

c/o PO BOX 481
Fareham
Hampshire
PO14 9FS

Tel: 02380 478922

Email: npcc.foi.request@cru.pnn.police.uk

03/10/2017

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 198/17 & 258/16

Thank you for your request for information regarding Chief Constables' Council which has now been considered.

Applicant Question:

Please could you send me a copy of the agenda, papers and presentations for the meeting of the Chief Constables' Council that took place on 13 - 14 October 2016 and 25-26 January 2017.

NPCC Response Part 1 of 2 Chief Constables' Council 13 – 14 October 2016:

Following the dissolution of the Association of Police Chief Officers (ACPO), designation under the Freedom of Information Act did not automatically transfer across to the National Police Chiefs' Council (NPCC). The NPCC, as the new coordinating body, should clearly be open to the same level of scrutiny and transparency as its predecessor and it is anticipated that an Order to bring the NPCC under the auspices of FOIA will be forthcoming. This is currently the responsibility of the Cabinet Office and the NPCC is supporting the Cabinet Office in bringing forward the Order.

In the meantime, the NPCC will comply with the spirit of the Freedom of Information Act and will respond to all requests received as if it were still subject to FOIA. Applicants should note, however, that until the formal designation is in place and the legislation is amended to include the NPCC, the Internal Review process will remain in place but there is no legal basis to pursue complaints to the Information Commissioner's Office.

The NPCC would have responded in the following way:

The NPCC does hold information captured by your request.

The agreed minutes of Chief Constables' Council dated 13th and 14th July 2016 form part of the Agenda of October Chief Constables' Council. The open parts of these minutes are available to you publicly as they are published on the NPCC website.

For your convenience, I have kept them in the open session of the minutes for both days rather than engage a S21 exemption as the information is available by other means to avoid bureaucracy.

Section 17 of the Freedom of Information Act 2000 requires the NPCC when refusing to provide information by way of exemption, to provide you with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states why the exemption applies. In accordance with



the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

The closed session of the minutes as well as the agenda, papers and presentations for October's Chief Constables' Council include the following information and I have indicated which exemptions are engaged if relied on:

Section of the Minutes	Title	Release / Withhold
4.1.5	MP Security Update	Incorrectly titled Released in full
4.3.7	Operation Stovewood	Withheld in full
4.3.10	Review of the Authorisation of Officers to carry CEDs	Released in full
9	Recommendation 2 Leadership Review	Released in full
13	Undercover Policing Public Inquiry update	Minor redaction
14	Cyber Crime	Withheld in full
20.1	CT Policing Strategy	Released in full
20.2	Armed Policing Uplift Programme Update	Released in full
20.3	Special Branch Review	Released in full
21	Best use of Stop & Search	Released in full
23.2	Section 60AA Criminal Justice and Public Order Act 1994 – removal of face covering	Released in full
23.3	Pensions	Released in full
24	Any other Business	Minor redaction

The following information forms part of the Day 1 Agenda and I have indicated where exemptions are engaged.

3.1	Action Log	Released in full
3.2	Pre-Charge Bail Verbal Update	Released in full
3.3	Targeting on-line abuse Verbal Update	Released in full
3.4	Progress with Police Dependent's Trust Verbal Update	Released in full
4.1	Chair's Verbal Update	Released in full
4.2	Update on College of Policing September 2016 Professional Committee Meeting	Released in full

4.3 Regional Papers

	Workforce co-ordination committee update	Released in full
	Workforce Futures	Released in full
	Operation Hydrant	Released in full
	Mounted Policing in Public Order	Released in full
	The Curtis Report	Released in full
	Membership & Voting	Released in full
	SPR/NPR Process to Establish National Minimum Capacity Levels	Minor redaction
	Introduction of a replacement Conductive Energy Device for Policing	Withheld in full
	Body Worn Video in Armed Policing + Appendix (this paper is an appendix to above CED paper)	Withheld in full
	MoU with Department for Work & Pensions	Released in full

