

Minutes

Police Authority

Date: Thursday 13 May 2010
Venue: G1 & G2, FHQ, 25 Camden Road,
London NW1 9LN

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Present:

Ms Millie Banerjee, Chairman
Sir David O'Dowd, Deputy Chairman
Mr Lew Adams
Mr Howard Collins
Mr Colin Foxall
Mr Michael Holden
Mr James King
Ms Christine Knights
Suzanne May
Mr Neil Scales
Mrs Wendy Towers
Mr Jeroen Weimar

Apologies:

Mr Ian Dobbs
Mr Robin Gisby

In attendance:

Mr Andrew Trotter, Chief Constable
Mr Paul Crowther, Deputy Chief Constable
Mr David McCall, Assistant Chief Constable Scotland
Mr Alan Pacey, Assistant Chief Constable Territorial Policing
Mr Miles Flood, T/Assistant Chief Constable Protective Services
Ms Linda Scott, HR Director
Mr Peter Zieminski, Chief Superintendent
Mr Andrew Clarke, Interim Head of Finance and Corporate Services

Ms Marie Daniels, Head of Strategic Development
Ms Vanessa Delices, Secretariat Manager

Mr Andrew Figgures, Chief Executive
Mrs Liz Pike, Treasurer
Mrs Samantha Elvy, Research & Policy Manager
Miss Lucy Barrick, Business Support Manager & Minutes

PART I - ITEMS TAKEN IN PUBLIC

29/2010 Welcome and Apologies

Non-Agenda

The Chairman welcomed all to the meeting and gave apologies from Mr Dobbs and Mr Gisby. The Authority was updated that the new Secretary of State for Transport had been announced as Phillip Hammond MP and the Chairman would be writing to him shortly.

The Authority paid tribute to Ms Knights and Suzanne May who were attending their last Authority meeting, having both reached the end of their second terms of appointment. The Chair thanked Ms Knights for her long service to the Authority, particularly remarking on her significant contribution to the human resources field as chair of the Human Resources and Remuneration Committee and her work with the staff associations. The Chairman also expressed her gratitude for the work that Ms Knights had undertaken with the North Eastern Area where she was greatly liked and respected. The Chair thanked Suzanne May for her contribution to the Authority, making particular reference to her energy with which she ensured that the consumer voice was heard on the Authority, thus striking a good balance with other interests. She also thanked Suzanne for her achievement as chair of the Business Review Group which had reviewed the Authority's structure in 2009 and provided the basis for the new business cycle. Furthermore for her contribution as chair of the Olympics Steering Group where she had been successful in aiding the Force in their preparation for the Olympics. Finally the Chairman expressed gratitude for her work on the London Underground Area where she had built good relationships.

The Chair presented BTP shields to both Ms Knights and Suzanne May as a token of the Authority's appreciation.

The Chair noted that Mr Coen had now left BTPA following his time as Interim Chief Executive. The Authority recorded their thanks to Mr Coen for the excellent work that he had carried out helping the Authority to move forward.

It was noted that this was the first Authority meeting for the new Chief Executive Andrew Figgures and the Authority welcomed him. The Chair updated Members that Mr Figgures would now be leading the work on the Arbitration, with Mr Dobbs remaining in an advisory capacity when required.

The Chair welcomed T/Assistant Chief Constable Flood to his first Authority meeting.

A brief update was given on the disputes. It was advised that there had been talks with Arriva at Group level and this had resulted in a stay on arbitration proceedings until 30 June to see if an agreement could be reached. The discussion with Arriva Cross Country regarding their issues had been less positive and talks had been adjourned and would be resumed at the end of the month, although it was noted that no formal action had been taken so far.

30/2010 Minutes of Meeting 11 March 2010

Agenda Item 1

The minutes were approved as an accurate record with one minor amendment to add the words "crime and" to page 7 paragraph 2 after the word impact.

31/2010 Matters Arising

Agenda Item 2

All matters had been discharged or were on the agenda for further discussion.

Agreed

- A copy of the standing orders to be redistributed to all Members

32/2010 Chief Constable's Report

Agenda Item 3

The Chief Constable spoke to his report. He updated that the Force had hit all of its national targets for 2009/10 and the majority of its local targets. It was added that the Quality of Service target was to be

particularly celebrated as this had been a difficult area throughout the year. PCSO sickness was noted as an area that required further attention and was being reviewed. It was noted that the work on the Engaging Police Staff (EPS) Project should help to address this.

The Chief Constable congratulated the HR Team on achieving the recruitment targets as these had been challenging. He noted that these targets would remain challenging as recruitment would be reducing over the next year due to the economic situation. The Authority was also informed that Spring House, the Force's new training centre, had opened following the closure of Tadworth. The Force advised that they were looking at a new way of recruiting officers which may mean moving away from the national process but should be more economical and produce better results for BTP.

