular area is not surveillance requiring RIPA authorisation. There are specific provisions relating to the use of CCTV cameras in public places and buildings. However, if CCTV cameras are being used in such a way that the definition of covert directed surveillance is satisfied, RIPA authorisation should be obtained.
- 2.11.2 For instance the use of town centre CCTV systems to identify those responsible for a criminal act immediately after it happens will not require RIPA authorisation. However, the use of the same CCTV system to conduct planned surveillance of an individual and record their movements is likely to require authorisation.
- 2.11.3 Protocols should be agreed with any external agencies requesting the use of the Council's CCTV system. The protocols should ensure that the Council is satisfied that authorisations have been validly granted prior to agreeing that the CCTV system may be used for directed surveillance.
- 2.11.4 CCTV systems cannot be used without prior production of an authorisation and such authorisations must be retained. For more details please refer to the Council's "Use of Overt Surveillance Systems Policy".

### 2.12 Authorisation Procedures

**Authorisations given by Authorising Officers are subject to approval by the Magistrates Court (See para 2.15 below)**

- 2.12.1 Authorising Officers are responsible for assessing and authorising covert directed surveillance and the use of a CHIS.
- 2.12.2 **It is the responsibility of Authorising Officers to ensure that when applying for authorisation the principles of necessity and proportionality (see 2.13 below) are adequately considered and evidenced; and that reviews and cancellations of authorisations are carried out as required under this Policy (2.20 – 2.22 below).**
- 2.12.3 Lists of Authorising Officers are set out below. Any requests for amendments to the lists must be sent to the Monitoring Officer.



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2.12.4 The authorising officers for North East Derbyshire District Council are as follows:

Managing Director & Head of Paid Service – Lee Hickin (01246 217218)

Director of Finance and Resources – Jayne Dethick (01246 2417078)

Director of Growth and Assets – Matthew Broughton (01246 242210)

2.12.5 Schedule 1 of statutory instrument No 521 (2010) prescribes the rank or position of authorising officers for the purposes of Section 30(1) of RIPA (covert surveillance and CHIS). For Local Authorities they prescribe a “Director, Head of Service, Service Manager or equivalent”.

2.12.6 The Monitoring Officer designates which officers can be Authorising Officers. Only these officers can authorise directed surveillance and the use of CHIS. **All authorisations must follow the procedures set out in the Policy.** Authorising officers are responsible for ensuring that they have received RIPA training prior to authorising RIPA activity. When applying for or authorising RIPA activity under the Policy, officers must also take into account the corporate training and any other guidance issued from time to time by the Monitoring Officer.

### **2.13 Authorisation Of Covert Directed Surveillance and use of A CHIS**

2.13.1 RIPA applies to all covert directed surveillance and the use of CHIS whether by Council employees or external agencies engaged by the Council. Council officers wishing to undertake covert directed surveillance or use of a CHIS must complete the relevant application form and forward it to the relevant Authorising Officer.

**2.13.2 Any potential use of RIPA should be referred to the Monitoring Officer for preliminary advice.**

### **2.14 Criteria for The Authorisation of the Use of RIPA Powers**

2.14.1 Covert directed surveillance and/or the use of a CHIS can only be authorised if the Authorising Officer is satisfied that the activity is:-

- (a) **in accordance with the law** i.e. it must be in relation to matters that are statutory functions of the Council. As such the Council is unable to access communications data for disciplinary matters.
- (b) **necessary** for the purpose of preventing or detecting crime or preventing disorder. This is the only ground available to the Council for authorising RIPA activity and for directed surveillance only, there is a crime threshold as described in paragraph 2.6 above;

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- (c) **proportionate** to what it seeks to achieve. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person as may be affected) against the need for the activity in investigative operational terms. Any conduct that is excessive as to the interference and the aim of the conduct, or is in any way arbitrary will not be proportionate. Serious consideration must be given to identifying the least intrusive method of obtaining the information required.

2.14.2 There are four key elements of proportionality that must be considered when authorising directed surveillance. These are contained in paragraph 4.7 of the Covert Surveillance and Property Interference Code of Practice and are:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully.

2.14.3 In relation to Covert Human Intelligence Sources (CHIS) there are five key elements of proportionality that must be assessed when authorising a CHIS. These are in paragraph 3.6 of the Covert Human Intelligence Sources Code of Practice and are:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- whether the conduct to be authorised will have any implications for the private and family life of others, and an explanation of why (if relevant) it is nevertheless proportionate to proceed with the operation;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought.

