

DMPC Decision – PCD 1184

Title: MPS Police Equipment for Ukraine

Executive Summary:

The Home Office have approved a UK shipment to Ukraine of police equipment that is no longer suitable for operational use. This is being co-ordinated by the National Police Co-ordination Centre (NPoCC) and every police force in the UK, including the MPS, has signed up to provide unused equipment.

As the MPS equipment is owned by MOPAC this decision is to obtain MOPAC approval for the MPS to donate as part of the wider UK policing response.

Recommendation:

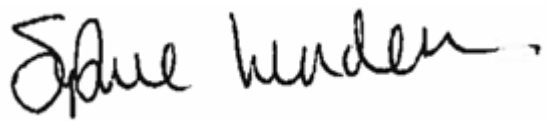
The Deputy Mayor for Policing and Crime is recommended to approve the donation of MPS police equipment that is no longer suitable for operational use to Ukraine as part of the wider UK policing response.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature



Date 21/04/2022

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. The Home Office have approved a UK shipment to Ukraine of police equipment that is no longer suitable for operational use.
- 1.2. The equipment concerned will include:
 - Ballistic helmets
 - Ballistic body armour
 - Fire retardant overalls
- 1.3. This shipment is being co-ordinated by the National Police Co-ordination Centre (NPoCC) and every police force in the UK has signed up to provide unused equipment.
- 1.4. Forces are collating their equipment and have been given a deadline of Thursday 14th April to transport their kit to Kent ahead of shipping.
- 1.5. The equipment donated would only be that which is at the end of its life and would otherwise have been destroyed. A robust quality assurance process will be put in place to ensure that equipment donated is not reusable.
- 1.6. All logos and labels that mention the MPS will be removed, so the equipment sent will be completely unbranded.
- 1.7. The MPS is requesting to delay the publication of this decision until after the convoy has arrived. This is to protect the integrity and security of the convoy during its journey.

2. Issues for consideration

- 2.1. As the MPS equipment is owned by MOPAC this decision is to obtain MOPAC approval for the MPS to donate.

3. Financial Comments

- 3.1. There are not anticipated to be any significant financial implications or savings to either the MPS or MOPAC. The equipment being donated is at the end of its life and would have otherwise have been destroyed. DHL have volunteered to assist with any logistics required (such as transporting the items to Kent) for free.
- 3.2. The items of equipment concerned are part of a wider contract with DHL. This donation of equipment has been agreed with DHL and there are no commercial issues arising.

4. Legal Comments

Decision making power / delegations: Under Paragraph 7 to Schedule 3 of the Police Reform and Social Responsibility Act 2011, MOPAC may do anything which is calculated to facilitate, or is conducive or incidental to, the functions of the exercise of the Office. That includes the acquiring or disposing of property.

Section 4.1 of the MOPAC Scheme of Delegations confirms the Mayor has delegated all functions of MOPAC to the DMPC, with the exception of those functions that cannot be delegated. Section 4.2 confirms that functions, including those listed at Section 4.8 (Expenditure, Virements etc.) are reserved to DMPC – this includes “all outward donations”. Accordingly, the donation of the life-expired equipment owned by MOPAC is one the Scheme of Delegations provides for DMPC to make.

Warranty / representations: It is noted that the equipment is generally protective / defensive in nature and supported by a Home Office decision around the necessity for the donation to be made (which has not been available for review). We have reviewed an end-user undertaking dated 5 April 2022 completed by the Ukrainian Ambassador to the UK who confirms that the equipment will not be used for any purpose connected with chemical, biological or nuclear weapons, or missile capable of delivering such weapons. The undertaking also contains assurances preventing resale, transfer where there is a suspicion of use for such purposes and that the goods will not be re-sold, re-exported or otherwise transferred to a destination subject to UN, EU, UK, OSCE embargo where that act would be in breach of the terms of that embargo. This helps provide some assurance as to the use of the equipment together with a statement that the “Equipment will be used by officers of the Police Patrol Department as they carry out their duties”.

Given the equipment will be life expired from a MOPAC/policing perspective and has been de-logoed to be totally unbranded, it is advisable (if thought viable) that on making the donation, assurance is given that will be made clear to the Ukrainian Police Service that they need to be satisfied that the equipment is suitable for their uses and MOPAC makes no warranty that it is fit for any purpose or suitable for any use – this would be the ‘ideal’ position. However, we understand from a review of the correspondence, that the urgent, pressing and grave nature of the Ukraine security position means the gaining such a warranty or indemnity from either the Ukrainians, the Home Office or the NPoCC is not considered likely in the timeframe available before despatch would need to occur.

Accordingly, if a warranty/indemnity will not be forthcoming, a risk-based decision may be needed on the likelihood that a legal claim could be brought by the Ukrainians should equipment prove defective or otherwise not fit for purpose. Our instructions are that other England and Wales police forces have taken a risk-based decision to proceed in the circumstances when considering the legal and reputational risks (including from not assisting) and set them in the context of the present situation in Ukraine.

Assurance regarding delivery to the Ukrainian Police Service: Our instructions are that the NPoCC have arrangements in place to ensure the safe delivery of any donated equipment to the correct recipients. MOPAC may wish to be directly assured on this point. Given the sensitivity of these arrangements, the NPoCC should be contacted directly.

5. GDPR and Data Privacy

- 5.1. This donation will not involve any personal data of members of the public being held or used so there are no GDPR implications.

6. Equality Comments

- 6.1. The equipment will be collated from all units in the MPS with access to this specialist equipment, and will be distributed to the Ukraine police service for use by their staff. There are no equality impacts associated with this arrangement and an EIA is not required.

7. Background/supporting papers

- 7.1. None

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? YES

If yes, for what reason: NPoCC, who are coordinating this donation, have requested that nothing is made public until after the convoy has departed in order to ensure security around this is not jeopardised, even inadvertently.

Until what date: 1st May 2022.

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form –NO

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice:

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

Legal Advice:

The MPS legal team has been consulted on the proposal.

✓

Equalities Advice:

Equality and diversity issues are covered in the body of the report.

✓

Commercial Issues

Commercial issues are not applicable.

✓

GDPR/Data Privacy

- GDPR compliance issues are covered in the body of the report.
- A DPIA is not required.

✓

Drafting Officer

Craig James has drafted this report in accordance with MOPAC procedures.

✓

Director/Head of Service:

The Acting Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Chief Executive Officer

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. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature



Date 8/4/2022

