

## Minutes

### Police Authority

**Date:** Thursday 22 September 2011

**Venue:** Anderson Barnes Room, BMA House, Upper Woburn Place, London WC1H 1HT

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### Present:

Ms Millie Banerjee, Chairman  
Mr Lew Adams  
Mr Howard Collins  
Mr Colin Foxall  
Mrs Elizabeth France  
Mr David Franks  
Mr Michael Holden  
Mr Neil Scales  
Mrs Wendy Towers  
Mr Jeroen Weimar

### Apologies:

Mr Patrick Butcher  
Mr Anton Valk

### In attendance:

Mr Andrew Trotter, Chief Constable  
Mr Alan Pacey, Assistant Chief Constable  
Mr Stephen Thomas, Assistant Chief Constable  
Ms Teresa Hickman, Acting HR Director  
Mr Simon Hart, Head of Finance  
Mr Paul Brogden, Chief Superintendent  
Mrs Elaine Derrick, Business Support Manager

Mr Andrew Figgures, Chief Executive  
Mrs Liz Pike, Authority Finance Director  
Mrs Samantha Elvy, Performance Review Manager  
Miss Lucy Barrick, Business Manager & Minutes

## **PART I – ITEMS TAKEN IN PUBLIC**

### **61/2011 Welcome and Apologies**

Non-Agenda

1. The Chair announced the appointment of three new industry members to the Authority with effect from 1 September 2011 these were Mr Franks Managing Director New Franchises at Keolis, previously Chief Executive of Stockholm Metro and Managing Director Trains Division National Express who was welcomed to the meeting, Mr Butcher of Network Rail and Mr Valk Chief Executive of Abellio were unable to attend.

2. Thanks to Mr Gisby and Mr Dobbs were recorded for their services to the Authority. Mr Gisby had retired at the end of his third term on 30 June 2011 and Mr Dobbs had resigned as he was moving overseas with effect from 5 September 2011.

### **62/2011 Minutes of Meeting 7 July 2011**

Agenda Item 1

3. The minutes were approved as an accurate record.

### **63/2011 Matters Arising**

Agenda Item 2

4. All matters had been discharged.

### **64/2011 Chief Constable's Report**

Agenda Item 3

5. The Chief Constable thanked BTPA for arranging the Policing Plan Workshop which had been helpful. He announced that BTP had won four awards at the recent National Rail Awards. These awards were both nominated and judged by the industry making them particularly important. There had been some staffing changes in the SCT support team, with Elaine Derrick taking the position of Business Support Manager and Chief Superintendent Brogden moving to Command Support.

6. Performance against the national targets remained challenging but was progressing well. Metal theft remained the major issue and BTP was continuing to push for legislative change. There was strong support from the industry for this approach and the Chief Constable was keen to continue this. Furthermore, media interest in metal theft had been helpful in drawing attention to the issue.

7. Evidence on the economic and societal impact of metal theft could help to further support the argument for legislative change to help tackle the problem. It was noted that a trial of cashless transactions was to take place in the Cumbria area.

8. The Chief Constable described the August public disorder response as outstanding. This was supported by the whole Authority. He noted that the impact of the reduction in senior ranks had been apparent leading to

long shifts for the remaining officers at these ranks in particular. BTP had however kept the railway running in partnership with the industry in this unprecedented situation. There were lessons to be learned both for BTP specifically and nationally for policing, but overall performance had been good.

9. New state of the art equipment had been designed and deployed to tackle level crossing offences. This had been designed by a London South officer and had resulted in an increase in detections and prosecutions.

10. A number of enquiries were taking place following the phone hacking scandal. It was emphasised that the police needed to continue to have a legitimate relationship with the media and this must not be affected by the hacking investigation.

11. The performance in the Scottish Area on the Common Targets was falling below the expected year to date figures. It was noted that Scotland had a low crime level which led to a high level of volatility in the results. Also, that it was traditionally a high performing area meaning that the targets were particularly challenging. However, this had been discussed with the Area Commander and ACC McCall and would be monitored. but there was felt to be no immediate cause for concern.