2.14.4 Applicants should ask the following types of questions to help determine whether the use of RIPA is necessary and proportionate:-

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- why it is believed the proposed conduct and use is necessary for the prevention of crime or the prevention of disorder (as appropriate);
- how the activity to be authorised is expected to bring a benefit to the investigation;
- how and why the proposed conduct and use is proportionate to the intelligence dividend it hopes to achieve, having regard to the gravity and extent of the activity under investigation;
- how and why the methods to be adopted will cause the least possible intrusion to the subject/s i.e. interfere with their rights under the ECHR;
- what other reasonable methods of obtaining information have been considered and why they have been discounted.

2.14.5 When completing an application, officers must present the case in a fair and balanced way. In particular all reasonable efforts should be made to take account of information which supports or weakens the case for the authorisation.

2.14.6 Authorising Officers should not be responsible for authorising their own activities, i.e. those operations/investigations in which they are directly involved. However, it is recognised that in exceptional circumstances this may sometimes be unavoidable. The Monitoring Officer should be informed in such cases.

2.14.7 Particular consideration should be given to **collateral intrusion on or interference with the privacy of persons who are not the subject(s) of the investigation**. Collateral intrusion occurs when an officer undertaking covert surveillance on a subject observes or gains information relating to a person who is not the subject of the investigation. An application for an authorisation must include an assessment of the risk of any collateral intrusion or interference and measures must be taken to avoid or minimise it. This must be taken into account by the Authorising Officer, particularly when considering the proportionality of the surveillance.

2.14.8 Particular care must be taken in cases where **confidential information** is involved e.g. matters subject to legal privilege, confidential personal information, confidential journalistic material, confidential medical information, and matters relating to religious leaders and their followers. In cases where it is likely that confidential information will be acquired, officers must specifically refer this to the Monitoring Officer for advice.

### 2.15 Processing the authorisation

2.15.1 At the time of authorisation the Authorising Officer must set a date for review of the authorisation and review it on that date (see 2.19), prior to the authorisation lapsing as it must not be allowed to lapse.

2.15.2 The original completed application and authorisation form must be forwarded to the Monitoring Officer as soon as possible. The Monitoring Officer will maintain a central register of the Council's RIPA activity and a unique reference number will be allocated to each application. This will be kept in Legal Services.

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### 2.16 Approval by Magistrates Court

- 2.16.1 Under the Protection of Freedoms Act 2012, there is an additional stage in the process for investigatory activities (covert directed surveillance and CHIS). After the authorisation form has been countersigned by the Authorising Officer, the Council is required to obtain judicial approval for either the authorisation or a renewal of an authorisation.
- 2.16.2 For arrangements for submitting applications to the Magistrates, please contact Legal Services.
- 2.16.3 The magistrate will have to decide whether the Council's application to grant or renew an authorisation to use RIPA should be approved and it will not come into effect unless and until it is approved by the Magistrates Court.
- 2.16.4 A separate application should be completed when the Council is requesting judicial approval for the use of more than one of the surveillance techniques (i.e. Directed Surveillance, CHIS and Communications Data) at the same time.
- 2.16.5 It should be noted that only the initial application and any renewal of the application require magistrates' approval.
- 2.16.6 There is no requirement for officers presenting authorisations to the Magistrates Court to be legally qualified but they do need to be authorised by the Council to represent it in court. **Generally the applicant should be accompanied to Court by the Authorising Officer and a member of the Legal Team.**

### 2.17 The Role of the Magistrates Court

- 2.17.1 The role of the Magistrates Court is set out in Section 32A RIPA (for directed surveillance and CHIS).
- 2.17.2 This section provide that the authorisation shall not take effect until the Magistrates Court has made an order approving such authorisation. The matters on which the Magistrates Court needs to be satisfied before giving judicial approval are that:-
- There were reasonable grounds for the local authority to believe that the authorisation or notice was necessary and proportionate;
  - In the case of a CHIS authorisation, that there were reasonable grounds for the local authority to believe that:
    - arrangements exist for the safety and welfare of the source that satisfy Section 29(5) RIPA;

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- the requirements imposed by Regulation of Investigatory Powers (Juveniles) Order 2000 were satisfied;

- The local authority application has been authorised by an Authorising Officer;
- The grant of the authorisation was not in breach of any restriction imposed by virtue of an order made under the following sections of RIPA:
  - 29(7)(a) (for CHIS),
  - 30(3) (for directed surveillance and CHIS).