Members asked how the target style adopted in Scotland had worked. The Force advised that this had worked well as due to the flexibility it offered it ensured that the targets were always focused on the most relevant areas. The targets also allowed a strong partnership approach with stakeholders.

The Authority congratulated the Force on achieving the targets noting that they had been very stretching.

The Chief Constable advised the Authority that he had given the message to Area Commanders that if a target became redundant in the year, due to success in tackling the issue or any other reason, Areas should focus on the current issues and not chase targets that are no longer relevant as this was not an effective way to work.

The Authority was reminded of the upcoming inquests that BTP would be participating in. The Members were advised that funds had been allocated to cover the costs of these from the underspend in 2009/10.

The Authority was advised that the Flanagan inquest was scheduled to take place from 24 May 2010 for three weeks but could possibly go on for longer. The Force was re-investigating some of the aspects of this case which could potentially delay the inquest and the family and coroner had been made aware of this.

The question was raised as to whether the Authority should see the reports of IPCC investigations relating to BTP. The Chair of the Professional Standards Committee advised that this Committee reviewed

the recommendations of these reports and sat on Gold Groups for IPCC cases where these were deemed necessary. The action was accepted for Mrs Towers to consider how it might be best to update the Authority on the outcome of cases that had IPCC involvement.

The Authority was updated on the cable theft situation. The price of copper had dramatically decreased and in line with this the level of cable theft was starting to level out. The Force was targeting hotspots where cable theft caused the most disruption to the railway. BTP was also working with the local forces and other partners to reduce cable theft.

The Chief Constable noted that the EPS project and Pension Plus implementation had uncovered a number of issues around the confidence of staff and officers in the Force's administrative capability. There would be seminars held with staff to look into these issues further but in the meantime the Chief Constable thanked Ms Scott and Ms Hickman for their work to date, which had included difficult meetings with staff to explain the changes. Ms Scott advised that the Force was being very open with staff to build trust and confidence and ensure that they understood that EPS was a business proposition. The biggest challenge facing the EPS project was how to deal with those who did not voluntarily sign-up. However, from the returns so far an 88% take-up rate had been recorded.

Agreed

- The Chair of the Professional Standards Committee to consider how best to feed in the outcome of IPCC investigations to the Authority.

33/2010 Chief Executive's Report

Agenda Item 4

The Chief Executive updated attendees on recent internal activity relating to Protective Services; which for BTP involved 'level 2' issues, such as Counter Terrorism, Public Order, Civil Contingencies, Critical Incidents and Serious & Organised Crime. In particular he highlighted the need for BTPA to both understand how BTP assessed and resourced its level 2 threat/risk; and to have in place an effective governance framework to allocate resources and scrutinise performance outcomes. To support this work the Chief Executive recommended nominating a BTPA Member lead on Protective Services and to arrange a training session for all Members to develop a general understanding of the issues affecting both BTP, in terms of its operations, and BTPA in relation to strategic planning and oversight.

A substantive report on pensions would come to the July meeting. The Authority would need to find a way to balance the costs and benefits to ensure the long-term resilience of the fund.

The Authority was advised that a freedom of information request had been received by BTP from Network Rail requesting a fully-executable version of the charging model and other information on policing costs for Network Rail.

Agreed

- A member lead for protective services to be nominated.
- A training session on protective services to be arranged for Members.

34/2010 Revenue Budget and Capital Programme 2009/10 Preliminary Outturn

Agenda Item 5

The Force reported its preliminary outturn position as being £424k underspent. It was proposed that this £424k would be added to the contingency reserve with the Authority's approval. This would increase the balance of the contingency reserve to £2.2m. Provisions had also been made of £563k for costs relating to inquests and a further £1,667k for potential claims. The claims provision was higher than previous years because of some significant cases. The figures were all subject to change as the National Audit Office was about to start its audit but it was noted that there should not be any material changes. The London Underground numbers were still subject to scrutiny by the Audit Commission.

A comprehensive report on reserves would be brought to the July meeting which would detail which reserves could be accessed and how they could be dealt with. Some of the reserves which appeared to be large arose because of accounting treatments so could not be used. The distributable reserve had a negative balance due to the Judicial Review costs but once the accounting work had been completed this would be zero.

The Members expressed their concern that they had not yet received a full briefing on the reserves situation. A clear report was requested that explicitly stated what reserves there were and what the status of each was. The report should also give options of how to deal with the reserves and should be supported with expert views from NAO and DfT.

The pension actuary was being consulted regarding the accounting convention for the treatment of the pension deficit. Mr Collins offered his experience in helping to advise on how to deal with the pension deficit.

