

## Minutes

### Police Authority

**Date:** Thursday 27 January 2011

**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  
Mrs Elizabeth France  
Mr Neil Scales  
Mrs Wendy Towers

### Apologies:

Mr Ian Dobbs  
Mr Robin Gisby  
Mr Michael Holden  
Mr James King  
Mr Jeroen Weimar

### In attendance:

Mr Andrew Trotter, Chief Constable  
Mr Paul Crowther, Deputy Chief Constable  
Mr Paul Beasley, Assistant Chief Constable Protective Services  
Mr David McCall, Assistant Chief Constable Scotland  
Mr Alan Pacey, Assistant Chief Constable Territorial Policing  
Mr Stephen Thomas, Assistant Chief Constable Operations  
Mr Andrew Clarke, Acting Director of Finance and Corporate Services  
Ms Teresa Hickman, Acting HR Director  
Mr Michael Jennings, BTP Finance  
Ms Vanessa Delices, Secretariat Manager

Mr Neil Lalley, Punter Southall (part)

Mr Andrew Figgures, Chief Executive

Mrs Samantha Elvy, Performance Review Manager

Miss Lucy Barrick, Business Manager & Minutes

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## **PART I - ITEMS TAKEN IN PUBLIC**

### **01/2011 Welcome and Apologies**

Non-Agenda

Mr King remained incapacitated and had sent his apologies. However it was noted that he had sent in written comments and remained in regular correspondence with the Executive Team and Chairman. Mr Holden had also been unwell and sent his apologies. Mr Dobbs, Mr Gisby and Mr Weimar sent apologies owing to diary clashes.

### **02/2011 Minutes of Meeting 09 December 2010**

Agenda Item 1

The minutes were approved as an accurate record.

### **03/2011 Matters Arising**

Agenda Item 2

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

### **04/2011 Chief Constable's Report**

Agenda Item 3

1. The Chief Constable updated Members that cable theft remained a problem, with both price and demand for copper consistently increasing. The North Eastern Area hotspots were of particular concern as these had moved away from little used out of the way lines with minimal impact to the East Coast Mainline causing major disruption to train services. More people were being arrested for cable theft offences but this was not having an impact on the number of offences. The Force was working closely with Network Rail as this was a joint issue but it remained a major problem.

2. Mr Collins added that it was also becoming an issue for London Underground now with three delays on the central line in the last three weeks resulting from cable theft. The support from BTP had been good but it did not appear to be a deterrent.

3. The Force responded that it was trying to leverage resources and the aid of other forces. There was also an important role for the industry in ensuring that they protected their assets and reported crimes in a timely fashion. The current annual cost of purely dedicated cable theft

resources was set to be at least £7m and this did not account for opportunity costs. The Authority noted that this issue could not be resolved by BTP alone. The Deputy Chief Constable advised that the appetite for legislative change was not currently there but he would continue to push this with Ministers. BTP was currently working with the Home Office and other affected agencies to find innovative solutions to the problem but these were unlikely to be quick fixes.

4. The Force updated on the issues that had arisen as a result of the bad weather. These included officers raising concerns that their uniforms were not warm enough for the severe weather and new jackets had been ordered. There was a £300k initial outlay for the jackets but the move would save £30k a year. The new jackets were those worn by the Scottish officers that were black but worn with a high-visibility vest. The jackets were shorter than the previous standard issue jackets making it easier for officers to access their equipment.

5. Another issue which had received focus owing to the bad weather was the fleet and the number of 4x4 vehicles. The Force had been trying to simplify its fleet and save money which had included reducing the number of 4x4's that it had currently, as they were expensive and did not fit with the environmental policy. However, the bad weather had demonstrated a necessity for this type of vehicle and the possibility of hybrid 4x4 was being researched, but there was a significant cost element to this.