### **Summary of procedure for applying for covert directed surveillance or use of a CHIS is:**

- Applicant obtains preliminary legal advice from Monitoring Officer;
- Applicant completes an application;
- Monitoring Officer quality checks the completed application before approving it to go to the Authorising Officer;
- Approval is sought from the Authorising Officer;
- Authorising Officer completes authorisation form in long-hand;
- Monitoring Officer organises paperwork for court and the applicant, the Authorising Officer proceeds to court, accompanied by a member of the legal team wherever possible;
- If approval given, applicant organises the covert directed surveillance or use of a CHIS to take place;
- Original copy of application lodged with Legal Team.

### **Additional Requirements for Authorisation of a CHIS**

A CHIS must only be authorised if the following arrangements are in place:-

- There is a Council officer with day-to-day responsibility for dealing with the CHIS and a senior Council officer with oversight of the use made of the CHIS;
- A risk assessment has been undertaken to take account of the CHIS security and welfare;
- A Council officer is responsible for maintaining a record of the use made of the CHIS;
- Any adverse impact on community confidence or safety regarding the use of a CHIS has been considered, taking account of any particular sensitivities in the local community where the CHIS is operating; and

## **Section: Covert Surveillance And The Use Of Covert Human Intelligence Sources**

- Records containing the identity of the CHIS will be maintained in such a way as to preserve the confidentiality or prevent disclosure of the identity of the CHIS.

### **2.18 Urgent Authorisations**

- 2.18.1 By virtue of the fact that an authorisation under RIPA is not approved until signed off by a Magistrates Court, urgent oral authorisations are not available.

### **2.19 Application Forms**

- 2.19.1 Only the RIPA Forms listed below can be used by officers applying for RIPA authorisation.

#### **(a) Directed Surveillance**

- Application for Authority for Directed Surveillance
- Review of Directed Surveillance Authority
- Cancellation of Directed Surveillance
- Renewal of Directed Surveillance Authority

#### **(b) CHIS**

- Application for Authority for Conduct and Use of a CHIS
- Review of Conduct and Use of a CHIS
- Cancellation of Conduct and Use of a CHIS
- Renewal of Conduct and Use of a CHS

### **2.20 Duration of the Authorisation**

- 2.20.1 Authorisation/notice durations are:-

- for covert directed surveillance the authorisation remains valid for three months after the date of authorisation;
- for a CHIS the authorisation remains valid for 12 months after the date of authorisation (or after four months if a juvenile CHIS is issued);

- 2.20.2 Authorisations should not be permitted to expire, they must be either renewed or cancelled when the activity authorised has been completed or is no longer necessary or proportionate in achieving the aim for which it was originally authorised. This is a statutory requirement which means that all authorisations must be reviewed to decide whether to cancel or renew them.

### **2.21 Review of Authorisations**

## **Section: Covert Surveillance And The Use Of Covert Human Intelligence Sources**

2.21.1 As referred to at 2.15.1 Authorising Officers must make arrangements to periodically review any authorised RIPA activity. Officers carrying out RIPA activity, or external agencies engaged by the Council to carry out RIPA activity, must periodically review it and report back to the Authorising Officer if there is any doubt as to whether it should continue. Reviews should be recorded on the appropriate Home Office Form (see 2.18).

2.21.2 A copy of the Council's notice of review of an authorisation must be sent to the Monitoring Officer as soon as possible to enable the central record on RIPA to be authorised.

### **2.22 Renewal of Authorisations**

2.22.1 If the Authorising Officer considers it necessary for an authorisation to continue they may renew it for a further period, beginning with the day when the authorisation would have expired but for the renewal. They must consider the matter again taking into account the content and value of the investigation and the information so far obtained, considering the same criteria as for new applications (see 2.13 above). Renewed authorisations will normally be for a period of up to three months for covert directed surveillance or 12 months in the case of CHIS, one month in the case of juvenile CHIS. Authorisations may be renewed more than once, provided they are considered again and continue to meet the criteria for authorisation. Applications for the renewal of an authorisation for covert directed surveillance or CHIS authorisation must be made on the appropriate form (see 2.18).

**2.22.2 All renewals will require an order of the Magistrates Court in accordance with the requirements in para 2.17 above.**

2.22.3 A copy of the Council's notice of renewal of an authorisation must be considered by the Monitoring Officer before it is made and all original copies lodged with the Legal Team together with a copy of the Magistrates Court order renewing the authorisation to enable the central record on RIPA to be updated.

