

**North East Derbyshire District Council**

**Standards Committee**

**7th May 2025**

**Annual 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**

To report the outcome of the annual review of the RIPA Policy and Procedure.

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**RECOMMENDATIONS**

1. That subject to Members' comments and relevant officers' comments, the RIPA policy is approved.
2. That Members note the guidance on the use of Social Media, the forthcoming training for Authorising Officers and applicants and the last inspection report from 2022.
3. That delegated authority is given to the Assistant Director of Governance to amend the Policy following any comments received from Members or Officers.

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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:**

It is a requirement to have such a Policy and the Register that goes with it. However like many Councils, this Council hasn't used the procedure for many years.

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>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</b> <input type="checkbox"/> <b>Capital - £310,000</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>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>	Yes, appended.
<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</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: Data Protection Officer and the Joint Assistant Director of Environmental Health.

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

## REPORT DETAILS

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

- 1.1 The Regulation of Investigatory Powers Act (RIPA) and amending legislation covers the public sector's use of the covert surveillance and Covert Human Intelligence Source. It also covers access to a limited amount of communications data. This latter has never been used.
- 1.2 The only purpose for which the powers can be used by a Council are for the prevention or detection of crime where the sanction on conviction would be greater than 6 months. It is not relevant to any kind of overt surveillance or to anything done in relation to administrative matters such as employment matters.
- 1.3 The policy was last reviewed in February 2024 and so is slightly overdue its annual review.
- 1.4 In addition to the Policy, there is attached the guidance on the use of social media in investigations and the last inspection report is attached.

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

- 2.1 Changes made to the policy reflect changes in legislation and oversight. There are no fundamental changes.
- 2.2 The last inspection was carried out by phone in 2022. The Inspector spoke to the then Joint Assistant Director of Governance na Monitoring Officer. As can be seen from the letter, the Inspector was satisfied at that time with the policy and arrangements
- 2.3 Since that date the way an Inspection is carried out has changed. It is now done by means of a survey sent to the Monitoring Officer/ Managing Director for completion. This Council has not as yet received the request for information.
- 2.4 Training is being organised for the Autumn to update and refresh everyone's knowledge in this area. It is likely that this will be joint with Bolsover District Council.

## **3 Reasons for Recommendation**

- 3.1 To ensure there is an up to date policy and procedures in place, should the Council wish to use these investigative tools.

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

- 4.1 There is no alternative to reviewing the Policy.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	The draft RIPA Policy
2	Guidance on the use of social media in investigations
3	2022 Inspection letter
4	EIA Stage 1 screening
<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	