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British Transport Police Authority

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Report to: Police Authority
Agenda item: 4
Date: 15 December 2011
Subject: Chief Executive Report
Sponsor: Chief Executive
For: Information

1. Purpose of Paper

1.1 The purpose of this report is to summarise the work of the Executive since the last Police Authority meeting to inform Members.

2. PSA and Charging Update

2.1 The Chairman and Chief Executive are to undertake meetings with key Stakeholders during December 2011 and January 2012. Letters have been sent and appointments are in the process of being set up. A number of meetings have taken place with the DfT lawyers and, although subject to Secretary of State approval, the terms of the PSA have been agreed. The DfT have been briefed on the transition to uniform charging using the Matrix model and the implications for PSA holders.

2.2 A full and detailed plan is being implemented for the PSA Charging process for 2011/12. This includes the running of the Matrix Model, a robust verification process and presentations to both the Finance Group and the Authority. Key milestones are the receipt of BTP data by the BTPA on the 16/1/12, the Matrix Model to be run by the 5/3/12, the presentation of charges to the Finance Group on the 16/3/12 and to the Authority on 29/3/12.

3. Progress on Annual Accounts

3.1 A number of meetings have taken place with the Auditors and a separate paper was presented to the Audit Committee on the Audit Risks. These were identified as the relocation of payroll and the propriety and regularity of the unauthorised pension payments made by RPMI and the subsequent re-employment of the staff by BTP.

3.2 The interim audit has commenced and the auditors have looked at the mechanism of charging PSA holders as part of that process.

3.3 The Management Assurance return for the half year to September 2011 was submitted to the DfT in line with the timetable. The NAO have requested to audit our submission, all information requested has been submitted to them and their comments and feedback are awaited.

3.4 At period 9 (ending 2 December 2011), a hard close will be completed to allow us to submit the clear line of sight financial pack to the DfT central Finance team. A test run took place at period 6 to iron out any issues for the new procedures. The test was successful. At period 9, we need to submit the packs to the DfT by 27 January. As there is no Audit meeting in January it was recommended that the Chief Executive as Accounting Officer agrees the pack to be submitted and the members of the Audit Committee have asked to see a copy of the pack before submission.

3.5 The DfT internal auditors have requested to perform an audit on our preparedness for the clear line of sight project which means that our accounts will be consolidated into the whole Governments accounts for the first time. Any issues raised will be cleared before the accounts are submitted in May.

3.6 Meetings have taken place between the Authority FD, BTP's Head of Finance and the DfT, regarding re-imbursement of the costs of Operation Bench. This was agreed on 7 December and the full costs of Operation Bench (£1,6m) will be funded by DfT through Grant in Aid.

4. Pensions Update

4.1 The pensions sub group met on 30 November to review the assumptions and to recommend the future proposed Joint Contribution rate. The minutes are attached and a verbal update will be given by Howard Collins, Chair of the Group.

4.2 Members should be aware that at each of the pensions schemes' Management Committees, it was reported that scheme members of other sections of the Railways Pensions scheme have challenged the CPI pension increase and are claiming that RPI should be used as the pension inflator. The Government announced in 2010 that future pension orders issued under the Pensions (Increase) Act 1971 would refer to increases being based on CPI rather than RPI. The 2011 Order applied a CPI increase and future annual Orders are currently expected to apply CPI. The RPS and BTPSF pension rules are very clear and state that pensions increases used will be based on the pension

order increases. So far, no complaints have been received from our members.

5. Policing Plan Update

5.1 The Chair of the Policing Plan Group will provide a verbal update at the meeting.

6. Northern Rail

6.1 The Chief Executive, Sam Elvy, ACC Pacey and CS Terry Nicholson met Ian Bevan and Barry Graham from Northern Rail on Monday 12 December. The meeting was convened to discuss looking at opportunities for overlaps and adopting an approach to safety and security at Leeds Station.