### **2.23 Cancellation of Authorisations**

2.23.1 The person who granted or last renewed the authorisation must cancel it when they are satisfied that the covert directed surveillance or CHIS no longer meets the criteria for authorisation. Cancellations must be made on the appropriate Home Office Form (see 2.18).

2.23.2 A copy of the Council's notice of cancellation of an authorisation must be sent to the Monitoring Officer within one week of the cancellation to enable the central record on RIPA to be updated.

### **2.24 What happens if the surveillance has unexpected results?**

## **Section: Covert Surveillance And The Use Of Covert Human Intelligence Sources**

2.24.1 Those carrying out the covert surveillance should inform the Authorising Officer if the investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation. In some cases the original authorisation may not be sufficient to cover the activity required or information likely to be gathered and in such cases, consideration should be given as to whether a separate authorisation is required.

### **2.25 Records and Documentation**

#### **Departmental Records**

2.25.1 Applications, renewals, cancellations, reviews and copies of notices must be retained by the Council in written or electronic form, and physically attached or cross-referenced where they are associated with each other. These records will be confidential and should be retained for a period of at least five years from the ending of the authorisation. Where it is believed that the records could be relevant to pending or future court proceedings, they should be retained and then destroyed five years after last use.

#### **Central Record of Authorisations, Renewals, Reviews and Cancellations**

2.25.2 A joint central record of directed surveillance and CHIS is maintained by the Monitoring Officer at the District Council Offices, Mill Lane, Wingerworth.

2.25.3 The central record is maintained in accordance with the requirements set out in the Home Office Codes of Practice. In order to keep the central record up-to-date Authorising Officers must, in addition to sending through the Home Office application, authorisation form and Magistrates Court order as soon as possible following the authorisation being approved by the Magistrates Court (see 2.15) send notification of every renewal, cancellation and review on the Council's notification forms (see 2.19 – 2.22).

2.25.4 Using the information on the central record the Monitoring Officer will:-

- remind Authorising Officers in advance of the expiry of authorisations;
- remind Authorising Officers of the need to ensure surveillance does not continue beyond the authorised period;
- remind Authorising Officers to regularly review current authorisations;
- on the anniversary of each authorisation, remind Authorising Officers/delegated persons to consider the destruction of the results of surveillance operations.



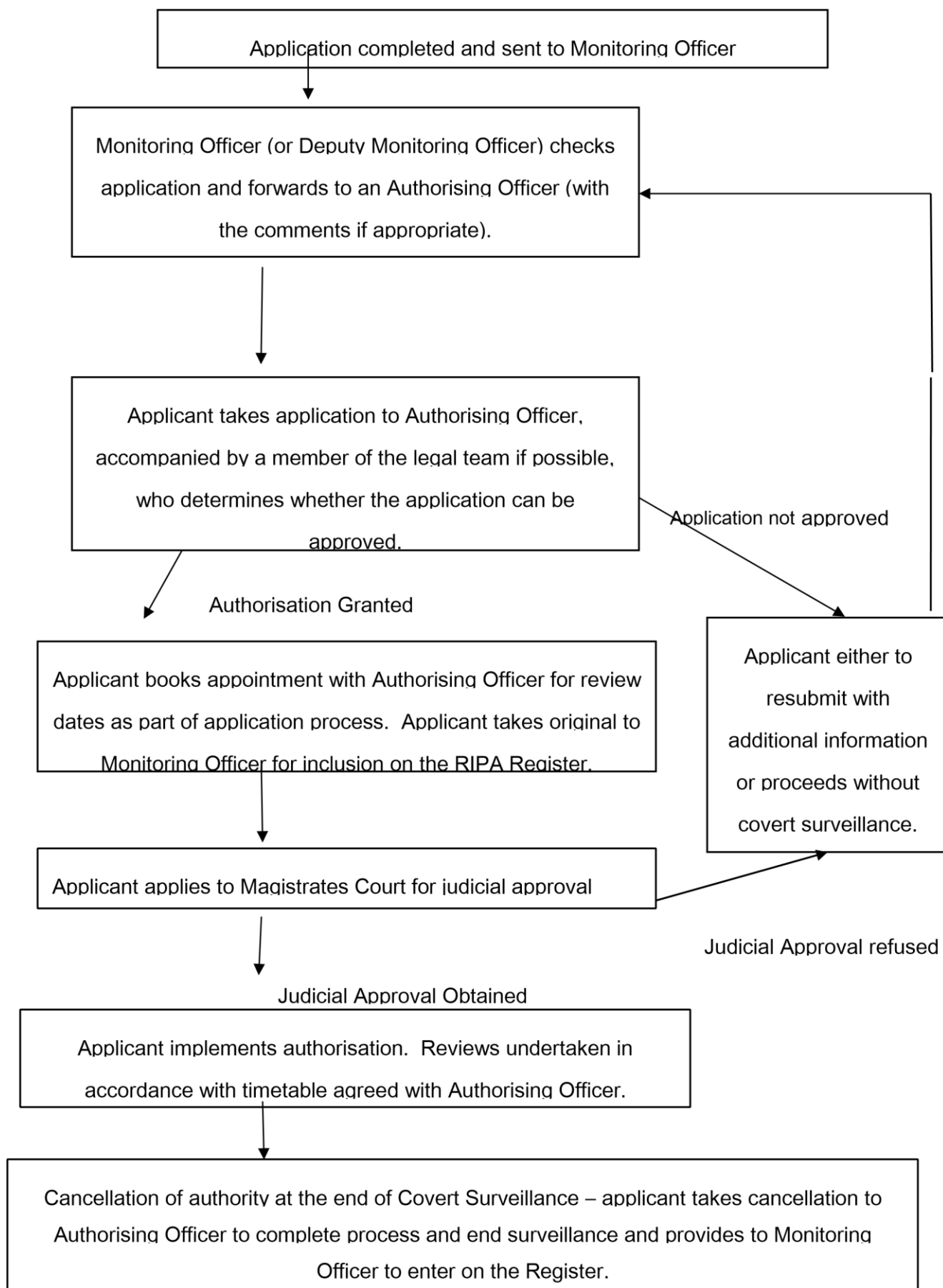
## **Section: Covert Surveillance And The Use Of Covert Human Intelligence Sources**

