

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

REF: 14/2019

DATE: 4 July 2019

**NATIONAL POLICE COLLABORATION AGREEMENT IN RELATION TO  
(A) PROPERTY AND WIRELESS INTERFERENCE AUTHORISATIONS  
PURSUANT TO SECTION 93 OF THE POLICE ACT 1997 AND (B)  
TARGETED EQUIPMENT INTERFERENCE PURSUANT TO INTER ALIA  
S.106 OF THE INVESTIGATORY POWER ACT 2016**

REPORT BY	CHIEF CONSTABLE BILL SKELLY
CONTACT OFFICER	DCC Chris Haward
<b>EXECUTIVE SUMMARY AND PURPOSE OF REPORT</b> To approve the signing of the National Collaboration Agreement regarding Property and Targeted Equipment Interference.	
<b>RECOMMENDATION</b>	<i>The Police and Crime Commissioner approves the National Police Collaboration Agreement in relation to property and targeted equipment interference authorisations, appending his signature to that affect.</i>

**POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE**

I hereby approve the recommendation above, having considered the content of this report.

Signature:  Date: 4/7/19

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

**A1. INTRODUCTION AND BACKGROUND**

1. The Parties to the Collaboration Agreement have previously entered into an agreement in relation to the Police Act 1997 (PA97), dated 26th July 2016, in relation to property and wireless interference (the "2016 Agreement"). With the implementation of the Investigatory Powers Act 2016 (IPA16) in relation to Targeted Equipment Interference, the parties wish to terminate the 2016 Agreement in accordance with clause 7 of its terms and enter into a further Agreement to facilitate collaboration between the parties in relation to both PA97 and IPA16.

1.2 In relation to the PA97:

- 1.2.3. The PA97 provides a legal basis and framework for police forces to undertake entry on or interference with property in operations concerning serious crime that would otherwise be unlawful;
  - 1.2.4. 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; and
  - 1.2.5. 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).
- 1.3 In relation to the IPA16:
  - 1.3.3. The IPA16 provides a legal basis for police forces to undertake Targeted Equipment Interference that would otherwise be unlawful;
  - 1.3.4. The IPA16 incorporates a number of safeguards which include a requirement that warrants for Targeted Equipment Interference are only to be granted by Law Enforcement Chiefs on the request of appropriate Law Enforcement Officers and save in cases of urgent need, with the approval of a Judicial Commissioner; and
  - 1.3.5. The IPA16 incorporates restrictions regarding the Law Enforcement Officer and the Law Enforcement Chiefs being from the same force area and imposes geographical restrictions to require a connection to the British Islands for specified Law Enforcement Officers to grant a warrant for Targeted Equipment Interference;
- 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 co-operation and collaboration would be enhanced by utilising the arrangements permissible under (i) section 93 of the PA97 and (ii) *inter alia* section 106 and schedule 6 of the IPA16.
- 1.5 The Chief Officers and the Policing Bodies have agreed to collaborate with each other in the manner anticipated by (i) section 93 of the PA97 and (ii) *inter alia* section 106 and schedule 6 of the IPA16 in order to discharge of functions of members of a police force more effectively in accordance with section 22A of the PA96.
- 1.6 The 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 area. By entering into the 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 the Agreement and any regional collaboration agreement between any of the Parties in relation to (i) section 93 of the PA97 and (ii) *inter alia* section 106 and schedule 6 of the IPA16, the Parties agree that the terms of this Agreement shall take precedence.

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

The Agreement links to the Police and Crime Commissioner's objective of reducing crime, within the Police and Crime Plan.

## **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]*

The Agreement is in full accordance with the Police Acts of 1996 and 1997 and the Investigatory Powers Act 2016.

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

*[This should include a copy of the Equality Impact Assessment, if required]*

None.

## **E. REVIEW ARRANGEMENTS**

The Agreement will be reviewed by the National Police Chiefs' Council or such other third party organisation as the Chief Officers agree on a date no later than three years after the Effective Date and thereafter on at least three yearly intervals in order to establish whether any amendments are required to any of the terms contained in the Agreement.

## **F. RISK MANAGEMENT**

The Agreement does not amend or alter the terms of any existing collaboration agreement or information sharing agreement to which any of the Chief Officers are a signatory. Each Chief Officer remains the data controller for any personal data recorded on any information systems under their control. A Chief Officer receiving a Freedom of Information Act 2000 request will be responsible for handling and responding to that request and with any compliance requirements under the FOIA.

**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

**If Yes, for what reason:**

**Until what date:**






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.

**DECLARATIONS**

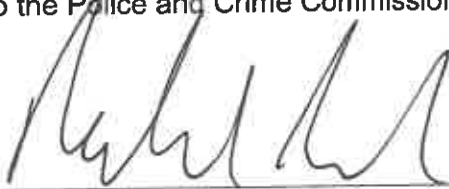
	Initial to confirm
Originating Officer: [INSERT NAME] recommends this proposal for the reasons outlined above	
The CC’s Chief Finance Officer has been consulted on this proposal	
The Chief Constable has been consulted on this proposal	
The PCC’s Chief Finance Officer has been consulted on this proposal	
The PCC’s Monitoring Officer 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:** 3/7/19

