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01/06/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 136/2022

Thank you for your request for information regarding Chief Constables' Council March 2022; which has now been considered.

Applicant Question:

Please send me the agenda, papers, presentations and minutes of the Chief Constables' Council meeting that took place in March 2022.

NPCC Response:

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.

I have identified where redactions have taken place and in doing so have stated the exemption that applies to each redaction.

I have detailed the exemptions used below in order of S21(1), S22(1) S23(1), S24(1), S31(1), And S43(2).

Please see the legal annex A for further information on the exemptions engaged in respect of your request.

Title	Paper	Exemption
Session 1		
	Agenda	Minor S31 redaction
	Housekeeping	Released in full
(3)	Actions & Decision Log Feb CCC 2022	S23 redactions
(4)	January CCC 2022 Minutes	S23, 24 & S31 redactions

1st Floor, 10 Victoria Street, London SW1H 0NN T 020 7084 8950 F 020 7084 8951



(5)	February CCC 2022 Minutes	S23 redactions
(6)	March CCC 2022 Action Slides	S23 redaction
(7)	Action Log	Minor S31 redaction
(9)	Market Risks	Released in full as separate attachment
(8)	Holding Page	Released in full
(10)	Operation Unity	S24 & S31 redactions
(11)	Critical Incident Reporting Framework	S23 & S31 redactions
(12)	Headline Slide Pack	Released in full
(13)	Regional Feedback Responses	S23 redactions
(14)	UCPI Update & Continued Resourcing for the NPCC UCPI CC Team	S23 redaction
(15)	NPCC NP2IRM Budget Proposal FY 2022-23	Released in full
(16)	NP2IRM Strategic Online Project	S23, S24 & S31 redactions
(17)	Annex	Withheld in full S24 & S31
(18)	National Mobilisation – Tier 3 Mutual Aid – Framework Principles	Released in full
(19)	National Mobilisation Plan for Protestor Removal Trained Officers Proposal	S24 & S31 redactions
(20)	Aviation & NPAS Update – NPCC Aviation NSBCC – 210322	Released in full as separate attachment
Session 2		
(1)	Running Order	Released in full
(2)	HMICFRS Liaison	Released in full
(3)	HOCR	Released in full
(4)	Planning & Professionalising	Released in full
(5)	Information & Insight	Released in full
(6)	Research & Development	Minor S31 redaction
(7)	Publication of 999 Performance Data	Released in full
Session 3		
(1)	Holding Page	Released in full
(2)	Police Science & Technology Strategy	S23 redaction

Session 4		
	College of Policing Update	S21 & S22 Information available to you by other means – released in full for convenience
Session 5		
(1)	Holding page	Released in full
(2)	Police Uplift Programme – Year 3 Planning	Released in full
(2)	College of Policing Update	Released in full
Session 6		
(1)	NLEDS Input & IMORCC Overview Update	S31 & S43 redactions
Session 7		
(1)	Holding Page	Released in full
(2)	Background Reading from Workforce CC & Police Federation – New Mode of Protection	S23 redactions S21 Information available to you by other means – released in full for convenience
Session 8		
(1)	Holding Page Policing Minister	Released in full
Session 9		
	Police Plan of Action on Inclusion & Race	Released in full

Yours sincerely

Sherry Traquair

NPCC 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.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Annex A

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of 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 legislation: Section 21 Information reasonably accessible to the applicant by other means

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
 - a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

S21 is an absolute exemption and there is no requirement to conduct a public interest test.

The legislation: 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 any other person, at some future date (whether determined or not),
 - (b) The information was already held with a view to such publication at the time when the request for information was made, and
 - (c) It is reasonable in all the circumstances that the information should be withheld from disclosure until the data referred to in paragraph (a)

Section 22 is a qualified exemption and as such is subject to a public interest test. This means that I have identified the exemption, considered whether the public interest in not disclosing the information outweigh the public interest test in disclosing the information.

In determining the public interest, I have evaluated the impact of releasing the information against the need for public bodies to exercise their functions. In this case, I have concluded that to release the statistics prior to them being published by the Home Office would be irresponsible on the NPCC's part.

