



MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

INTERNATIONAL CRIME COORDINATION CENTRE (ICCC) - Section 22A Collaboration Agreement (NCA / MPS)

MOPAC Investment Advisory & Monitoring meeting 24th January 2023

Report by Evelyn Garantiva 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

In March 2019, the ICCC was established under NPCC governance, to ensure that the 43 police forces in England and Wales were prepared for changes in legislation and access to EU tools after EU Exit. The ICCC is made up of 103 officers, staff and contractors. The ICCC is currently hosted by MPS and use MPS's infrastructure to conduct business.

Since 2021 the NCA, ICCC and Home Office have been working with NPCC International Criminality Portfolio lead ACC Peter Ayling to create the Joint International Crime Centre (JICC) which, will bring together the services and functions of the ICCC and NCA UK International Crime Bureau (UKICB). The ICCC will continue to be hosted by the MPS until it is fully transferred to the NCA on 28th March 2023. Commander Benjamin Russell is the senior sponsor for the JICC within the MPS. This paper was presented by Commander Russell to MPS PIB on 12th December 2022, where it obtained MPS's approval.

A decision is required from MOPAC, to authorise the MPS to enter into a Collaboration Agreement with the NCA under Section 22A of the Police Act 1996.

Recommendations

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

- 1. Approve MPS to enter into a Section 22A Collaboration Agreement with the NCA.**

Further information is contained in the restricted section of the report

Time sensitivity

A decision is required from the Deputy Mayor by **7TH February 2023** as the JICC will not be able to operate lawfully without the Section 22a agreement in place by the scheduled to Go Live on 28th March 2023.

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

Introduction and background

1. In March 2019, the National Police Chiefs Council (NPCC) International Criminality Portfolio, whose current lead is ACC Peter Ayling, created the International Crime Coordination Centre (ICCC) to plan and implement how UK Policing responds to any loss in capability as a result of EU Exit
2. The ICCC is hosted by the Met Police but it is a national resource under NPCC governance. The ICCC is staffed by highly experienced officers and staff from police forces, with embeds from the National Crime Agency and the national Criminal Records Office (ACRO).
3. In 2021, a decision was made to transfer the capabilities established within the ICCC to the NCA to join the UK International Crime Bureau (UKICB) to create a new entity named as the Joint International Crime Centre (JICC). The NPCC and the NCA has been working on the JICC project since that time.
4. The ICCC currently uses MPS's infrastructure and follow its processes to conduct business.

Issues for consideration

5. The JICC was originally planned to Go Live on 1st October 2022. The JICC Strategic Quarterly Board (SQB) decided to postpone the Go live date to 28th March 2023.
6. The decision to postpone the launch of the JICC was made to allow for sufficient time to prepare and obtain approval for the legal documents, including the Section 22A Collaboration Agreement.
7. Since these services are currently provided to the ICCC, the creation of the JICC does not have any operational impact on the MPS. The only impact will be during the project and transition phase as all consideration, planning and implementation will take place to transfer all staff, assets and manage the finances of the new arrangements.
8. Further information is contained in the restricted section of the report.

Contributes to the MOPAC Police & Crime Plan 2022-25¹

9. As the MPS will continue to provide this service to the NCA / JICC, the JICC will continue to contribute to the MOPAC Police & Crime Plan as the ICCC's ultimate objective is to keep communities safe as this agreement provides support to continue to tackle crime with international footprint and also by removing from the country subjects requested on extradition.

Financial, Commercial and Procurement Comments

10. The costs associated with the ICCC until it is transferred to the JICC will continue to be funded by the NCA with no permanent revenue cost to policing. If there are any additional costs these will be met by the NCA.

