

TONBRIDGE & MALLING BOROUGH COUNCIL
GENERAL PURPOSES COMMITTEE

09 October 2024

Report of the Director of Central Services & Deputy Chief Executive

Part 1 – Public

Matters for Recommendation to Council

1 THE REGULATION OF INVESTIGATORY POWERS ACT 2000 – REVISIONS TO SURVEILLANCE GUIDANCE

This report asks Members to consider minor changes to the Council's guidance on surveillance.

1.1 Introduction

1.1.1 In order to ensure that the Borough Council is able carry out its enforcement activities in a lawful manner, we conduct regular reviews of our policies and procedures.

1.1.2 As a matter of policy, Tonbridge and Malling Borough Council seeks to carry out enforcement activity by overt means. The result of this is that covert activity is undertaken only as a last resort. For example, when investigating complaints of noise nuisance through the use of a monitoring device, officers will advise the alleged perpetrator of our intention to install noise monitoring equipment.

1.1.3 No use has been made of the covert surveillance powers available to the Borough Council under the Regulation of Investigatory Powers Act 2000 since 2010.

1.1.4 The Council's adopted surveillance guidance was last approved by Members in 2018. A review has therefore been undertaken to ensure that it remains fit for purpose. The proposed changes are minor in nature and reflect changes in staffing, changes to the identity of the supervisory body (now the Investigatory Powers Commissioner) together with updated links to the relevant guidance. No substantive changes are proposed.

1.1.5 A copy of the updated guidance is attached as **Annex 1**.

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.

1.5 Recommendations

- 1.5.1 The Committee is asked to recommend to Council that the revised surveillance guidance at **Annex 1 be APPROVED.**

None

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