BRITISH TRANSPORT POLICE AUTHORITY

Report to: **Police Authority**

Date: **4th March 2008**

Subject: **Update on progress of Revised PSA**

Sponsor: **Chief Executive & Clerk**

For: **For Decision**

1. PURPOSE OF PAPER

1.1 To update the Authority on the significant changes to the Police Services Agreement.

1.2 To update the Authority on where we are in terms of revoking the existing Police Service Agreements with current PSA holders and the next steps to take.

2. BACKGROUND

2.1 During the course of the last set of arbitrations, the arbitrator made a number of comments about the PSA. In addition, it had become clear that the climate within which policing services are being delivered has changed, with a considerable emphasis on partnership working. Also, the statutory landscape has changed.

2.2 To these ends, a revised PSA has been drafted which seeks:

(i) to address the deficiencies identified by the Arbitrator;

(ii) recognises the new partnership arrangements; and

(iii) remove any residual doubt that the charges going forward can be based on the charging model adopted from time to time by the Authority.

2.3 Any PSA which is entered into by the Authority and an operator has to be in the form of a draft approved by the Secretary of State. To achieve this for the future, detailed discussions have been undertaken with the DfT.

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3. THE NEW DRAFT

3.1 Attached at Appendix 1 is the proposed new form of PSA. This is the document that has been under discussion with the DfT. Counsel has also said that it is suitable for approval. Appendix 2 highlights the changes and gives reasons for them.

3.2 We embarked upon discussions with ATOC very early in the process of redrafting the agreement. Since they made their initial comments, we have not been back to them. The DfT will expect us to have further dialogue, after the draft has been agreed by the Authority. After this dialogue, the draft will be put formally to the Secretary of State for her approval, as the basis for all new agreements.

4. THE EXISTING AGREEMENTS

4.1 The DfT's advice is that all the current PSA's should be terminated, so that the way will be clear to introduce the new form. Operators will not have a choice as to whether to have a PSA, because the Secretary of State has made an Order requiring operators to have an agreement. It will thus be an offence for an operator to continue to provide railway services without an agreement (s.34 of the 2003 Act.)

4.2 4 Year's notice must be given. The Authority's Solicitors are preparing a letter which will be sent to all the current PSA holders giving them notice to terminate their agreements. At the same time, we will explain that a new agreement has been agreed by the Authority and approved by the Secretary of State, for execution, and this is the agreement which will be entered into.

4. FINANCIAL IMPLICATIONS

4.1 None.

5. RISK IMPLICATIONS

5.1 Failure to revise the Authority's current PSA would mean that it is not kept inline with current legislation.

6. DIVERSITY ISSUES

6.1 None.

7. RECOMMENDATIONS

7.1 The Authority is asked to;

(i) note the position;
(ii) approve the draft PSA at Appendix 1 for discussion with ATOC and, subject to the outcome of those discussions;
(iii) authorise the Chief Executive and Clerk to make such other variations as may be appropriate
(iii) seek the Secretary of State's approval;
(iv) confirm that notices to terminate the existing PSA's be served.