7. Equality and Welsh Issues Update

7.1 Members will recall from previous Chief Executive's reports that we have been waiting for further clarity on the new 'specific duties' emerging from the Equality Act 2010. To provide context for these changes Members may remember that previous equalities legislation included 'specific duties' which required us to, amongst other things, develop and monitor progress against equality schemes.

7.2 After lengthy delays while the original proposals were rewritten and issued for further consultation; the Government Equalities

Office has now issued good practice guidance[1] in support of the new specific duties. This guidance helpfully identifies what public bodies are no longer required to do which includes;

- Develop equality schemes
- Carry out EIAs
- Prepare equality action plans
- Ask individual members of staff about their age/beliefs/sexual orientation etc – though we can if we want to if we think we need to in order to demonstrate compliance
- Publish separate annual reports on equality

7.3 However, there is a noticeable lack of clarity around what public bodies are actually required to do to respond to these duties, though many suggestions are made as to what bodies might consider doing. This uncertainty has prompted the Association of Police Authorities (APA) to convene a special meeting of its Equality and Diversity Officers' Network on 20th December to explore this issue. BTPA will attend this meeting and will report back to the January Authority meeting on what steps it then proposes to take both in terms of discharging its equality duties as an independent body and in carrying out oversight of BTP's discharging of its own equality duties.

7.4 Members will want to note that BTP is currently refreshing its Welsh Language Scheme and as part of this review has revisited training and support offered for members of the Strategic

[1] Government Equalities Office (Nov 2011) Equality Act 2010: Specific Duties to Support the Equality Duty. What do I Need to Know? A Quick Start Guide for Public Sector Organisations.

Command Team (SCT). Authority Members are reminded of the national reach of BTP and BTPA's work, and while we currently have a Welsh Member lead (appointed following consultation with the welsh Assembly Government) all Members are invited to access the training and/or support offered to SCT should this be of interest to them in carrying out their oversight duties.

8. Regulatory Change

8.1 The move to Police and Crime Commissioners and the Independent Police Complaints Commission (IPCC) 'Stock Take' have led to a requirement on the Home Office to review and amend Police Regulations made by and under sections 84 and 85 of the Police Act 1996[2]. The Authority has a duty to make similar regulations to the provisions made by and under these sections of the Police Act as far as structure and circumstances allow[3].

8.2 Therefore, new regulations mirroring Home Office changes will need to be developed and pass through the process laid down by the Railways Transport Safety Act 2003, culminating in Secretary of State approval. A list of new regulations required and those to be revoked is provided below:

New Regulations:

- BTP (Performance and Conduct) (Amendment) Regulations 2012
- BTP (Complaints and Misconduct) Regulations 2012
- BTP (Complaints and Misconduct) (Scotland) Regulations 2012

[2] Representation at disciplinary proceedings and appeal
[3] Arising from Section 36(2) of the RTSA 2003

Regulations to be revoked:

- BTP (Complaints and Misconduct) Regulations 2008
- BTP (Complaints and Misconduct) (Scotland) Regulations 2008

8.3 The intention is for the new regulations to come into effect on 1 November 2012, coinciding with the introduction of the Home Office Regulations. The progress of this project will be monitored through the Professional Standards Committee; coming to the Authority for sign off before final drafts of the new BTP Regulations are sent to the Secretary of State for approval (expected in May/June 2012). The timescale is dependent on the Home Office laying their regulations before Parliament in March 2012 but should there be slippage by the Home Office the timescales are such that this should not cause any significant issues for BTPA.

9. Beesley Lecture – Rail Reform

9.1 Lucy Barrick attended the Beesley Lecture entitled "An holistic approach to rail: Redefining the role of Government, ORR and Industry". The speakers were Sir Roy McNulty who presented a précis of his value for money report and Tom Winsor who answered Sir Roy's presentation in his capacity as a previous Rail Regulator.