6. The Chief Constable said that he was very concerned about how people who had been stranded on trains could have been reached had there been a medical emergency or similar situation as there was a significant safety element to consider. Network Rail had accepted this was their responsibility but the Force needed to work with Network Rail in these situations. It was further noted that St Pancras overcrowding had been a problem again with Eurostar delays. The Chief Constable said that he had been pleased with the policing response but that lessons needed to be learned to ensure that this did not happen again. The Authority agreed and noted that no independent report had been completed in relation to the issue which they felt was necessary.

7. The Chief Constable updated the Authority that the 7/7 inquest continued and the public section would soon be coming to an end. The Flanagan inquest was due to start shortly and it was likely that there would be adverse publicity for BTP as they had been heavily criticised by the IPCC for their poor performance in the case.

8. Assistant Chief Constable McCall updated on Scottish issues. The Scottish Justice Minister had made an announcement that the structure of the police and fire services in Scotland would be reviewed. Although it had not been confirmed it was widely believed that this review would result in a single fire service for Scotland. The situation for the police was

less clear but it was understood that the status quo was not considered an option. BTP had not featured in discussion at the present time but it was expected that a further announcement would be made in March after which BTP would be engaged in the discussions. Assistant Chief Constable McCall confirmed that BTP had good contacts within the restructuring team.

### **Agreed**

- The Chair and Mr Foxall to speak with the Chief Constable regarding the St Pancras issue and consider a way forward.

### **05/2011 Chief Executive's Report**

#### Agenda Item 4

1. The McNulty Review of the railways was having a further review of BTP led by Hugh Chaplain. This would build on the original work by Graham Smith. The remit of the additional review was all embracing but focused on costs and took the form of a review of material collected so far and some further interviews. Mr Adams requested that he be invited for interview [*After note: Mr Chaplain was in contact with Mr Adams*]. The Chief Executive said that he would advise Mr Chaplain of this request. .

2. The Chief Executive requested that Members keep him apprised of their BTPA work outside of the committee/group structure. He said he was aware that Members were asked to do more than was ordinarily required and he wanted to ensure that all this was captured.

3. A contract had been signed with Weightmans LLP to work on a new Police Services Agreement (PSA) which would come in from 1 April 2013 following the termination of the current PSAs.

4. The Finance Group had agreed a 0.5% non-consolidated payment for non-EPS staff. The Group had asked the reasons why all of the staff concerned had not moved to EPS. The Force responded that uncertainty about the effects of this move appeared to be the major factor. The Force added that the pay rise had been recommended as there was a particular concern regarding industrial actions from the PCSOs who had not moved to EPS (69 PCSOs in total representing 22% of total PCSOs). The offer had been put to the TSSA who had indicated that they were not happy but no formal response had been received. The Force updated that when EPS had first launched 78% of staff had moved to it this figure now stood at 88%.

The Authority noted that the Voluntary Severance Scheme (VSS) was agreed out of committee.

This report was noted.

### **06/2011 Quarter 3 Finance Reports**

#### Agenda Item 5

1. The Authority asked the Force if lessons had been learned following the capital overspend on the London North Custody Project. The Force

advised that the initial specification for this project had been completed by consultants who had reported that an electricity sub station was not required as the current supply was adequate. As the plans developed the power supplier had advised that a sub station would be required. The location of the sub-station created further difficulties as it was above a London Underground line which added further delays but did not add to the cost. As a result the Force confirmed that it was now in dispute with both the consultants and the main contractor and it was expected that some money would be recovered. The Force advised that they had committed to report back to the next Finance Group on the progress of this issue.

2. The Finance Group confirmed that they had requested a full picture of the major capital projects and not an in-year snapshot.

3. The Chairman asked why a delay in having the charges ready in plenty of time before April 2011 was described as a major risk, as she was not aware of any significant issues. The Chief Executive confirmed that there were not any significant issues and the risk had been reduced.

4. It was agreed that the detail papers that went to the Finance Group would not be included in future as the issues were summarised in the Finance Group Minutes unless the Chairman of the Finance group wished to refer any papers to the full Authority meeting. Additionally, the papers were available on the Members Area of the BTPA website should the Members wish to clarify or explore anything further.