	National Mutual Aid Telephony	Released in part
	Police Fire Collaboration	Released in full
	Shaping the National Information Management and Operational Requirements' Coordination Committee	Released in full
	Performance Management Framework	Released in full
	Understanding Demand Project Update	Released in full
	Morile Programme Briefing Note	Released in part with minor reaction
	Professional Accreditation on a national basis – civilian investigators	Withheld in full
	Professional Accreditation on a national basis – civilian investigators	Withheld in full
5	Police Reform & Transformation Board	Released in part with minor redaction
6	Specialist Capabilities	Withheld in full
7	College of Policing update on workforce transformation & Appendix	Released in full
8.1	Mental Health Verbal Update	Released in full
8.2	Local Policing	Released in full
9	Digital Evidence Transfer	Released in part
9.2	Presentation by Nick Folland, CPS	Released in full
10	Discussion led by Julia Mulligan	Released in full
11.1	Policing Technology Landscape Review	Withheld in full

11.2	ESMCP	Withheld in part
------	-------	------------------

Day 2 Agenda

12	Policing Reform Verbal Presentation	Released in full
13.1	UCPI Verbal Update	Released in full
13.2	UCPI & NPOIU	Withheld in part
14	CT Operational Verbal Update	Released in full
15.1	DRR 3 Update	Withheld in full
15.2	Special Branch Review	Released in full
16	Modern Slavery	Withheld in full
17	Brexit & Policing Verbal Update	Released in full
18	NPCC 2016/17 Delivery Plan	Withheld in part

The following presentations are all captured by your request and I have indicated where exemptions are engaged if relied on:

01	CCC Presentation re pay	Released in full
02	College Workforce Update	Released in full
03	Chief Council Oct 16	Released in full
04	NPCC Local Policing	Released in full
05	Mark Folland CPS	Released in full
06	NPCC Policing Technology Landscape (Agenda 11.1)	Withheld in full
07	CCC Presentation October – ESN	Withheld in full
08	CT Op Update AC Rowley (Agenda 14)	Withheld in full

I have engaged the following exemptions to parts of the information captured by your request by virtue of S22(1)(a) For Future Publication, S31(1)(a)(b) Law Enforcement, S23 Information Supplied by, or Concerning, Certain Security Bodies, Section 24(1) National Security and S43(2) Commercial Interests.

Section 22 Information Intended for Future Publication

(1) Information is exempt information if-

(a) The information is held by the public authority with a view to its publication, by the authority or by any other person, at some future date (whether determined or not).

The provisions of Section 22(1) confer a qualified exemption from our duty to release information, subject to the balance of the public interest in regards to whether or not the public interest favours releasing or withholding that information.

The exemption was designed to cover circumstances when it is reasonable and correct for public authorities to delay the provision of information until it is made generally available through publication. For the exemption to be engaged, a decision must have been made for that specific information to be published at a future for that date, and for that decision to have been made before a request for that information was received.

In this case, the document containing information you have been requested, the National Strategy for Police Custody will be published as part of an agreed publication strategy.

The date of publication does not need to be definite for the exemption to apply. It does however have a bearing on whether or not it is reasonable for the information to be withheld until the agreed publication date and on subsequent public interest test considerations.

In terms of whether it is reasonable in all the circumstances to withhold the information until the planned publication takes place, I would argue that the publication of the National Strategy is the appropriate point at which to publish, which is before the end of 2016.

Given the relatively short period of time from now until the expected publication date, I would not consider this to be an unreasonable amount of time to have to wait for the publication to be published.

I am therefore satisfied that this exemption is engaged as we can confirm that there is an agreed intention for the specific information you have requested to be published at a future date and that that decision was made before your request was received by the NPCC.

Section 23 Information Supplied by, or Concerning, Certain Security Bodies

(1) Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).

This is an absolute exemption and there is no requirement for me to consider the public interest.

