

IPCO

Authorisation & Oversight

PO Box 29105, London
SW1V 1ZU

28 July 2025

Lee Hickin
Managing Director
North East Derbyshire District Council
2013 Mill Lane
Wingerworth
Chesterfield
Derbyshire
S42 6NG

By email: lee.hickin@ne-derbyshire.gov.uk

Dear Managing Director,

I am grateful to your Senior Responsible Officer (SRO), Sarah Sternberg, for providing IPCO with your Council's response to the matters identified in my Inspector's letter dated 13 May 2025. The information provided has been reviewed, and my Inspector has concluded the remote inspection of the powers available to North East Derbyshire District Council to authorise directed surveillance and Covert Human Intelligence Sources (CHIS) under the Regulation of Investigatory Powers Act 2000 (RIPA) and Investigatory Powers Act 2016 (IPA).

Although it is recognised your Council has not authorised any directed surveillance or CHIS since the previous inspection, it remains vital to provide regular training, both to maintain preparedness and to ensure staff are able to identify and safeguard against potential unauthorised RIPA activity. A reminder was issued during IPCO's inspection in January 2022 regarding the importance of conducting regular training. It is therefore regrettable to note no such training occurred until June 2025, despite your policy stating, "All Authorising Officers, designated persons and investigating officers should attend at least one session every two years and further sessions as and when required."

My Inspector noted with interest the potential for broader training, including the proposed addition of 'RIPA Awareness' and 'RIPA and Social Media' courses to your online training platform. Whilst it is understood that there may be practical challenges in delivering these initiatives, the absence of wider training and awareness-raising presents a vulnerability. Accordingly, please provide an update on your Council's plans should these training initiatives not be implemented.

Your Council's Regulation of Investigatory Powers Act 2000 Corporate Policy and Procedure sets out an appropriate approach and useful guidance on the management and oversight of covert activity, with notable improvements in the Draft Policy in relation to online covert activity. In addition to the provisions of the current policy, please consider the following feedback when reviewing and updating this:

- Paragraph 2.14.2 could be strengthened by referencing the four key elements of proportionality that must be considered when authorising directed surveillance (paragraph 4.7 of the Covert Surveillance and Property Interference Code of Practice), and the five key elements of proportionality that must be assessed when authorising covert human intelligence sources (paragraph 3.6 of the Covert Human Intelligence Sources Code of Practice).

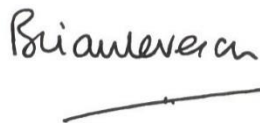
- Section 2.7 relating to the management of confidential and legally privileged material could helpfully be improved with reference to the requirements to notify the Investigatory Powers Commissioner should any such material be obtained and retained for a purpose other than its destruction (see paragraphs 9.35, 9.46 and 9.73 – 9.79 of the Covert Surveillance and Property Interference Code of Practice).

Notwithstanding the points raised above, I am satisfied your response provides your assurance that ongoing compliance with RIPA and the IPA will be maintained. Accordingly, your Council will not be subject to further inspection this year. I would though ask that you ensure the key compliance issues continue to receive the necessary internal governance and oversight through yourself and your SRO: policy refreshes; annual updates to your Elected Members; ongoing training and awareness raising; internal compliance monitoring by lead managers within their business areas; and the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice).

Your Council will be due its next inspection in 2028, but please do not hesitate to contact my Office if you have any queries about this letter or if IPCO can be of assistance in the intervening period.

I shall be grateful if you would acknowledge receipt of this letter within two months and inform me of your plans in relation to the matters identified.

Yours sincerely,



The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner

Freedom of Information Act (FOIA)

Information contained in this document is exempt from disclosure under s.23 of the Freedom of Information Act 2000 (FOIA). If consideration is being given to disclosure of this information through any other avenue, please consult IPCO (at info@ipco.org.uk), before making any disclosure.