### **Agreed**

- The Finance Group Minutes to be circulated only in future unless the Chairman of the Finance group wished to refer any papers to the full Authority meeting with the background papers available on the Members Area of the website if required.

### **07/2011 Quarter 3 Performance Report**

#### Agenda Item 6

1. There had been a good debate at the Group over the performance dashboard. The Group were clear that they did not want to duplicate things that were covered in other areas. A paper was being put together to explain the fundamental purpose of the dashboard and would be circulated.

2. PDAs had been discussed.. BTP usage had been found to be higher than the national average and a lot of work was going into how usage could be improved including the addition of other functions, network coverage and ease of use. The strategy for the use of PDAs was part of the Futures Programme. The Group had also received an update on the HMIC Report card and value for money (vfm).

3. There was a concern regarding the North Eastern Area performance and the Group had gone through this in detail to understand the issues.

The Group was a useful forum for drilling down into particular areas of performance that raised concerns. However, it was considered important that this should not be a repeat of the Chief Constable's role and should focus on what mattered to the Authority.

4. It was suggested by the Chair that the Group might benefit from an increase in its membership.

### **Agreed**

- A paper explaining the fundamental purpose of the dashboard to be circulated.
- The Chairman to review the membership of the Performance Group with a view to increasing this.
- The Authority approved the proposal set out in section 3.9 for the Executive, in partnership with BTP, to develop a Strategic level performance dashboard which draws together key indicators of business health from across each of the Authority's Committees and Groups. The strategic dashboard to be presented to the full Authority for review and discussion on a quarterly basis.
- That the future role of PDAs is explored in an options paper to be received by the Strategy Group as part of the Futures Programme.

## **08/2011 Pensions Scheme Investment Strategy and Governance**

### Agenda Item 7

1. The paper updated on the discussion that had taken place at the previous meeting. It was proposed to set up a working group to agree the level of contribution necessary to provide the level of benefit agreed. Therefore, it would need to review the various ways that this could be achieved, and the risks attached with each when using current contributions to achieve this. If this could not be achieved then contributions may have to be increased and this was not a desired outcome.

2. One objective of this piece of work was to review the situation with the Trustees to see if they were best placed for the Authority's needs or whether they should be changed. A further key objective was to have greater engagement with the Trustees on the investment strategy going forward.

3. Members asked what the timescale for this work was. Mr Lalley advised that it was proposed that the Group meet in February to consider the options. The next Trustee meeting was in May and the investment strategy would be taken there.

### **Agreed**

- A working group was approved comprising of Mr Foxall, Mr Scales, Mr Collins, Mr Adams, the Chief Executive and the Authority Finance Director to discuss and agree:

- what level of contribution variation is appropriate for the Authority and hence what investment strategy should be proposed to the Trustee; and
  - the most appropriate governance structure for the Fund and for the Authority based on advice received by Punter Southall on the available options.
- The working group to report back to the May meeting with their recommendations for approval before formally engaging with the Trustee on these matters.

## **09/2011 HMIC Interim Report: Police Authority Inspection Programme**

### Agenda Item 8

1. BTPA had not been involved in the inspections that had taken place and such reviews were no longer taking place. . HMIC would now be reviewing police authorities at the same time as they carried out the vfm inspections of police forces.
2. The inspections so far had found particular strengths in authorities around performance scrutiny and community engagement. BTPA compared favourably here. The weaker areas for authorities had been found to be providing strategic direction and identifying and managing risks. On comparison no significant issues for BTPA were identified.
3. In regards to the reporting on police authority spend it was a mixed picture and difficult to compare authorities. However, it was noted that BTPA had additional costs including running its charging model, HMIC, external audit and VAT.

### **Agreed**

- The Authority endorsed the recommendation that the relevant learning points emerging from the HMIC inspection report were fed into the forthcoming annual review of the BTPA business cycle.