There had been a small underspend on the capital budget.

Agreed

- A comprehensive paper on the reserves to come to the July meeting sponsored by the Chief Executive and Chief Constable. [Agreed outside of the meeting: The paper to be presented at the Audit Committee on 29 June 2010 prior to coming to the Authority.]
- The preliminary outturn position of an underspend of £424k was noted.
- The sum of £424k would be added to the contingency reserve
- The intention for dealing with the BTPA overspend was noted.

35/2010 BTPA 2009/10 Preliminary Outturn

Agenda Item 6

The overspend of £762k was noted. The overspend related to the costs of the Judicial Review project. It was agreed that the cost of the Authority should be reviewed so that Members were clear of the actual cost to meet their requirements. It was noted that it had previously been agreed to fund the overspend from the reserves.

Agreed

- The Chief Executive to bring a model of the Executive to the Authority designed to meet its requirements for approval in time for the 2011/12 budget discussions.

36/2010 HMIC Police Report Card and Value for Money Profile

Agenda Item 7

This would be the main source of information for interaction with Her Majesty's Inspectorate of Constabulary (HMIC) in the future. The benchmarking proposal was to use the CIPFA return that other forces completed and HMIC had indicated that this was likely to be the tool that they would use for comparison. The Force was looking at its existing data sets to see if all the information currently required was available. A CIPFA colleague was also working with the Force to develop appropriate data sets where they did not currently exist.

The major issue for BTP in relation to this piece of work was the population figure and considering what could be used as a proxy. The suggestion was to use entry and exit figures at stations and rail staff numbers. There was concern that this would not be a valid measure as it would not capture those who entered stations to use the shopping facilities nor the station tenant staff. It was noted that the outcome of this work would usefully feed into the Policing Plan Group.

The Authority noted that as well as using this tool for comparison with external forces it would also be useful for internal comparison between Areas and would allow for the sharing of knowledge and experience.

The Chair summed up the discussion noting that a balance had to be struck between meeting stakeholder expectations for value for money information and the cost associated in gather additional data . However it was essential to progress this work albeit with caution. .

It was agreed that the Force would work closely with the Performance Review Group and then come back to the Authority with a worked up proposal.

Agreed

- The Force would work closely with the Performance Review Group and then come back to the Authority with a worked up proposal

37/2010 Stop and Search Presentation and Discussion

Agenda Item 8

Assistant Chief Constable Pacey gave a presentation to Members on stop and search. The presentation covered the legislation and the various powers. The Members noted that the use of section 44 required authorisation every 28 days from the Home Secretary. The Force advised that its use of section 44 had decreased dramatically with the section 44 authorisation covering a much smaller area than previously. The Force also liaised with local forces in those areas where the power was active for BTP. The reduction in the use of section 44 had been a conscious choice as the Force tried to build trust and confidence in its communities.

The section 44 power may not continue as it had been challenged in the European Court of Human Rights and found to be illegal. The Home

Office had mounted a legal challenge in respect of this meaning that section 44 could still be used currently. However, it was noted that the new Government may choose not to progress the appeal. The Force was represented on a panel which was reviewing what would happen if section 44 did not continue.

For benchmarking purposes on stop and search the Force generally compared itself with the Metropolitan Police Service as 75% of its stop and search activity was in London. BTP did not currently include sanctions other than arrest in its outcome figures but would be including lower level sanctions in future in line with other forces reporting.

Agreed

- Thought to be given to how the Authority monitored stop and search activity at both Group and Full Authority level.
- The Authority to have wider liaison with the APA on stop and search.

38/2010 Audit Committee Minutes

Agenda Item 9

A report from Tribal on payroll would be going to the next Audit Committee. There were some matters of concern in this area but these were being addressed.

It was noted that the synergy between the external and internal plans and previous reports was good.

The first Statement of Internal Control had been developed as part of the Accounts process and all Committee Members had commented on this. The Accounts were in a better position as the contingent liability situation had improved as the grant/loan agreement with the DfT was now in place.

39/2010 Professional Standards Committee Verbal Update

Agenda Item 10

The membership of the Committee had changed following the restructure and there had also been a new Head of PSD appointed.

There had been a trend of an increase of complaints but this had now reversed which was promising to see. There were currently three

supervised investigations by the IPCC, one managed and one independent investigation.

There had been an increase in conduct matters and the Committee was monitoring this. Initial thoughts were that this was a result of the Taylor regulations leading to management advice being recorded where this may not have always been the case. A comprehensive paper reviewing this would be coming to the next meeting.

PART II - ITEMS TAKEN IN PRIVATE

40/2010 Minutes and Matters Arising continued

Agenda Item 11

The minutes were approved. All matters had been discharged.

Signed.....

Chairman