

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

25 June 2018

Report of the Director of Central Services

Part 1- Public

Matters for recommendation to Council

1 INVESTIGATORY POWERS COMMISSIONER'S OFFICE –INSPECTION REPORT- THE REGULATION OF INVESTIGATORY POWERS ACT 2000

1.1 Introduction

1.1.1 In order to ensure that public authorities carry out covert activities in a lawful manner, the Investigatory Powers Commissioner's Office (IPCO) conducts regular reviews of our policies and procedures. IPCO took over the powers and duties of the former Office of Surveillance Commissioners (OSC). On 1 February 2018 His Honour Brian Barker, Assistant Surveillance Commissioner, carried out a telephone- based review of our surveillance practices. Following that telephone discussion, he concluded that a written report could be presented without the need for him to visit our offices. A copy of his report is attached at Annex 1.

1.1.2 The Assistant Surveillance Commissioner noted that the Council does not utilise the powers vested under RIPA frequently, preferring to use overt methods. There had been no uses of directed surveillance since the last inspection in 2014. Regardless of this he recognised that the Council do take their responsibilities under the legislation seriously. He did, however, note that there were a number of opportunities which the Council could take to ensure enforcement officers remained aware of the need for authorisation in specified circumstances, and promote access to resources for those officers. He therefore made a number of recommendations as follows:

- Minor amendments to the Corporate Surveillance Guidance;
- Inclusion on advice on use of social media;
- Updating of officers is a priority and a further training session in the court of the year (this is being arranged with Act Now training- a specialist provider of RIPA training)

1.1.3 The amendments recommended, including specific advice in the Corporate Guidance regarding social media, have been incorporated into the amended Corporate Surveillance Guidance which is attached as Annex 2.

- 1.1.4 In addition, whilst not making a formal recommendation, the Assistant Surveillance Commissioner suggested that a dedicated intranet resource could be set up, containing the corporate guidance, and the former OSC's procedures and guidance document. The intranet resource is now live, and relevant surveillance materials are being added to that page so that enforcement officers and those involved in authorisation have relevant materials easily available.
- 1.1.5 It was also proposed by the Assistant Surveillance Commissioner that information concerning RIPA should be given to new Members as part of induction training.

1.2 Financial and Value for Money Considerations

- 1.2.1 The operation of the surveillance policy has negligible financial impact upon the Council.

1.3 Risk Assessment

- 1.3.1 Authorisations under RIPA provide lawful authority for the Council to carry out covert surveillance, subject to the approval of a Magistrate. Failure to comply with the requirements of the Act may render the enforcement activity unlawful, and lead to the exclusion of evidence obtained through surveillance.

1.4 Policy Considerations

- 1.4.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

2. Recommendation

- 2.1 That the Committee notes the Inspection report of the Assistant Surveillance Commissioner;
- 2.2 That the Committee RECOMMEND to Council that the revised guidance at Annex 2 be approved.

Background papers:

None

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