## **10/2011 Policing Plan Group Minutes 10.12.10**

### Agenda Item 9

1. The Policing Plan was based on the four strategic aims that had been agreed for the next three year Strategic Plan. PSA holders had been consulted on the draft national plan and a 72% response rate had been received. The main message from the PSA holders had been that they were looking for improved performance at reduced cost. A paper detailing consultation responses was distributed along with a copy of the paper that went to the Policing Plan meeting and copy of the draft national targets (copies in the minute book).
2. The last Policing Plan Group meeting would take place on 21 February and the Policing Plan would be reviewed at the Strategy Group meeting

on 15 March to ensure that both the Strategic Plan and Policing Plan integrated with one another.

3. The Deputy Chief Constable said that the developing Plan was ambitious. It consisted of local and national targets as it had previously and a productivity gain would need to be realised from officers and staff to reach the targets with the financial situation.

4. The CIPFA data showed that the Force was in a favourable position against other forces for the number of officers in support roles but this would be reduced by a further 10% in the coming year. The non-staff budget for BTP was above average for forces and it was noted that a significant proportion of this related to the IT spend. This was largely owing to the fact that BTP was a national force making IT more complex. However, there was target in year one to reduce the non-staff cost by 1.5%.

5. There was an issue around disruption data as this did not currently exist in a usable form for BTP. The Chief Executive had suggested that it may be useful to have a workshop with interested parties to find a suitable way of recording disruption. In the meantime a proxy measure of crimes in disruption areas would be used. Mr Foxall advised that the Office of Rail Regulation (ORR) was doing some work that may provide a dataset.

### **Agreed**

- The ORR work to be explored to see if this would provide a usable disruption dataset.
- The Authority agreed with the direction that the Policing Plan Group was taking in developing the Plan.

### **11/2011 Audit Committee Minutes 16.12.10**

#### Agenda Item 10

1. There had been concerns raised about the Force's performance in relation to freedom of information requests. This was being managed by the use of temporary staff to clear the backlog and arrangements were in place once these staff moved on to ensure that this did not become an issue again.

2. A huge amount of work had taken place on the employee personal files following criticism from the NAO and Tribal on the lack of documentary evidence for pay and allowances. The audit of files by BTP had addressed the documentary issue and importantly had not uncovered any material errors in payments.

3. The key significant issues that needed to be addressed for the NAO audit were payroll and L Area Governance. The Audit Committee would be addressing the L Area governance issue and monitoring the payroll work.



**12/2011 Professional Standards Committee Minutes 25.01.11**

## Agenda Item 11

1. The Committee was monitoring high profile complaints. In terms of the upcoming inquest it was noted that there was another complaint arising from that case. The other high profile case at present was the BTP officer who had been charged with a driving offence following an incident in Liverpool.
2. The remit of the Professional Standards Department (PSD) was significantly increasing under the Futures Programme which was being monitored by the Strategy Group. As a result of this the Committee terms of reference would need to be reviewed.
3. The Committee conducted dip-sampling of completed complaint files before each meeting. The dip-sample now produced limited issues and lessons to be learned and as such the Committee had now decided to alternate the standard dip-sample with a thematic sample focusing on a current issue, such as the local investigation pilot that was taking place. It was felt that this would give better value than continuing with the standard dip-sample at all meetings.
4. The Police Complaints Commissioner Scotland (PCCS) had completed an audit of complaint management and oversight by police boards in Scotland. The Audit Report was very complimentary of the Authority. Thirteen recommendations for police boards included in the draft report many of which the Authority already fulfilled. There were three recommendations that the Authority did not feel were appropriate and comments had been fed back to the PCCS.
5. There were no other significant issues to bring to the Authority's attention.

## **PART II - ITEMS TAKEN IN PRIVATE**

### **13/2011 Minutes and Matters Arising continued**

Agenda Item 12

The minutes were approved as an accurate record. All matters had been discharged or were on the agenda.

