

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**

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.

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.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

As in the report.

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
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 	Not required as an EIA was undertaken with the RIPA Procedure review earlier this year.
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 type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Standards Committee.

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
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

Appendix No	Title
1	IPCO inspection outcome
2	The revised RIPA Corporate Policy and Procedure
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	