

BOLSOVER DISTRICT COUNCIL

Meeting of the Standards Committee on 9th February 2026

RIPA Annual Report

Report of the Director of Governance and Legal Services & Monitoring Officer

Classification	This report is Public
Contact Officer	Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer

PURPOSE/SUMMARY OF REPORT

To provide an update on Regulation of Investigatory Powers Act 2000 (RIPA) applications and application of the RIPA Policy.

To note the Investigatory Powers Commissioner's Office (IPCO) communication to the Council.

To approve changes to the RIPA Policy as recommended by IPCO.

REPORT DETAILS

1. Background

- 1.1 One of Standard Committee's terms of reference is to review the operation of the Council's RIPA policy. This is the policy that determines how officers of the Council may undertake covert surveillance.

2. Details of Proposal or Information

- 2.1 In early 2025 the IPCO undertook an inspection of the Council's arrangements for dealing with covert surveillance. IPCO was satisfied that the Council was complying with its obligation as set out in RIPA and the Investigatory Powers Act 2016.
- 2.2 The IPCO found that the Council's RIPA Policy (approved by Standards Committee in September 2024) was a useful and comprehensive document, however made some suggestions on how certain parts of the policy could be clarified:
- References to the Office for Communications Data Authorisations (OCDA) should be updated after OCDA became part of IPCO in March 2024.

- Section 3 point 3 ("*Merely giving a complainant a diary sheet to note comings and goings will not make that person a CHIS. There must be covert use of the relationship to provide access to, or to disclose information covertly for someone to be a CHIS*") could helpfully be updated to make clear a directed surveillance authorisation may need to be considered in such circumstances. Please see the section, "Tasking not involving relationships" beginning at Paragraph 2.24 of the Covert Human Intelligence Sources Code of Practice and Paragraph 4.32 of the Covert Surveillance and Property Interference Code of Practice for further details.
- Section 3 point 3, "*A test purchaser may not always require authorisation (even though they are a CHIS)*" would benefit from further explanation/clarification as to the circumstances in which it is envisaged a CHIS would not require appropriate authorisation.
- The section "Directed Surveillance and Social Media" correctly sets out key considerations when using the internet as part of investigation or enforcement work, but could be strengthened by detailing how such usage is overseen/monitored/audited to try and mitigate the risk of inadvertent, unauthorised RIPA activity.

2.3 Appendix 1 contains the RIPA policy with a number of the changes as recommended by IPCO. Currently there is no formal monitoring of internet enforcement so further work will be required to explore how this can be achieved.

2.4 In addition, it is important that relevant staff are properly trained. Appropriate training was provided to officers in September 2025 by an external training provider.

2.5 As for RIPA authorisations themselves it is extremely rare for the Council to need to carry out covert surveillance and no applications have been applied for or granted since the Standards Committee considered the use of RIPA last year.

3. Reasons for Recommendation

3.1 To notify Standards Committee of the Council's application of RIPA and to seek approval to make changes to the RIPA policy.

4 Alternative Options and Reasons for Rejection

4.1 Not to approve the changes. This is rejected as the changes are recommended by IPCO. They are mainly for clarification purposes only.

RECOMMENDATION(S)

That Standards Committee

1. Note the content of this report; and
2. Approve the proposed changes to the RIPA policy.

IMPLICATIONS:

<u>Finance and Risk</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details:		
On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details:		
Failure of the Council to adhere to the legal requirements of RIPA could lead to unlawful investigatory activity being undertaken, making the Council vulnerable to complaints, legal challenge and reputational damage and costs. It is important therefore that the policy is regularly reviewed and that officers receive sufficient training which will mitigate the likelihood of this risk occurring.		
On behalf of the Solicitor to the Council		
<u>Staffing</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details:		
On behalf of the Head of Paid Service		
<u>Equality and Diversity, and Consultation</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details:		
<u>Environment</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment		
Details:		

DECISION INFORMATION:

<input checked="" type="checkbox"/> <i>Please indicate which threshold applies:</i>	
Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected:	All <input type="checkbox"/>

If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	

Links to Council Ambition: Customers, Economy, Environment, Housing
Customers

DOCUMENT INFORMATION:

Appendix No	Title
1	RIPA Policy

Background Papers
<i>(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 Executive, you must provide copies of the background papers).</i>