### **14/2011 Chief Constable Update Counter Terrorism**

Agenda Item 13

The Chief Constable updated the committee on counter terrorism work.

#### **Agreed**

- A counter terrorism update to be a standing item on future agendas until future notice.
- The Chief Executive to speak with the Chief Executive of the Serious and Organised Crime Agency (SOCA) regarding the NDPB role in relation to armed capability and risk.

### **15/2011 L Area Budget and Contribution to Overheads 2011/12**

Agenda Item 14

1. Mr Collins declared himself conflicted as he was Chief Operating Officer for London Underground as well as a member of the Authority. He stated that he would restrict his role to general comments.

2. The Chief Executive advised that the L Area budget had been reviewed at the Finance Group. The Group had recommended approval of the main budget subject to advice on the other charges that were generated as a result of the charging model. Legal advice had been taken on methods for calculating the additional charges and this suggested that these were reasonable and defensible. The Chief Executive read the appropriate advice to the Authority<sup>1</sup>

3. The other issue was whether this would be acceptable to the National Audit Office (NAO) for audit purposes. It had been agreed that there would be a mid-year review which would be reported to the Finance Group as part of the period six monitoring. The Chief Executive reported that having had a preliminary conversation with the NAO this looked positive.

4. A question was raised as to whether the savings figure was accurate as it was unclear whether the pension costs had been included and as such it needed to be ensured that the savings figure had not been underestimated.

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<sup>1</sup> 20110124 Letter from Weightmans to Andrew Figgures Paragraph 9 RESTRICTED.

5. The Authority agreed that on the basis of the clarification regarding the savings the budget was approved.

**Agreed**

- A budget of £50m was approved on the basis that the savings matter was clarified and this did not change the budget figure.

**16/2011 BTPA Quarterly Strategic Risk Report**

Agenda Item 15

The report was noted.

**17/2011 BTP Quarterly Strategic Risk Report**

Agenda Item 16

The report was noted.

**18/2011 Developing PSA Agreements for 2013**

Agenda Item 17

1. This paper discussed options for a new PSA and charging arrangements from 1 April 2013. The Chief Executive advised that he had taken legal advice in preparing this paper<sup>2</sup> As all the current PSAs had been terminated a new PSA must be developed and approved by the Authority and Secretary of State in time for this date. It was noted that for the Secretary of State to agree a new PSA the operators would need to be in agreement with any new form suggested. Therefore, there was a complexity in that various approvals would need to be gained almost simultaneously.

2. Charging was also important in the development of any new PSA. In particular the post 2013 arrangements needed to be agreed.

3. The PSA and charging work was being monitored and progressed by the Strategy Group.

4. There was discussion about the balance of risk between continuing with the current charging model or a modified version.

5. It was agreed that the first step was to engage the DfT and then the Chief Executive would come back to the Authority with a detailed plan including the risks associated before any consultation with stakeholders took place. An estimate of how individual stakeholders would be affected for the coming years as a result of the charging model would also be developed.

**Agreed**

- The Chief Executive to proceed to take such steps as are necessary to complete the preparation of the draft new form of PSA, liaising with the Secretary of State and relevant officials at

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<sup>2</sup> 20110120 Letter from Weightmans to Andrew Figgures RESTRICTED

the Department for Transport, in order that there is in place in good time before 1 April 2013 a standard form of PSA which has been approved in writing by the Secretary of State under section 33(2) of the 2003 Act.

- The Chief Executive not to consult with stakeholders until the detailed plan and risks have been reviewed by the Authority.
- The Chief Executive to initiate work on the basis that relevant customers will be charged as present up to 31 March 2013 with a caveat that the ratios after 1 April 2013 may change if the charging method changes.
- The Chief Executive to consider how stakeholders are to be charged with effect from 1 April 2013 with least risk, developing a detailed plan, covering scope and timings as agreed by the Authority.

Signed.....

Chairman