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ORIGINATOR: CHIEF EXECUTIVE

DECISION NUMBER: 46-2016

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

**SUBJECT: COLLABORATION AGREEMENTS –
ERSOU, RIPA AND ECTIU**

SUMMARY:

1. At the Eastern Region Alliance Summit on 10 October 2016 the renewal and refresh of the collaboration agreements concerning Eastern Region Special Operations Unit (ERSOU), Regulation of Investigatory Powers Act (RIPA) and Eastern Counter-Terrorism Intelligence Unit (ECTIU) was agreed. Approval is sought for the execution of the collaboration agreements to be undertaken. The parties to the agreements are the Police and Crime Commissioners and Chief Constables for the police areas in the Region (Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk) and Kent.

RECOMMENDATION:

It is recommended that approval be granted to enter into renewed and refreshed collaboration agreements concerning ERSOU, RIPA and ECTIU.

APPROVAL BY: PCC

The recommendation set out above is agreed.

Signature:

Date: 10 October 2016

DETAIL OF THE SUBMISSION

1. INTRODUCTION:

- 1.1 At the Eastern Region Alliance Summit on 10 October 2016 the renewal and refresh of the collaboration agreements concerning ERSOU, RIPA and ECTIU was considered.
- 1.2 In October 2010 the first ERSOU Collaboration Agreement was signed. On 15 December 2011 an Addendum to that Agreement was signed clarifying the RIPA provisions.
- 1.3 The current ERSOU Collaboration Agreement was signed by the Regional Chief Constables and Police & Crime Commissioners on 23rd July 2014; this Agreement formalised the transfer of Lead Force responsibilities from Hertfordshire to Bedfordshire.
- 1.4 The current CTIU Collaboration Agreement was signed by the Regional Chief Constables and Police & Crime Commissioners on 23rd July 2014; this Agreement formalised the transfer of Lead Force responsibilities from Hertfordshire to Bedfordshire.
- 1.5 In April 2015 it was agreed across the Region that Kent Police could join any of the ERSOU capabilities they wished to join. Kent have subsequently given formal notice to the South East Regional Organised Crime Unit that they will be withdrawing from their current Collaboration Agreement as of 31 March 2017.
- 1.6 In November 2015 the Office of Surveillance Commissioners (OSC) inspected Bedfordshire, Hertfordshire & Cambridgeshire in terms of their arrangements for implementation of and compliance with Parts II and III of the Regulation of Investigatory Powers Act 2000 and Part III of the Police Act 1997. In addition the OSC examined the ERSOU Collaboration Agreement with regard to the provisions for cross border covert activity and authorisation.
- 1.7 The OSC commented that the existing Section 22 Agreement for ERSOU contained the necessary agreements enabling cross border authorisations for any investigation across the six constituent forces. Whilst it was clear that the Agreement was not exclusively for ERSOU investigations they recommended that it may now be appropriate to extract that section into its own Agreement.
- 1.8 As a consequence of these matters three new Collaboration Agreements have been circulated for consideration of execution;
 - The ERSOU Agreement has been re-drafted to include Kent Police. This has required only minor changes. The document is similar to that signed in July 2014. The RIPA and Police Act section is no longer included.
 - A new RIPA S22 Agreement has been drafted which incorporates the legislative terms and the operational practices. This document has been scrutinised by the relevant OSC Inspector. He is content that the draft addresses the issues he has raised.
 - A new ECTIU Collaboration Agreement has been drafted to reflect the collaboration of all seven force (i.e. the Region and Kent) CT resources with the regional CTIU to create a single regional CT structure, overseen by Bedfordshire Police as Lead Force.

- 1.9 The draft ERSOU agreement has been reviewed by the legal services teams in all 7 forces and it takes into account and reflects all feedback received. Much of the ECTIU agreement content is in effect a mirror image of the ERSOU agreement.
- 1.10 The ERSOU and RIPA Agreements will '**commence**' on the date of signing which will be 10 October 2016. The ECTIU Agreement reflects and will facilitate new areas of change; the full collaboration of all force counter terrorism and domestic extremism resources into a single command. The '**commencement date**' of the ECTIU Agreement will therefore be **1st April 2017** in order that the necessary HR processes and associated staff consultation can take place

2. FINANCIAL IMPLICATIONS:

- 2.1 There are no financial implications of significance relating to this matter.

3. OTHER IMPLICATIONS AND RISKS:

- 3.1 There are no risks currently appearing on the Risk Register that are engaged by consideration of this paper and no changes are required to be made as a consequence of its consideration.

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	Yes – The Chief Executive and Monitoring Officer has considered the drafts of the three agreements and is satisfied that they may be agreed.
Has the PCC's Chief Finance Officer been consulted?	No
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Not applicable
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes
Has communications advice been sought on areas of likely media interest and how they might be managed?	Not applicable
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

APPROVAL TO SUBMIT TO THE PCC (this approval is required only for submissions to the PCC).

<p>Chief Executive</p> <p>I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.</p> <p>Signature:  Date: 10 October 2016</p>
