

**Manchester City Council  
Report for Resolution**

**Report to:** Executive – 18 October 2017

**Subject:** Annual update on use of Regulation of Investigatory Powers Act 2000 ('RIPA')

**Report of:** City Solicitor

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**Summary**

To advise the Executive on the Council's use of RIPA between 1 July 2016 to 30 June 2017 when the Council has not used covert directed surveillance nor has it used RIPA to obtain communications data.

**Recommendation**

That the Executive note the information relating to the Council's use of RIPA for the period 1 July 2016 to 30 June 2017.

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**Wards Affected:**

All

<b>Manchester Strategy outcomes</b>	<b>Summary of the contribution to the strategy</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Not directly applicable
A highly skilled city: world class and home grown talent sustaining the city's economic success	Not directly applicable
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Not directly applicable
A liveable and low carbon city: a destination of choice to live, visit, work	Not directly applicable
A connected city: world class infrastructure and connectivity to drive growth	Not directly applicable

**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
  - Risk Management
  - Legal Considerations
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**Financial Consequences – Revenue**

None directly.

**Financial Consequences – Capital**

None directly.

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**Contact Officers:**

Liz Treacy  
City Solicitor  
0161 234 3087  
l.treacy@manchester.gov.uk

Ian Mark  
Senior Lawyer  
0161 234 5378  
i.mark@manchester.gov.uk

**Background documents (available for public inspection):**

None

## **1.0 Introduction**

- 1.1 The Regulation of Investigatory Powers Act 2000 ('RIPA') puts a regulatory framework around a range of investigatory powers used by local authorities. This is done to ensure the powers are used lawfully and in a way that is compatible with the European Convention on Human Rights. It also requires, in particular, those authorising the use of covert surveillance techniques to give proper consideration to whether their use is necessary and proportionate.
- 1.2 RIPA legislates for the use by local authorities of covert methods of surveillance and information gathering to assist in the detection and prevention of crime in relation to an authority's core functions. There are three separate investigatory powers available to the Council under RIPA:
- Obtaining communications data – the 'who, when and where' of communications, such as telephone billing or subscriber details. However it does not include the 'what' (i.e. the content of what was said or written).
  - Covert directed surveillance – which includes covert surveillance in public areas (not including residential premises or private vehicles which is never permissible) and CCTV which is likely to result in the obtaining of private information.
  - Use of covert human intelligence sources ('CHIS') – this includes undercover officers, public informants and people making test purchases (relevant in trading standards cases, for example).
- 1.3 The Council's use of RIPA has been subject to regular inspection by the Office of the Surveillance Commissioner ('OSC') in respect of covert surveillance authorisations under RIPA. During these inspections authorisations and procedures are closely scrutinised and relevant Council officers are interviewed by the OSC Inspector. On 1 September 2017, the OSC was abolished by the Investigatory Powers Act 2016. Going forward, the Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.
- 1.4 The Council's RIPA Policy covering the obtaining of communications data, covert directed surveillance and the use of covert human intelligence sources was last revised in July 2016 to incorporate minor revisions recommended by the OSC Inspector during his inspection of the Council on 22 October 2015.
- 1.5 In accordance with the Home Office RIPA Codes of Practice which require local authorities to involve elected members in strategic oversight of RIPA including setting the relevant Policy and considering reports on its use by the Council the Executive is advised that between 1 July 2016 and 30 June 2017 the Council has not used covert directed surveillance nor has it used RIPA to obtain communications data.

## **2.0 Contributing to the Manchester Strategy**

- (a) **A thriving and sustainable city**  
Not directly applicable.
- (b) **A highly skilled city**  
Not directly applicable.
- (c) **A progressive and equitable city**  
Not directly applicable.
- (d) **A liveable and low carbon city**  
Not directly applicable.
- (e) **A connected city**  
Not directly applicable

### 3. **Key Policies and Considerations**

#### (a) **Equal Opportunities**

None

#### (b) **Risk Management**

The Council must ensure that it is fully compliant with the legal requirements set out in RIPA otherwise its use of RIPA may be in breach of the European Convention on Human Rights and the Human Rights Act 1998 and therefore at risk of challenge. This may open up the council to both financial and reputational risk.

As the Council has not used covert directed surveillance nor has it used RIPA to obtain communications data during the period 1 July 2016 and 30 June 2017 there has been no risk to manage.

#### (c) **Legal Considerations**

RIPA provides a legal framework for the Council to use covert methods of surveillance and information gathering to assist in the detection and prevention of crime in relation to an authority's core functions. The legislation ensures that any investigatory activity conducted by the Council is legal, proportionate and necessary.

As the Council has not used covert directed surveillance nor has it used RIPA to obtain communications data during the period 1 July 2016 and 30 June 2017 there has been no requirement to consider the issues of legality, proportionality or necessity.