

## REQUEST FOR DMPC DECISION – PCD 490

**Title:** NPCC - Brexit preparation - Home Office Funding and Lease

### Executive Summary:

The Home Office has agreed to provide funding of £250,000 to the NPCC for contingency planning for Brexit. The NPCC has identified accommodation for the Brexit Safety Net Unit and is requesting approval for MOPAC to take a lease. As MOPAC host the NPCC, this paper requests approval to accept this funding and enter into a lease on behalf of NPCC. There is no financial exposure to MOPAC.

### Recommendation:

The DMPC is requested to approve

1. receipt, on behalf of NPCC, of the 2018 /19 funding of £250,000 provided by the Home Office to develop the policing response to Brexit
2. entering a lease to accommodate the Brexit Safety Net Unit

### 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**

*Sybil Henderson*

**Date** 31/10/2018

## **PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. The MPS host the National Police Chief's Council (NPCC), providing business support services, under a nationally agreed collaboration agreement.
- 1.2. The Home Office asked the NPCC/NCA Brexit Contingency Planning Team to develop proposals for a model to provide policing with mitigations of the potential consequences of "no deal, no implementation period" Brexit. The NPCC Brexit Contingency Planning Team, created the Brexit Safety Net model and Unit which the Government agreed to fund for 2018/19 – see PCD 468.

#### **2. Issues for consideration**

- 2.1. The Brexit Safety Net Unit require accommodation which is not available from within the existing MPS estate. Alternative accommodation has been sourced via a lease until upto December 2020, with a 6 month notice period.
- 2.2. Since the approval of funding for the Brexit Safety Net Unit by the HO, the HO has agreed to provide further funding of £250,000 for the NPCC Brexit Contingency Planning Team, who created the Brexit Safety Net model and Unit. The NPCC is seeking MOPAC approval to accept the HO grant funding.

#### **3. Financial Comments**

- 3.1. The grant funding of £250,000 will contribute to the NPCC costs of the Brexit Contingency Planning Team. There is no financial exposure for MOPAC.
- 3.2. The annual cost of the lease is £266,355, and this will be funded from HO grant funding. Any lease costs not met by the HO grant funding will be funded from the NPCC budget and reserves.

#### **4. Legal Comments**

- 4.1. Under the Police Reform and Social Responsibility Act 2011 police and crime commissioners "must (a) secure the maintenance of the police force for that area, and (b) secure that the police force is efficient and effective".
- 4.2. Under paragraph 4.8 of the MOPAC Scheme of Consent and Delegation the DMPC must approve "Bids for grant funding made and all offers made of grant funding; and/or where appropriate a strategy for grant giving".

- 4.3. Under paragraph 4.16 of the MOPAC Scheme of Consent and Delegation the DMPC must approve "All business cases to acquire or renew a leasehold with a value in excess of £500,000 over the initial lease period or 5 years whichever is the lesser"

**5. GDPR and Data Privacy**

- 5.1. The proposal does not use personally identifiable data of members of the public therefore there are no GDPR issues to be considered.

**6. Equality Comments**

- 6.1. There are no equality implications arising from acceptance of this grant funding or the taking on of the lease.

**7. Background/supporting papers**

- 7.1. NPCC Report

**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 – No

**ORIGINATING OFFICER DECLARATION**

		Tick to confirm statement (✓)
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.		✓
<b>Legal Advice:</b> Legal advice is not required.		✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.		✓
<b>GDPR and Data Privacy</b> A DPIA is not required.		✓
<b>Head of Unit:</b> The MOPAC Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.		✓

**OFFICER APPROVAL****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**

R. Lawrence

**Date**

24/10/18

**REPORT ON BREXIT SAFETY UNIT**

**Report by DAC Richard Martin on behalf of the Deputy Commissioner**

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

**EXECUTIVE SUMMARY**

The NPCC Brexit Contingency Planning Team led by DAC Richard Martin (NPCC – International Criminality Portfolio) have submitted contingency proposals to the Home Office in relation to how UK Policing can respond to any loss in capability post the UK's exit from the EU. These include a 'Safety Net' model that is to be implemented in readiness for exit day. The 'safety net' model will sit under the leadership of NPCC International Criminality Lead DAC Martin.

