

North East Derbyshire District Council

Standards Committee

2 July 2025

Annual Review of RIPA Policy - further review

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

PURPOSE / SUMMARY

The RIPA Policy was reviewed and approved by Standards Committee in May 2025. However it was recognised at the time that there was some further work to be done. This report gives the outcome of that further work on the RIPA Policy and Procedure.

RECOMMENDATIONS

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

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

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. The Policy is subject to regular reviews by the Investigatory Powers Commissioners Office (IPCO).

On Behalf of the Solicitor to the Council

Staffing: **Yes** ☐ **No** ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None directly

Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Yes, appended. Reviewed in light of further changes
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Data Protection Officer and the Joint Assistant Director of Environmental Health.

Links to Council Plan priorities; <ul style="list-style-type: none"> 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
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 reviewed Policy was approved by Standards Committee in May 2025 subject to some further work required in some parts of the Policy.
- 1.4 The guidance on the use of social media in investigations has been attached as Appendix B.

2. Details of Proposal or Information

- 2.1 Changes made to the policy reflect changes in legislation and oversight of the use of the Powers. There are no fundamental changes.
- 2.2 The further review has allowed for ensuring all references are correct, that the communications data requirements are up to date and that the Social Media Guidance is now attached as an Appendix. All policy and guidance is therefore in one place.
- 2.3 The Council has been subject to an inspection since the last consideration of this policy. This was carried out by survey from IPCO and the results are awaited.
- 2.4 Training is being organised to update and refresh everyone's knowledge in this area. It is likely that this will be joint with Bolsover District Council and before the summer holidays begin.

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

Appendix No	Title
1	The draft RIPA Policy including Guidance on the use of social media in investigations at Appendix B
2	EIA stage 1 screening
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)	
None	