

**North East Derbyshire District Council**

**Standards Committee**

**28th February 2024**

**Review of RIPA Policy**

**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**

This report is part of the annual review of the Policy, a report on the use of the policy over the last year and an outline of the training to be provided to Authorising Officers and the applying officers in the next year.

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**RECOMMENDATIONS**

1. To approve the RIPA policy as amended.
2. To receive the update on training, the statistics and a likely inspection.

**IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

There may be a cost to training but the real threat in finance terms is not following the procedure where required and a fine being imposed.

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

**Staffing:** Yes  No

**Details:**

None. This is part of the role of the Monitoring Officer and enforcement officers.

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 - £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 directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</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"/>	Yes  Details:

**Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.**

This is about complying with statutory requirements for covert surveillance by enforcement officers of the Council. It is therefore covered by "A great place to access good public services"

**REPORT DETAILS**

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

- 1.1 This is the regular report on the review of the Regulation of Investigatory Powers Act Policy (RIPA) Policy and related matters. Under the Committee's terms of reference it is for Standards Committee to consider the report and approve any changes to the Policy
- 1.2 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.
- 1.3 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 December 2022. 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 in the past. The last inspection was in 2022. This was necessarily brief as the effects of the Covid Pandemic were still being felt. The outcome of the Inspection was overall very positive.
- 2.2 Inspections are now carried out by the Investigatory Powers Commissioner's Office (IPCO). Inspections of local authorities are scheduled for every three years, and so it is likely that there will be an inspection this year.

### **Authorisations**

- 2.3 There have been no applications in the last year. This has been confirmed by the Authorising Officers (the Managing Director and Head of Paid Service, the Director of Growth and Assets and the Director of Finance and Resources and the Section 151 Officer). Most enforcement carried out by enforcement officers in the Council is overt and therefore outside RIPA.

### **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 last carried out by an external provider to Authorising and Applicant Officers in 2022. Training is therefore due for all potentially involved in the process. Therefore, refresher training will be carried out in 2024.

### **IPCO**

2.4 As is the practice with breaches of the Data Protection rules, there is a requirement to report to IPCO any potential breaches of the RIPA rules or the Council's RIPA policy. I am not aware of any.

2.5 There is a requirement to report to IPCO once a year on the use of Covert surveillance and CHIS as covered by RIPA. This was completed in January 2024 with a nil return.

### **Use of drone in enforcement investigations**

2.6 This is a developing area of potential use of drones, which officers are considering at the moment in terms of RIPA. A further report will be presented to Members when this work is complete and changes to the RIPA policy proposed if appropriate.

### **Non RIPA authorisations**

2.6 None have been submitted in the last year.

### **RIPA pages**

2.7 A new Extranet is being developed using Teams. This is not ready yet. Once it is, a new RIPA page will be developed with links to the Home Office guidance.

2.8 Similarly, the RIPA page on the website will also be reviewed to ensure it is up to date.

## **3 Reasons for Recommendation**

### **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. As part of monitoring the use of RIPA, Members should be kept up to date with its use and therefore able to monitor its use.

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

4.1 There are no alternatives to consider.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
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1	RIPA Policy
<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>	