12. PCSO sickness remained above target. This was due to be reviewed in detail at the Performance Review Group in October. It was reported that PCSO sickness was high across the country with BTP being one of the better performing forces when comparisons were drawn. It was suggested that sickness figures could be presented with the long-term sick days stripped out and presented separately for a clearer picture.

### **Agreed**

- HR to give consideration to the long term sick figures being stripped out of the overall figure for clarity.

### **65/2011 Chief Executive's Report**

#### Agenda Item 4

13. In recent years the BTPA and BTP have made representations to the Home Office and the DfT in relation to a number of legislative anomalies created after the implementation of the Railways and Transport Safety Act 2003. The passage of the Police Reform and Social Responsibility Bill was seen as an opportunity to address these anomalies. The intent was to:

- Put BTP on the same footing as territorial police forces in terms of jurisdiction of its officers and the application of legislation to it.
- Make BTP a responsible authority under the Licensing Act 2003, make them a relevant person for the purposes of making

objections to Temporary Event Notices, and include BTP and BTPA as recipients of funds raised by the late night levy.

- Amend the Firearms Act 1968 with a view to giving BTP officers the same exemption from firearms licensing legislation as officers from other forces (including CNC and SOCA).
- Give BTP the power to apply for Sexual Offences Prevention Orders and Risk of Sexual Harm Orders.
- To simplify the resolution of the ownership of property coming into its possession in accordance with the Police Property Act 1997.
- Address anomalies created by the Policing and Crime Act 2009 in terms of collaboration agreements with Home Office and Scottish police forces.

14. Without an amendment in the Bill BTP would find it extremely difficult and costly to deploy firearms. There were ways to work around this such as becoming a firearms dealer or having individual firearms licences for officers, but the former was not appropriate and the latter far from ideal.

15. All steps taken to try and resolve this issue are documented below.

- The BTPA and BTP submitted a full response on 20 September 2010 to the consultation paper 'Policing in the 21<sup>st</sup> Century Reconnecting the Police and the People'. The thrust of this was to seek jurisdictional responsibilities equal to Home Office and Scottish police forces thereby ensuring that BTP was not excluded from the legislation previously described.
- Home Office/DfT officials briefed in support of the consultation.
- The Chief Executive wrote to the Secretary of State for Transport and Home Secretary on 20 April 2011.
- The Chief Executive together with the Deputy Chief Constable briefed Members in the House of Lords on 4 May 2011 and amendments to achieve the required changes were drafted with the help of the Public Bills Office.
- The amendment was not agreed but Baroness Browning advised that she would speak to her colleagues in the DfT. Baroness Browning consulted her ministerial colleagues in the DfT on the various issues covered by the amendment to consider how they might be progressed.
- Amendment re-tabled 27 June 2011
- Earl Attlee, Theresa Villiers met to discuss the amendment on 18 July 2011. The Chief Constable provided a letter dated 7 July 2011 further explaining all the issues.

- The Chief Executive spoke with Lin Homer on 19 September who advised that she would speak with the Permanent Secretary at the Home Office to see if they could identify a way forward.

16. It was agreed that the Chief Executive would report back on progress at the next meeting. A separate report would be provided by the Chief Constable detailing the chronology of all the actions taken by BTP to resolve the issues raised.

17. A joint BTP and BTPA team had been working on the McNulty Report and would be presenting their report to the Chair who would then take a view on how to bring it to the Authority. It was noted that the AECOM report that went with the McNulty Report contained a number of inaccuracies.

18. The Winsor Review of police officer and staff pay and conditions continued. Part 1 had reported and the recommendations were currently going through arbitration following failed negotiations. The Part 2 call for evidence had just closed and the report was expected in January 2012. The BTPA and BTP responses would be shared with the whole membership.