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

11. Once the Collaboration Agreement come into force, in the event that significant additional expenditure is required in order to enable the MPS to continue to provide this resource to the NCA, the parties will seek to agree payment of an appropriate sum to cover the additional expense

Legal Comments

12. Under Schedule 3 Part 1 of the Crime and Courts Act 013, the NCA and MPS have a duty to co-operate with each other for the purpose of assisting each other in their activities to combat crime. For the purpose of discharging these and any other functions the MPS and NCA may enter into co-operation arrangements with each other, and potentially other UK police forces. These may take the form of formal collaboration agreements or more informal arrangements, such as memoranda of understanding.
13. Under section 3(8)(d) of the Police Reform and Social Accountability Act 2011, MOPAC must hold the Commissioner to account for the effectiveness and efficiency of the Commissioner's arrangements for co-operating with other persons in the exercise of the Commissioner's functions, whether in relation to a formal collaboration agreement under section 22A of the Police Act 1996 or otherwise.
14. Under paragraph 4 of Schedule 4 to the Police Reform and Social Responsibility Act 2011, the Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the MPS, including entering into contracts and other agreements with third parties, whether legally binding or not. However, the Commisisoner may only do so with the consent of MOPAC.
15. Paragraph 4.5 of the MOPAC scheme of delegation and consent provides that the Deputy Mayor has delegated authority to approve a collaboration agreement under s22 Police Act 1996 where the approval of MOPAC is required by that Act.
16. The MPS will exercise its functions in accordance with its relevant legal framework to determine and deliver the most appropriate response in a way which serves the overall public interest, so that the public has confidence in the outcome. It is anticipated that the NCA will do the same.
17. The JICC employs the full range of covert tactics to exploit investigative opportunities, as well as for enforcement purposes.
18. Further information is contained in the restricted section of the report.

Equality Comments

19. An Equality Impact Assessment has been carry out for the JICC project. There are not considered to be negative equality or diversity implications arising from this process, negating the requirement to present any mitigation under the Equality Act 2010.
20. London Anchor Institutions' Charter – The JICC will continue to contribute (in the same manner than the ICCC did) to delivering the London Anchor Institutions' Charter to support our communities by continuing to provide support to front line

officers to respond to international threats and build up international criminality capability within forces.

Privacy Comments

21. 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.
22. 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.
23. A DPIA has been completed for this project. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with GDPR. DPIAs support the accountability principle, as they will ensure the MPS complies with the requirements of GDPR and they demonstrate that appropriate measures have been taken to ensure compliance.
24. The parties will comply with any Management of Police Information (MoPI) requirements in relation to documentation generated as a result of activities undertaken under or in accordance with this s.22A agreement.
25. The NCA is not a public authority for the purposes of the Freedom of Information Act 2000 ("FOIA"). The NCA will not disclose any information in response to a FOIA request. Furthermore, information provided by or relating to the NCA is absolutely exempt from disclosure under section 23 FOIA. Any Freedom of Information Act (FOIA) requests made to the NCA relating to activities falling within this Collaboration Agreement or its schedules will fall within the exemption applicable to the NCA.
26. In relation to any FOIA requests made to the MPS relating to activities falling within this Collaboration Agreement, those will be addressed under the usual FOIA procedures applied by the MPS. Insofar as a FOIA request made to the MPS may relate to or include documentation originating from the NCA, the MPS should consult with the NCA prior to any disclosure.

Real Estate Implications

27. No Implications.

Environmental Implications

28. No environmental implication are expected. In any case, all environmental legal requirements to be met as a minimum. As the Joint International Crime Centre (JICC), is based in London the centre will adhere to the NCA's Environment Policy.

Conflict of Interest

29. Commander Ben Russell confirms that, in undertaking the Senior Sponsor role for this project, there is no conflict of interest on his part arising out of his former work for, or role within, the NCA.

Background/supporting papers

N/A

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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 [OPERATIONAL]

Part 2 of “**Section 22A Collaboration Agreement (NCA / MPS)**” is exempt from publication as this information relates to covert collection operational techniques.

The FOIA exempt this information from disclosure under sections:

- 24- National security
- 31 Law Enforcement

This section of the paper is required to remain considered Sensitive as it refers to operational tactics used by MPS. This position will be reviewed in 3 years time from the date of approval of this paper. The MPS will need to be consulted before any changes on this position.