### **2.26 Surveillance products**

- 2.26.1 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable further period, commensurate to any subsequent review.
- 2.26.2 Particular attention is drawn to the requirements of the Codes of Practice issued under the Criminal Procedure and Investigations Act 1996 by the Home Office and on the Home Office website. These require that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.
- 2.26.3 There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. The Council will ensure that adequate arrangements are in place for the handling and storage of material obtained through the use of covert surveillance to facilitate its use in other investigations.
- 2.26.4 Material obtained through the use of directed surveillance or CHIS containing personal information will be protected by the Data Protection Act 2018 (DPA) and in addition to the considerations above must be used, stored and destroyed in compliance with the appropriate requirements of the DPA and the Council's Data Protection, Information Security and Records Management Policies.
- 2.26.5 Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes. See section 9 of the Home Office Code of Practice for more detail of the safeguards that must be in place. Particular protection must be given to confidential or privileged information.

## **APPENDIX A - RIPA PROCESS FLOWCHART**

## Section: Covert Surveillance And The Use Of Covert Human Intelligence Sources



**RIPA PART 1 – CHAPTER 2  
ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA**

**3.1 Permitted Purposes for Acquisition and Disclosure of Communications Data**

- 3.1.1 Local authorities are only permitted to acquire communications data for the purposes of preventing or detecting serious crime. Other purposes are permitted for other public bodies. Currently this Authority has not used these powers.
- 3.1.2 A 'serious crime' is an offence that is punishable by a maximum term of imprisonment of 12 months or more.

**3.2 Communication Service Providers ("CSPs")**

- 3.2.1 CSPs are organisations that are involved in the provision, delivery and maintenance of communications such as postal, telecommunication and internet service providers but also, for example, hotel or library staff involved in providing and maintaining email access to customers. The Council must obtain communications data from CSPs in strict compliance with RIPA.

**3.3 Types of Communications Data**

- 3.3.1 Communications data is the "who", "where", "when" and "how" of a communication such as a letter, phone call or email but not the content, not what was said or written. The Council is not able to use RIPA to authorise the interception or acquisition of the content of communications. There are three types of communication data:-

**Service Use Information**

- 3.3.2 This is data relating to the use made by any person of a postal or telecommunications, internet service, or any part of it. For example itemised telephone call records, itemised records of connection to internet services, itemised timing and duration of calls, connection/disconnection/reconnection data, use of forwarding or re-direction services, additional telecom services and records of postal items.