The exemption is aimed at preserving intact all existing law providing access to information. The Freedom of Information Act is not designed to subsume other legal access rights or to give alternative routes to access where existing regimes are already available. The Freedom of Information Act access rights build on, but do not replace previous access rights. Those existing rights, and the separate procedural regimes which are tailored to them, continue in place, and the Freedom of Information Act observes corresponding limits to its role.

There is a general public interest in disclosure and openness to increase public trust in, and engagement with, the police service and government.

The legislation: Section 23 Information supplied by, or concerning, certain security bodies – the legislation:

(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 to consider the public interest test.

Section 24 National Security – the legislation:

(1) Information which does not fall within Section 23(1) is exempt information if exemption from Section 1(1)(b) is required for the purposes of safeguarding national security. Information will not be released if the information, where if to do so, would result in the information potentially being used to help one or more individuals circumvent for criminal and/or other reasons including those that would put at risk national security.

The information would allow individuals to infer the level of ability police forces maintain in regards to safeguarding national security. There is a significant risk that knowledge and understanding of any capabilities that the police have would allow terrorists or individuals to undermine or circumvent the police thereby prejudicing the ability to maintain national security.

Any disclosure under FOI is a disclosure to the world at large, and confirming the use of specialist techniques which the police service deploy in specific circumstances would prejudice law enforcement. This would be damaging and limit operational capabilities as criminals / terrorists would gain a greater understanding of the police's methods and techniques, enabling them to take steps to counter them; and provide an indication to any individual who may be undertaking criminal / terrorist activities that the police service may be aware of their presence and taking counter terrorist measures.

It is understood that the public are entitled to know where their public funds are being spent and a better informed public can take steps to protect themselves.

However, confirming the use of specialist surveillance techniques, capabilities, methodology and resources could render security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

The legislation: 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 this information would enable those with criminal intent to target specific areas of the UK to conduct their criminal or terrorist activities. This would also enable criminals to take measures to counteract the tactical capabilities of police forces.

Disclosure of this information would have the likelihood of identifying specific vulnerabilities, which would ultimately compromise police tactics, operations and future prosecutions. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on law enforcement. Public safety would be put at risk if criminals were able to counteract police tactics. The NPCC is committed to demonstrating proportionality and accountability.

Any information that could impact or undermine ongoing investigations or any future investigations would enable targeted individuals / groups to become tactically aware of the police capabilities. This would help subjects and avoid detection, and inhibit the prevention and detection of crime.

The NPCC will not disclose information which may hinder the effective management of law enforcement or place staff or officers at risk. 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 managing this area of policing, there is a very strong public interest in safeguarding the tactical abilities.

The prevention and detection of crime is the foundation upon which policing is built and the police service have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. Disclosure of information captured by this request could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

Some email addresses are contained within the correspondence and disclosure of direct contact details would enable an individual, intent on committing an offence to make contact with the department, pose as a police officer or member of police staff and try to glean information which would assist in their offending behaviour.

Disclosing information which may place the public at risk, or make it easier for crime to be committed cannot be in the public interest.

Disclosing information which may place the public at risk, or make it easier for crime to be committed cannot be in the public interest.

The police service primary performance indicator is the reduction of crime, and disclosure which has a negative impact on that agenda affects public trust in policing and in this case may make it more difficult to police.

With regard the evidence of harm itself, there is a threshold that requires the predicted issues to be 'more than likely'. In the case of an offender identifying full investigative techniques or gleaning information which would assist in offending behaviour can be difficult to establish and evidence the harm without actually disclosing exempt information. However, the principles are well established in terms of Freedom of Information legislation that to a certain extent the professional opinion of the police must be taken into account.

The legislation: Section S43 Commercial Interests

- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice 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, 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.

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.

Where public funds are being spent, there is a public interest in accountability and justification. In this case, there is an increase in public interest in how Senior Police Officers come together and debate national issues.

S43 protects information which, if disclosed, may adversely affect someone's business interests. The NPCC feel it would be inappropriate on our part to release any information that may adversely affect the business interests of an individual and reputation.