Funding has been agreed with the Home Office for this financial year and a submission has been made for next year. The Unit will be hosted by the Met Police but will be a national resource under NPCC governance. The setting up of the unit has already started and will be operationally ready on 29<sup>th</sup> March 2019.

A decision is required from MOPAC to

1. To receive, on behalf of NPCC, the £250,000 funding provided by the Home Office to resource the Brexit Contingency Planning Team that is currently assessing the impact of BREXIT for policing and designing the contingency plan to mitigate this impact.
2. To enter a lease agreement, on behalf of NPCC, to occupy an office space to house the Brexit Safety Net Unit.

**Recommendations**

1. The Deputy Mayor for Policing and Crime is asked to approve to receive on behalf of NPCC the £250,000 funding provided by the Home Office to resource the Brexit Contingency Planning Team that is currently assessing the impact of BREXIT for policing and designing the contingency plan to mitigate this impact. And,
2. To enter a lease agreement, on behalf of NPCC, to occupy an office space to house the Brexit Safety Net Unit.

**Time sensitivity**

3. A decision is required from the Deputy Mayor by 29 October 2018. This is because the Brexit 'Safety Net' Unit must be operationally viable by 29th March 2019. To do so, the process to recruit and set in place the infrastructure to create the model have already started and the target day to receive vacant possession of the office is 5<sup>th</sup> November 2019.

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

#### **Introduction and background**

4. The NPCC Brexit Contingency Planning Team led by DAC Richard Martin (NPCC – International Criminality Portfolio) have submitted contingency proposals to the Home Office in relation to how UK Policing can respond to any loss in capability post the UK's exit from the EU. These include a 'Safety Net' model that is to be implemented in readiness for exit day. The 'safety net' model will sit under the leadership of NPCC International Criminality Lead DAC Martin.
5. Funding has been agreed with the Home Office for this financial year and a submission has been made for funding for next year.
6. The Unit will be hosted by the Met Police but will be a national resource under NPCC governance.
7. It will be staffed by officers and staff from police forces, the National Crime Agency and the national Criminal Records Office with a central coordination team and a network of regional single points of contacts (SPOCs) who will advise and help forces to use alternative mechanisms.

#### **Issues for consideration**

8. On a Brexit No deal Scenario, the UK will lose access to European measures, tools and mechanisms.
9. These instruments are used on a daily basis in operational policing and unless the UK can negotiate continued access to them we will no longer be able to use them. Similarly, EU member states will not be able to use them to work with UK law enforcement to help protect their citizens.
10. The loss of one or more of these measures will have significant implications for policing. Frontline officers will be less connected to alerts from EU partners about suspects they encounter and it will be harder to monitor the movements of sex offenders or terrorist suspects if we lose the Schengen Information System II (SIS II).

#### **Decision 1:**

11. The Home Office has confirmed that they have allocated the £500K for 2018/19 to the NPCC / NCA Brexit Contingency Planning Team.
12. The NCA and NPCC has agreed to an equal split of the funds, which will be used to recover the money spent in the current year resourcing the NPCC / NCA Brexit Contingency Planning Team.

## **Decision 2:**

13. The NPCC/NCA Brexit Contingency Planning Team have developed plans to prepare for a no deal, no implementation period Brexit. The proposed model which provides a 'Brexit safety' net will be operational ready for 29<sup>th</sup> March 2019 and has the support of the Home Office, NCA, NPCC and ACRO.
14. On 25<sup>th</sup> September 2018, MOPAC signed the decision to receipt on behalf of the NPCC the funding provided by the Home Office to develop the policing contingency response to mitigate the risks associated with a potential no deal Brexit in March 2019
15. The NPCC has initiated the activities required to stand up the Brexit Unit, such as recruitment and the search for office space to accommodate the unit.
16. Due to the size of the team and the requirements of the unit, it was not possible to find a viable accommodation within the existing MPS estate portfolio.
17. The MPS Property Service Department (PSD) has identified a suitable office space at Old Queen Street, which main lease holder is the NCA. A lease has been negotiated, the terms are:
  - . The Licence Fee is £266,355 per annum
  - a. The lease will commence on 5<sup>th</sup> November 2018
  - b. The lease will end on 23 December 2020
  - c. The notice period is 6 months

## **Contributes to the MOPAC Police & Crime Plan 2017-2021<sup>1</sup>**

18. The policing response to Brexit will contribute to MOPAC Police & Crime Plan as it will mitigate the impact of UK losing access to EU Tools. The plan includes keeping Londoners' safe. Access to mechanisms to share intelligence and evidence with international counterparts is a vital component to keep communities safe. The Brexit 'Safety Unit' will provide support to front line officers to respond to foreign or UK national offenders committing criminality domestically or internationally.

