


**POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE  
REQUEST FOR DECISION**

REF: 023 / 2016  
DATE: 6 December 2016

<b>SUBJECT</b>	<b>NATIONAL COLLABORATION AGREEMENT: PROPERTY AND WIRELESS INTERFERENCE AUTHORISATIONS PURSUANT TO SECTION 93 OF THE POLICE ACT 1997</b>
<b>REPORT BY</b>	<b>CHIEF CONSTABLE</b>
<b>CONTACT OFFICER</b>	<b>D/Supt Guy Collings, Director of Intelligence Tel 01522 558030</b>
<b>EXECUTIVE SUMMARY AND PURPOSE OF REPORT</b>	
<p>The Chief Officers agree that an authorising officer (as defined in section 93(5) of the Police Act 1997) may grant an authorisation, in accordance with the Police Act 1997, to interfere with property on an application made by a member of another police force whose chief officer is a party to this Agreement (a "Collaborative Force"); and an authorising officer may authorise, in accordance with the Police Act 1997, property interference in the area of operation of a collaborative Force.</p>	
<b>RECOMMENDATION</b>	<i>That the CC and PCC sign the national collaborative agreement.</i>

<b>POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE</b>	
I hereby approve the recommendation above, having considered the content of this report.	
<b>Signature:</b> 	<b>Date:</b> 6/12/16

**A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC**

**A1. INTRODUCTION AND BACKGROUND**

- 1.1 The Police Act 1997 (hereafter referred to as the PA97) provides a legal basis and framework for police forces to undertake entry on or interference with property or wireless telegraphy in operations concerning serious crime that would otherwise be unlawful.
- 1.2 The PA97 incorporates a number of safeguards which include a requirement that authorisations are only granted by senior authorising officers. The PA97 also incorporates restrictions regarding the applicant and authorising officer being from the same force area and places geographical restrictions on where some authorising officers can authorise such interference.

- 1.3 Following amendments made by the Policing and Crime Act 2009, for police forces in England and Wales the relevant area is now defined by section 93(6) of the PA97 as the area for which the force is maintained or the area in England and Wales for which a formal collaboration agreement is in place (under section 22A of the PA96).
- 1.4 The Parties believe that criminal investigations which overlap the geographical area of two or more police forces can more efficiently and effectively be discharged by the co-operation and collaboration of those police forces. It is believed that such cooperation and collaboration would be enhanced by utilising the arrangements permissible under section 93 of the PA97.
- 1.5 The Chief Officers and the Policing Bodies have agreed to collaborate with each other in the manner anticipated by section 93 of the PA97 in order to discharge of functions of members of a police force more effectively in accordance with section 22A of the PA96.
- 1.6 This Agreement is made pursuant to section 22A of the PA96 which enables police forces and local policing bodies as defined in the PA96 and other parties to make an agreement about the discharge of functions by officers and staff where it is in the interests of the efficiency or effectiveness of their own and other police force areas. By entering into this Agreement, the Chief Officers have taken account of the statutory guidance for police collaboration published by the Home Office in October 2012 in exercise of the Home Secretary's power under section 23F of the PA96 to provide guidance about collaboration agreements and related matters.
- 1.7 In the event of any conflict of interest between the terms of this Agreement and any regional collaboration agreement between any of the Parties in relation to section 93 of the Police Act 1997, the Parties agree that the terms of this Agreement shall take precedence.

## **A2. LINKS TO POLICE AND CRIME PLAN AND PCC'S STRATEGIES/PRIORITIES**

RIPA applications relate to the acquisition of data or authorisation of activity to combat serious crime and disorder.

## **B. FINANCIAL CONSIDERATIONS**

None beyond existing collaboration provisions.

## **C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS**

*[This should include the legal powers the PCC has for making the decision]*

This proposal is in full accordance with the Police Acts of 1996 and 1997. Human Rights considerations are paramount in each individual RIPA application.

## **D. PERSONNEL AND EQUALITIES ISSUES**

None

**E. REVIEW ARRANGEMENTS**

None

**F. RISK MANAGEMENT**

None

**G. PUBLIC ACCESS TO INFORMATION**

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC's website within one working day of approval. However, if release by that date would compromise the implementation of the decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.






Is the publication of this form to be deferred? No

Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

Is there a part 2 form? Yes

If Yes, for what reason: The Collaboration Agreement is an unredacted version of the agreement and should not be published on the grounds that it could undermine operational tactics.

**ORIGINATING OFFICER DECLARATION**

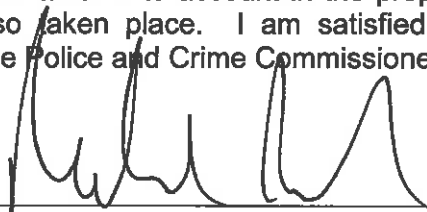
	Initial to confirm
Originating Officer: D/Supt Guy Collings recommends this proposal for the reasons outlined above.	
Financial advice: The PCC's Chief Finance Officer has been consulted on this proposal.	
The CC's Chief Finance Officer has been consulted on this proposal.	
Monitoring Officer: The PCC's Monitoring Officer has been consulted on this proposal	
Chief Constable: The Chief Constable has been consulted on this proposal	

## OFFICER APPROVAL

### **Chief Executive**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.

**Signature:**



**Date:** 5/12/16