### **Agreed**

- The Chair and Chief Executive to raise the lack of progress with legislative change at their meeting with Lin Homer on 3 October and report back at the next meeting.
- The Chief Constable to provide a report to the next meeting including a detailed chronology of all the actions taken by BTP to resolve the issues raised.
- The BTPA and BTP Part 2 Winsor responses to be distributed to all Members.

### **66/2011 Pensions Update**

#### Agenda Item 5

19. This report referred to the police staff scheme, which was much smaller and less mature than the officer scheme. The recent valuation of the scheme had reported a surplus.

20. An assumption of RPI plus 1% from July 2013 had been made for future wage inflation this had been reduced from RPI plus 1.5%. This assumed that the investment returns were strong, but the delivery of this would depend on the market. The scheme had benefited significantly from the change from RPI to CPI. Had this change not occurred the outcome would instead have been a small deficit.

21. There was an opportunity to lower the contribution rates as a result of the outcome. These currently stood at 10.05% for the employee and

15.09% for the employer. It was suggested that they could be lowered to 7.98% (employee) and 11.97% (employer). This would produce a saving of around £600k per annum for the employer, and for an employee earning £20k approximately £250 per annum, this would be reduced once the tax element had been taken into account.

22. A list of pros and cons for lowering the contribution rates was reviewed (copy in the minute book). Members agreed that no decision should be taken at the current time as this could be reviewed again at a later meeting. However, had a decision been required, it was considered that the prudent action at the time of the meeting would have been to leave the contribution rates as they were currently owing to the volatility of the markets. In the interim, the valuation was remitted to the Pensions Working Group to review and recommend a way forward.

23. The table at 3.2 which set out the movement from the previous valuation showed a net £9k increase under the heading miscellaneous. The Finance Director advised that she was awaiting confirmation from the actuary as to what this included.

### **Agreed**

- The valuation work was remitted to the Pensions Working Group to review and recommend a way forward to the Authority.
- The Finance Director to advise the Members what the miscellaneous row contains once confirmation received.

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

### **67/2011 Minutes continued**

Agenda Item 6

24. The minutes were approved as an accurate record.

### **68/2011 BTPA Quarterly Strategic Risk Report**

Agenda Item 7

25. The Audit Committee had agreed that the cost risk of a repeat of the public disorder seen in August should not be included in the risk register. There were various issues that could cause a similar problem and the core issue was the scale of the contingency fund and whether this was sufficient.

The report was noted.

### **69/2011 BTP Quarterly Strategic Risk Report**

Agenda Item 8

26. This report was noted.

27. The Chair of the Audit Committee gave a general update of the 20 September Committee meeting. The timetable had been agreed with the NAO for the 2011/12 Accounts. The Accounts were required to be ready earlier than in previous years owing to the whole government accounting process and the early parliamentary recess as a result of the Olympics.

28. The risk tendering work had provided a reduction in insurance premiums. There was an acceptance of higher risk but the balance was good. BTP had decided to self insure in some areas and the Committee had asked that the Force think carefully about their strategy for this.

29. The Management Assurance Return (MAR) had been reviewed. BTPA had spoken with the DfT about the fit of this for BTP(A).

### **70/2011 A Review of the Assumptions Underpinning the Medium Term Financial Plan**

Agenda Item 9

30. The Strategy Group had reviewed this paper at its meeting on 14 September and the minutes of that meeting were still being prepared. The Group had agreed that the assumptions would be discussed at the Authority before being re-presented to the Strategy Group in October then coming back to the Authority in December for approval.

31. The Chief Constable asked that any information requirements be no more than necessary. The Executive would ensure that there were no overlapping requests between groups.

32. All required decisions, numbers and commentary to be clearly displayed in future papers.

**Agreed**

- The Strategy Group to review the assumptions at its October meeting.
- The MTFP to come to the December Authority meeting for approval.
- The Executive to ensure that there are no overlapping requests between groups.

**71/2011 New Version PSA**

Agenda Item 10

The new version PSA was discussed.

Signed.....

Chairman