**Subscriber information**

- 3.3.3 This is information held or obtained by the CSP about persons to whom the CSP provides or has provided a communications service. For instance, subscribers of email and telephone accounts, account information including payment details, address for installing and billing, abstract personal records and sign up data.

**Traffic Information**

## **Section: Acquisition and Disclosure of Communications Data**

- 3.3.4 This is data that is comprised in or attached to a communication for the purpose of transmitting it and which identifies a person or location to or from which it is transmitted. **The Council is not permitted to access traffic data.**

### **3.4 Use of Communications Data**

- 3.4.1 **The Council will only authorise the acquisition of service use and entity information. Under no circumstances will the Council obtain traffic data or intercept communications data under RIPA as they are not empowered to do so.**

- 3.4.2 **Communications data is governed by the Regulation of Investigatory Powers 2000, (RIPA) the Investigatory Powers Act 2016 (IPA) and the Data Retention Acquisition Regulations 2018. These regulations introduced a higher threshold to be able to obtain communications data. Guidance on this is set out in the Home Office Communications Data Code of Practice 2025. A request for a RIPA authorisation or notice will be scrutinised by a single point of contact (a 'SPoC'). Local Authorities are not able to intercept communications data. Where communications data is required then responsibility for its acquisition rests with the Office for Communications Data Authorisation (OCDA). National Anti-Fraud Network (NAFN) provide the SPoC service for Local Authorities and any application to the OCDA must be submitted through the NAFN with whom this Council has an agreement. Where consideration is being given to obtaining communications data, in addition to contacting the Monitoring Officer, the guidance from the NAFN should be obtained from the Section 151 Officer or the Deputy Section 151 Officer and used in connection with the application.**

- 3.4.3 **NAFN have issued guidance which must be followed when considering any application. This guidance can be obtained from the NAFN website. Where consideration is being given to obtaining communications data, in addition to contacting the Monitoring Officer, the guidance from the NAFN should be obtained from the Section 151 Officer or the Deputy Section 151 Officer and used in connection with the application.**

- 3.4.3 **The Council must keep records of all decisions and outcomes from the OCDA as these records are not kept centrally. These will be kept on the RIPA Register by the Monitoring Officer.**

### **3.5 Authorisation of Acquisition and Disclosure of Communications Data**

## **Section: Acquisition and Disclosure of Communications Data**

- 3.5.1** Any potential use of RIPA should be referred to the Monitoring Officer for preliminary advice.

### **3.6 Urgent Authorisations**

- 3.6.1** By virtue of the fact that an authorisation under RIPA is not approved until signed off by a Magistrates Court, urgent oral authorisations are not available.

### **3.7 Central Record of Authorisations, Renewals, Reviews and Cancellations**

- 3.7.1** A joint central record of access to communications data authorisations is maintained by the Monitoring Officer at the District Council Offices, Mill Lane, Wingerworth.
- 3.7.2** See paragraph 2.24 for more information on the central records, which also apply in relation to covert surveillance and CHIS.
- 3.7.3** Material obtained through acquisition of communications data containing personal information will be protected by GDPR and the Data Protection Act (DPA) and in addition to the considerations above must be used, stored and destroyed in compliance with the appropriate requirements of the GDPR/DPA and the Council's Data Protection, Information Security and Records Management Policies.

## North East Derbyshire District Council

### Standards Committee

1st October 2025

### ANNUAL CONSTITUTION REVIEW

#### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Amy Bryan, Governance Manager

Contact Officer: Amy Bryan, Governance Manager

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#### PURPOSE / SUMMARY

Each year the Standards Committee carries out a review of the Constitution and presents an updated version to the Council at the Annual Meeting in May. This report is to commence that process.

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#### RECOMMENDATIONS

1. That Members consider what areas of the Constitution they wish to review and let the Monitoring Officer know before the next Standards Committee meeting so that they can be incorporated into the work plan.

#### IMPLICATIONS

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**Finance and Risk:** Yes ☐ No ☒

**Details:**

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes ☒ No ☐

**Details:** As in the report

On Behalf of the Solicitor to the Council

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**Staffing:** Yes ☐ No ☒

**Details:**

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	This is a discussion report and does not make recommendations as to change in any area.
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	No – for the Committee to consider and there is no recommendation.  Details:

<b>Links to Council Plan priorities;</b> <ul style="list-style-type: none"> <li>A great place that cares for the environment</li> <li>A great place to live well</li> <li>A great place to work</li> <li>A great place to access good public services</li> </ul>
A great place to access good public services – this report concerns the governance arrangements for the Council and their annual review.