Section 31 Law Enforcement

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice –

- (a) The prevention or detection of crime
- (b) The apprehension or prosecution of offenders

Disclosure of some of the information would provide tactical and technical information. By disclosing this information it could lead to those intent on committing crime to avoid detection by circumventing current procedure or exploiting current weaknesses in the process. The disclosure of the information would undermine the police service's ability to continue to gather relevant intelligence and ultimately affect any current or possible future investigations. Cybercrime, for example is an increasing threat at both a local and national level and any disclosure that could undermine the police service's ability to investigate and prosecute offenders would be information that we would need to protect. Furthermore, cyber-crime can be linked to terrorism related offences any information that may undermine detecting and investigating terrorism offences would not only adversely affect the UK national security but also any sensitive ongoing operations.

The disclosure of the information would, however, provide further information about open source intelligence and investigations and any challenges posed in this area. This would lead to an informed debate as to whether the police service is appropriately monitoring and tackling cybercrime. The disclosure of further information would add to the public understanding on how these funds are utilised.

It is of the upmost importance to protect any details which may be exploited as a weakness in any current operational procedures or software that the police service uses. To disclose the information would inform the public of how money is spent and whether the expenditure meets the requirements to protect the public from cyber related crimes. However, we would never disclose information that would undermine the law enforcement tactics as this would affect the police service's core function of preventing and detecting crime. The disclosure of the information would assist offenders and therefore we maintain that the specific information is not suitable for disclosure.

Section 24 National Security

(1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

Security of the country is of paramount importance and the police service will not divulge information if to do so could undermine National Security or compromise Law Enforcement. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by extremism, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

Disclosing the use of counter terrorism response capability would provide anyone with criminal intent the advantage of being able to avoid detection and compromise law enforcement tactics which would hinder the prevention or detection of crime. This would impact on police resources, more crime would be committed and individuals placed at risk.

There may be a public interest in revealing this information because it could reassure the public that there are sufficient resource and effective systems in place to ensure that people intent on committing crime are monitored and managed.

However, information withheld identifies areas of risk and requirement for development and improvement which is ongoing. Programme status and risk have been reported as an indication of progress towards the successful completion of objectives. Release of this information would undermine the work already being progressed.

Many criminals are constantly active and astute in their assessment of police capabilities and will capitalise on any information they glean about police and practice. Using any information to compromise policing methods will assist their offending behaviour for example, enabling offenders to engage counter measures against disclosure of surveillance techniques.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. The police service is already held to account by statute, for example the Police and Criminal Evidence Act (PACT) and the Regulation of Investigatory Powers Act (RIPA) and other independent bodies such as Her Majesty's Inspectorate of Constabulary (HMIC), the Independent Police Complaints Commission (IPCC) and the Office of the Surveillance Commissioner (OSC). Our accountability is therefore not enhanced by the release of the information.

It is necessary to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. I have taken into account the FOI Act principles of transparency and accountability and weighted them against the likely prejudice caused by disclosure and in this case, the balance outweighs non-disclosure.

Section 43 Commercial Interests

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The disclosure of the exempt information would provide greater transparency on how the police service spends public money. It would provide greater clarity on the propositions made by the UK police service and what resources will be allocated in order to ensure that the proposals are successfully tendered and completed.

However, bilateral relationships would undoubtedly be damaged by the disclosure of the redacted information. It is important that information is protected which would undermine any such relations as this would not only have an effect on the police service but also any future engagements and proposals the police service may have. The papers concern also the strategic position of the police service in relation to both financial and commercial and operational risk.

Although there is a public interest in understanding how the police service determine whether a service / product is suitable, there is risk of compromise and the trust and confidence between the parties is not in the public interest.

Although there is a public interest and accountability in knowing details of individuals who make decisions on behalf of the police service, the information should not be disclosed where there is a strong possibility that the disclosure would undermine the decision making process. This would

have a direct impact on the processes internally which would affect law enforcement both within the UK and internationally.

There is always a public interest in knowing how the police service allocates finances and the disclosure of this information may undermine the tendering process in securing contracts.

Disclosure of the information would have a negative effect on the relationship of the supplier and individual police forces, as well as the NPCC.

Yours sincerely

Sherry Traquair
Freedom of Information Officer & Decision Maker

www.npcc.police.uk

COMPLAINT RIGHTS

Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.