## **Financial, Commercial and Procurement Comments**

19. The policing costs associated with the 'Safety Net' model and the Brexit Contingency Planning Team will be funded by the Home Office with no permanent revenue cost to policing, via a special grant to MOPAC, who will then administer all financial arrangements on behalf of the NPCC.
20. The Home Office has indicated that a single grant agreement will be produced to included:
  - The additional £250,000 funding for the Contingency Planning Team, subject of this paper.
  - The funding previously approved for the Brexit Safety Net Unit. This decision was signed off by MOPAC on 29<sup>th</sup> September 2018 and referenced as PCD 468.
21. The Home Office have thus far, only allocated funding to the 'Safety Net' model for the current financial year. In accordance with a request from HM Treasury, a

<sup>1</sup> Police and crime plan: a safer city for all Londoners | London City Hall

funding request for the 2019/20 financial period has now been submitted to the Home Office.

22. Accommodation costs associated with the proposed lease agreement have been included in both funding bids 2018/19 (already approved by HO) and 2019/20 (submitted and pending approval). It is anticipated that any costs incurred after 1 April 2019 will be covered within the Home Office funding allocation for the 2019-2020 financial year (pending approval).

23. In the event of funding for the 2019-2020 financial period being refused by the Home Office, an obvious area of difficulty will be the question of how the remainder of lease period will be settled. To mitigate this risk, the NPCC have ring fenced monies from the 'Safety Net' funding already granted during the current financial year (2018-2019), to cover this unlikely eventuality. Therefore, even if no funds are allocated to the project during the next financial year, sufficient funding is already in place (taken from the 2018-2019 allocation) to cover any liabilities associated with the lease agreement.

#### **Legal Comments**

24. Under the Police Reform and Social Responsibility Act 2011 police and crime commissioners "must (a) secure the maintenance of the police force for that area, and (b) secure that the police force is efficient and effective". Under paragraph 4.8 of the MOPAC Scheme of Consent and Delegation the DMPC must approve "Bids for grant funding made and all offers made of grant funding; and/or where appropriate a strategy for grant giving".

25. Under paragraph 4.16 of the MOPAC Scheme of Consent and Delegation the DMPC must approve "All business cases to acquire or renew a leasehold with a value in excess of £500,000 over the initial lease period or 5 years whichever is the lesser"

#### **Equality Comments**

26. There are not expected to be any equality implications

#### **Privacy Comments**

27. The proposal does not use personally identifiable data of members of the public and there are therefore no GDPR issues to be considered.

#### **Real Estate Implications**

28. A comprehensive due diligence and negotiations with the NCA was completed. The agreed Licence Fee is less than the passing occupancy costs for the floor, therefore the fees and the terms reflects best value for NPCC occupation.

29. MOPAC will be legally obliged to pay the licence fee of £266,355 pa until the lease expiry date unless MOPAC serve six months' notice to vacate the property. MOPAC will cover any costs resulting from the six months' notice period from the funds ring fenced from those provided by the Home Office via the grant agreement.



This arrangement is described in paragraph 23 (above) and ensures that there is no risk that MOPAC will be required to cover any fiscal liability associated with the lease agreement,

30. There are no dilapidations at the end of the licence period, however MOPAC are to leave the property in a clean and tidy condition.

**Consultation undertaken**

31. PSD has presented the proposal to take on a lease agreement to the MPS Estates Transformation and Design Programme Board

**Risk (including Health and Safety) Implications**

32. Public Safety: Any loss on capability will affect public safety. Developing an effective solution is critical to minimize this risk as threats change, becoming increasingly global, travel becomes easier and the global population continues to move.

**Environmental Implications**

33. No Impact

**Background/supporting papers**

34. None.

Report author: DAC Richard Martin

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

35. There is not Part 2