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

- 1.1 Each year a review of the Council's Constitution is undertaken by the Standards Committee.
- 1.2 A review of the Constitution in terms of typographical errors, new legislation, change in titles etc. will be carried out by officers.
- 1.3 In terms of further areas to review, it is suggested that a light touch review is carried out. Members suggestions as to which areas require such a review are sought.
- 1.4 In any event, there will be some areas brought forward by officers for Members consideration in future meetings.
- 1.5 The reviewed Constitution will be presented to Council at the Annual Meeting in May 2026.

### 2. **Details of Proposal or Information**

- 2.1 For Members to consider what areas of the Constitution they consider need a review and/or change and bring suggestions to the next meeting of the Standards Committee.

### 3 **Reasons for Recommendation**

- 3.1 Members will identify any areas of concern that require review in addition to any proposed by officers.

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

- 4.1 None at this stage. This report seeks ideas for areas of the Constitution to review.

## DOCUMENT INFORMATION

Appendix No	Title
None	
<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 you must provide copies of the background papers)	
None	



## North East Derbyshire District Council

### Standards Committee

1st October 2025

### Request for dispensations

#### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer.

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer.

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#### PURPOSE / SUMMARY

For Members to consider and determine 2 applications for dispensations from 2 Councillors who are also Derbyshire County Council Councillors in relation to participation and voting on Local Government Reorganisation (LGR) where they have Disclosable Pecuniary Interests as a result of also being Councillors at Derbyshire County Council.

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#### RECOMMENDATIONS

1. That Committee considers granting a general dispensation until 31 March 2028 to Cllr Reed and Cllr Dale to enable them to participate and vote in the decision relating to local government reorganisation where they would otherwise have a Disclosable Pecuniary Interest because they are also County Councillors.

#### IMPLICATIONS

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Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

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Legal (including Data Protection): Yes ☒ No ☐

**Details:** As in the report.

On Behalf of the Solicitor to the Council

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**Staffing:**    **Yes** ☐        **No** ☒

**Details:**

On behalf of the Head of Paid Service

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## **DECISION INFORMATION**

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Not applicable
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details: Standards Committee.

<b>Links to Council Plan priorities;</b> <ul style="list-style-type: none"> <li>A great place that cares for the environment</li> <li>A great place to live well</li> <li>A great place to work</li> <li>A great place to access good public services</li> </ul>
All

## REPORT DETAILS

### 1 Background (reasons for bringing the report)

- 1.1 By virtue of the Localism Act 2011 and the Council's Code of Conduct for Members, all elected members are required to declare to the Monitoring Officer their Disclosable Pecuniary Interests (DPIs), which are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Section 31 of the 2011 Act, provides that where a member is present at a meeting and has a DPI in any matter to be considered (and they are aware of the interest), they cannot participate in any discussion of the matter at the meeting or vote on the matter at the meeting. The Council's Constitution requires that the Councillor leave the Chamber.
- 1.2 A member would commit a criminal offence under section 34(4) of the 2011 Act if they participate or vote on the matter in which they have a DPI unless a dispensation has been granted.
- 1.3 The 2011 Act enables dispensations to be granted where—
- (a) without the dispensation the number of persons prohibited from participating in the business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
  - (b) without the dispensation the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote relating to the business,
  - (c) granting the dispensation is in the interests of persons living in the authority's area,
  - (d) in respect of executive arrangements, without the dispensation each member of Cabinet would be prohibited from participating in the business, or
  - (e) considers that it is otherwise appropriate to grant a dispensation.
- 1.4 The Monitoring Officer has delegated authority to grant dispensations in relation to the circumstances set out in (a), (b) and (d) above with the Standards Committee being able to grant dispensations under any of the grounds.
- 1.5 As Members are aware, the Government published a policy paper entitled 'English Devolution White Paper', setting out their ambition to implement

the most significant reforms to local government since the Local Government Act 1972. This included the Government's intention to facilitate local government reform (LGR) across all two-tier areas in England, through the creation of new unitary councils. On 5 February 2025 the Minister of State wrote to the Leaders of Derbyshire County Council, all District and Borough Councils and Derby City Council, formally inviting them to develop a proposal for LGR for the area. The Council (with the other Districts and Boroughs and Derby City Council) is currently preparing a proposal for submission to government before 28 November 2025. It is intended that the LGR proposal to be submitted to government will be considered by Council at an Extraordinary meeting on 3<sup>rd</sup> November prior to formal approval by Cabinet.

