

DMPC Decision – PCD 1338

Title: Metropolitan Police Service (MPS) and National Crime Agency (NCA) Asset Recovery Sharing Agreement

Executive Summary:

The National Crime Agency provides intelligence to the Metropolitan Police Service to tackle crime which can result in the recovery of assets. This paper seeks approval for an agreement between the NCA and MPS to share a some of the receipts the MPS generates to support the NCA intelligence sharing function.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve an agreement to share a proportion of receipts received through MPS Asset Recovery Incentivisation Scheme (ARIS) Cash Forfeitures with the NCA

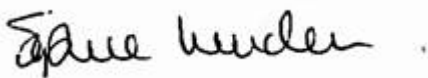
Deputy Mayor for Policing and Crime

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 20/12/2022



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

1. Introduction and background

- 1.1. There is a on-going transfer of intelligence between the National Crime Agency (NCA) and Metropolitan Police Service (MPS) to support tackling crime. Proceedings can result in the confiscation of assets.

2. Issues for consideration

- 2.1. This paper seeks the approval of an agreement between the NCA and MPS to share a proportion of assets recovered in order to support the NCA intelligence gathering and sharing functions. Further detail is contained in the restricted section of this paper.
- 2.2. The MPS report that taking the proceeds of crime away from criminals both reduces the incentive to commit crime, including violent crime motivated by money, and increases the confidence and trust of communities in the effectiveness of the policing response. It helps reduce the attractiveness of a criminal lifestyle and thus protects, particularly socially disadvantaged and vulnerable people from being drawn into crime.

3. Financial Comments

- 3.1. The estimated full year value of the sharing of receipts with NCA is set out in the restricted section of this paper. The MPS assure that this can be funded from within the MPS existing resources.
- 3.2. Further detail is contained in the restricted section of this paper.

4. Legal Comments

- 4.1. Schedule 4 of the Police Reform and Social Responsibility Act 2011 provides the Commissioner can enter into any agreement where it is calculated to facilitate or is incidental to his functions, but MOPAC must give consent.
 - 4(1) The Commissioner of Police of the Metropolis may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Commissioner.
 - (2) That includes—
 - entering into contracts and other agreements (whether legally binding or not), but only with the consent of the Mayor's Office for Policing and Crime;
 - (b) acquiring and disposing of property, apart from land, but only with the consent of the Mayor's Office for Policing and Crime
- 4.2. Under paragraph 4.8 of the MOPAC Scheme of Consent and Delegation the DMPC has authority to approve
 - Business cases for revenue or capital expenditure of £500,000 and above.

5. Commercial Issues

- 5.1. The proposed agreement is expected to be detailed and managed through a Memorandum of Understanding between MPS and NCA. Further detail is contained in the restricted section of this paper.

6. GDPR and Data Privacy

- 6.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 6.2. The MPS assure that the agreement does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

7. Equality Comments

- 7.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. As this paper relates only to an agreement to share cash forfeitures there are no equality or diversity implications.

8. Background/supporting papers

- Appendix 1 MPS Report - Proposal to enter into an agreement to share Asset Recovery Incentivisation receipts with the National Crime Agency

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? NO

If yes, for what reason:

Until what date:

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 – YES

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 covered in the body of the report.

✓

GDPR/Data Privacy

GDPR compliance issues are covered in the body of the report .

✓

Drafting Officer

Alex Anderson has drafted this report in accordance with MOPAC procedures.

✓

Director/Head of Service:

The interim MOPAC Chief Finance Officer and Director of Corporate Services 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 20/12/2022

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Proposal to enter into an agreement to share Asset Recovery Incentivisation receipts with the National Crime Agency

MOPAC Investment Advisory & Monitoring meeting 8th December 2022

Report by Detective Chief Superintendent John Roch on behalf of the Chief of Corporate Services

Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC

EXECUTIVE SUMMARY

An agreement to share a proportion of MPS Asset Recovery Incentivisation Scheme cash forfeiture receipts with the National Crime Agency (NCA).

Recommendations

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

1. Approve an agreement to share a proportion of receipts received through MPS Asset Recovery Incentivisation Scheme (ARIS) Cash Forfeitures with the NCA.

Time sensitivity

A decision is required from the Deputy Mayor by 31/12/2022. This is because the agreement needs to be signed and payments made before end of the FY 2022/23. Budgeting forecasts are required to be made by MPS and NCA.

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime

Introduction and background

1. This report is in relation to the MPS entering into a Memorandum of Understanding, an Asset sharing arrangement with the NCA to share a fixed percentage of MPS cash seizure forfeiture receipts resulting directly from NCA collaboration.

Issues for consideration

2. This information is contained in the restricted section of the report.

Contributes to the MOPAC Police & Crime Plan 2022-25¹

3. Taking the proceeds of crime away from criminals both reduces the incentive to commit crime, including violent crime motivated by money, and increases the confidence and trust of communities in the effectiveness of the policing response. It helps reduce the

¹ [Police and crime plan: a safer city for all Londoners | London City Hall](#)

attractiveness of a criminal lifestyle and thus protects, particularly socially disadvantaged and vulnerable people from being drawn into crime.

Financial, Commercial and Procurement Comments

4. This information is contained in the restricted section of the report.

Legal Comments

5. Schedule 4 of the Police Reform and Social Responsibility Act 2011 provides the Commissioner can enter into any agreement where it is calculated to facilitate or is incidental to his functions, but MOPAC must give consent.
 - a. 4(1) The Commissioner of Police of the Metropolis may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Commissioner.
 - b. (2) That includes—
 - c. (a) entering into contracts and other agreements (whether legally binding or not), but only with the consent of the Mayor's Office for Policing and Crime;
 - d. (b) acquiring and disposing of property, apart from land, but only with the consent of the Mayor's Office for Policing and Crime**

Equality Comments

6. Tackling financial crime in London by seizing criminal assets narrows social and economic inequalities and supports our communities by driving out the incentive to follow a criminal path. This is an agreement to share receipts. The work carried out by the team is controlled by legislation so an EIA does not apply for this proposal.

Privacy Comments

7. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

The agreement does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

Real Estate Implications

8. None.

Environmental Implications

9. None.

Background/supporting papers

10. N/A

Report author: DSU John Roch, Head of Economic Crime, Central Specialist Crime, Frontline Policing - 07884125016

Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:

OFFICIAL-SENSITIVE [COMMERCIAL]

OFFICIAL-SENSITIVE [OPERATIONAL]

OFFICIAL-SENSITIVE [ORGANISATIONAL]

Part 2 of Proposal to enter into an agreement to share Asset Recovery

Incentivisation receipts with the National Crime Agency is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).
 - Data Protection Section 40,
 - Commercial Interest Section 43
 - Legal Professional Privilege Section 42

Any specific future requests for information under FoIA would need to be assessed on a case by case basis. The exemption of the paper to reviewed by the Author in 6 years to asses for sensitive material.