

## North East Derbyshire District Council

### Standards Committee

6 December 2022

### REVIEW OF RIPA POLICY

#### Report of the Monitoring Officer

Classification: This report is public

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

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#### **PURPOSE / SUMMARY**

- To update the Committee on the use of RIPA powers in the last year.
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#### **RECOMMENDATIONS**

That Standards Committee:

- (1) note the update provided on the use of the policy;

#### **IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

Failure of the Council to adhere to the legal requirements of RIPA could lead to unlawful investigatory activity being undertaken, making the Council vulnerable to complaints, legal challenge and reputational damage and costs. It is important therefore that the policy is regularly reviewed and that officers receive sufficient training which will mitigate the likelihood of this risk occurring.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**

**Yes**

**No**

**Details:**

The legal implications are addressed within the policy.

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

Decision Information	
<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 - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <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>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SAMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	No  Details:

**Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.**

Good Governance

## REPORT DETAILS

### 1 Background

- 1.1 The Regulation of Investigatory Powers Act (RIPA) enables the Council to use covert surveillance; covert human intelligence sources (CHIS); and the acquisition of service use or subscriber information in relation to communications data in a manner that is compatible with Article 8 of the European Convention on Human Rights governing an individual's right to respect for their private and family life, home and correspondence. There are various criteria which must be met, including a 'seriousness threshold' for the use of directed surveillance, and any requests by the Council to use the RIPA powers must be approved by a Magistrate, under the current legislation.
- 1.2 Local authorities are sparing users of RIPA legislation and North East Derbyshire District Council has not used them since the last update to Committee in March 2019. The last time RIPA powers were utilised was in 2012.

### 2. Details of Proposal or Information

#### Inspection

- 2.1 The Council has been periodically inspected by the Office of Surveillance Commissioners. The last inspection was this year. The Office of Surveillance Commissioners has been superseded by the Investigatory Powers Commissioner's Office (IPCO). Inspections of local authorities are scheduled for every three years, and the Council's took place earlier this year. The outcome of the Inspection was overall very positive.
- 2.2 The Council's next inspection will not be due for another 2 years.

#### Non-RIPA Authorisations and Use of Social Media

- 2.3 At the previous Standards committee, it was resolved that the Council's Social Media Policy should be adopted and the Corporate Facebook account be used for investigations. The Corporate Facebook account for the purpose of investigations, has been created and is being trialled by Thomas Rush - Team Manager Environmental Enforcement and Julian Hawley - Principal Planning Enforcement Officer. A further report will be presented in the New Year as to its use and effectiveness.

#### Training

- 2.4 It is imperative that regular training is undertaken as well as refresher sessions for officers involved in investigations as well as senior officers appointed as authorising officers and designated persons.
- 2.5 Training was carried out by an external provider to authorising and applicant officers. A copy of the slides can be found in appendix ##.
- 2.6 It is proposed that refresher training will be carried out by June 2023.

### **3 Reasons for Recommendation**

- 3.1 The RIPA policy has been reviewed to ensure it remains fit for purpose and it is concluded that the existing version is satisfactory and up to date with current legislation and best practise.
- 3.2 There have been no uses of the RIPA authorisation process to report to Members.

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

- 4.1 There are no alternatives to be considered.

#### **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	RIPA Policy
2	Training slides
<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)	
<b>None</b>	