- 1.6 Currently 2 District Councillors are also County Councillors and are therefore "dual-hatted". They are in receipt of Member Allowances from both District Council and the County Council. As a result, both these Councillors have a DPI in the forthcoming matter to be considered and without a dispensation would be required to withdraw from the Council meeting.
- 1.7 Given the importance of all Councillors being able to participate in future debates on LGR, a general the two councillors have sought a dispensation. The grounds for consideration are that:
  - (c) granting the dispensation is in the interests of persons living in Derbyshire, as this will ensure all communities can be represented by their local councillor.
  - (e) it is otherwise appropriate to grant the dispensation to enable all Councillors to participate in a matter of such significant importance. This is the biggest issue affecting the structure of local government in many years and the exclusion of any Elected Members will prevent full participation and not support good quality decision making.
- 1.8 The dispensations must be for a specified term and it is proposed it remains in place until 31 March 2028, when it is expected that any new authorities would come into being.
- 1.9 If Committee agrees to grant the dispensation, it relates to the specific circumstances in which it is granted and would not apply where any

Councillor has another disclosable pecuniary interest or otherwise should not participate in consideration of the matter.

## **2. Details of Proposal or Information**

- 2.1 The proposal for consideration is whether to grant the 2 Councillors (Cllrs Reed and Dale) dispensations as outlined in the report.

## **3 Reasons for Recommendation**

- 3.1 To enable all Elected Members of Council to be involved in the very important debate regarding Local Government Reorganisation across Derby and Derbyshire which will have significant impacts for the residents that those members serve.
- 3.2 To comply, the requirement in the Localism Act 2011 is that a dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

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

- 4.1 Not to grant a dispensation. This was rejected duty to the importance of participating in the Council's LGR decision.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Requests for Dispensations
<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 you must provide copies of the background papers)	
None	

## DISPENSATION REQUEST FROM COUNCILLOR ALEX DALE

**From:** Alex Dale (Elected Members) <[Alex.Dale@derbyshire.gov.uk](mailto:Alex.Dale@derbyshire.gov.uk)>  
**Sent:** Wednesday, September 17, 2025 8:15:21 AM  
**To:** Sternberg, Sarah <[Sarah.Sternberg@ne-derbyshire.gov.uk](mailto:Sarah.Sternberg@ne-derbyshire.gov.uk)>  
**Subject:** LGR dispensation

Morning Sarah

As discussed yesterday, I would be really grateful if the council could consider a dispensation for me to enable me to vote on any final decision relating to local government reform.

This would be in line with the approach that Derbyshire County Council is taking for dual hatters so as not to unreasonably exclude any members from what is potentially one of the most important decisions we will make as members of each council.

I would also add that, while I accept that this is just the way that DPI's work, both authorities are evenly affected, in that both are essentially to be abolished in place of something new. The logical conclusion of a strict interpretation in relation to the DPIs would be that I wouldn't be able to vote at either authority because I am a member of the other, while single hatters are able to have their democratic say, despite the impact on them and their authority being essentially the same. I don't think this will have been the intention of the rules relating to DPIs when they were written, and I ask the Standards committee to look favourably on a dispensation to enable all members to have their say on this vitally important decision.

Many thanks

Alex

## DISPENSATION REQUEST FROM COUNCILLOR STEPHEN REED

I would like to declare an interest for the extra ordinary meeting of council on 3rd Nov and request a dispensation for the meeting.

# Agenda Item 9

## STANDARDS COMMITTEE 2025/26 – WORK PROGRAMME

Date	Agenda items
1 October 2025	<ul style="list-style-type: none"><li>• Annual Complaint Performance and Service Improvement Report for Housing</li><li>• Code of Corporate Governance</li><li>• RIPA - Outcome of IPCO Inspection</li><li>• Review of the Constitution</li><li>• Request for Dispensations</li></ul>
10 December 2025	<ul style="list-style-type: none"><li>• Review of the Constitution</li></ul>
25 February 2026	<ul style="list-style-type: none"><li>• RIPA Policy Annual Report</li><li>• Whistleblowing Policy Annual Report</li><li>• Gifts and Hospitality Annual Report</li><li>• Review of the Constitution</li></ul>
29 April 2026	<ul style="list-style-type: none"><li>• Review of Members' Attendance at Training Events</li></ul>