9.2 The key messages from the lecture were that Government needed to let the industry focus on the 'how' whilst they focused on the 'what'. The DfT was considered to be removing

responsibility from the industry to drive down costs as a result its level of involvement.

9.3 The ORR was also thought to be constrained in its regulatory role by the DfT and it was proposed that the ORR should be given more responsibility to help it to work more effectively.

9.4 There was a concern from the audience that the passenger voice was missing from the study. It was acknowledged that only Passenger Focus had been approached as the report had focused on cost.

10. MPA Olympics and Paralympics Sub-Committee

10.1 Chief Inspector Jane Townsley and Lucy Barrick attended the MPA Olympics and Paralympics Sub Committee following an invitation from its Chair Baroness Dee Doocey to the various agencies involved in the Olympics security operation. The key issues that were identified as remaining a concern were:

- The Olympics Road Network and access for non-blue light response vehicles, such as TfL vehicles, and those returning from emergency calls
- Employee relations and the potential impact of industrial action on the Olympics
- Parallel events
- Airwave coverage – BTP and BTPA were strongly pressed for a response as to whether they were comfortable living with the risk. It was agreed that a letter would be written to the Committee outlining BTP and BTPA's position on this.

10.2 The various agencies involved continue to work together to resolve these remaining issues.

11. APA Transition Seminar

11.1 Lucy Barrick attended the APA 'Ensuring Effective Transition' Seminar at the NPIA in Ryton on 1 and 2 December. This was the first in a series of seminars that the APA will be holding as part of the transition process. A BTPA presence was considered useful to maintain an awareness of the non-home office force oversight arrangements and determine how organisations such as BTPA could best interact with the Police and Crime Commissioners once in post. Also, to keep informed of the transition process, any impact of this on BTPA and good practice for PCCs that the Authority may want to adopt.

11.2 The Seminar was addressed by the Rt Hon Nick Hebert MP, Minister for Policing and Criminal Justice. The key points of his speech are below:

- The Police and Crime Commissioners (PCCs) role was to hold chief constables to account. This was not part of the role of the Police and Crime Panel (PCP). The function of which will be to scrutinise the work of the PCC only. The Rt Hon Nick Hebert MP, Minister for Policing and Criminal Justice added that this would be carefully monitored.

- Home Office police budgets would be adjusted if an assumption of more than 1% for pay rises had been made when budgeting. Mr Herbert was clear that there would not be a cash dividend as a result.

11.3 The Seminar also covered the following areas:

- Views from Association of Police Authority Chief Executives, Police Authority Treasurers and the Local Government Association on the practicalities of transition
- A view from ACPO President Sir Hugh Orde on transition
- A session on what the Police Reform and Social Responsibility Act means in practice
- A presentation from the IPCC on how they are preparing for their new role with regard to PCCs
- Presentations from the NPIA, ACPO and NewCo on the national landscape and transition and Home Office on national governance implications

11.4 A detailed note on these matters and how they may impact the Authority will be prepared for the Strategy Group. This will include a comparison of PCC and BTPA functions to review whether BTPA may want to adopt any good practice of PCCs should it be within the Authority's statutory remit.

12. Member Recruitment

12.1 The DfT advertised the Deputy Chair vacancy on 25 October with an extended closing date of 22 November. Due to a lack of applicants - 3 applications received – packs are being sent to the Panel Members this week with arrangements being put in place for the sift to take place over the phone next week.

9. Contracts

9.1 The Chief Executive signed the following contract:

- **BTP – 8-50 Blundell Street, London, N7 – Licence for Alterations – 17.11.11.** The alterations were to fit out part of the basement, ground, first and second floors, including the infilling of a former lift at ground floor level to enable the relocation of the CT unit of the British Transport Police.

9.2 The Chief Executive sealed and signed the following contract:

- PSA for HS1 – 23.11.11
  - Lease at St Pancras, from HS1
  - Lease at St Pancras, from HS1
  - Lease at Stratford, from HS1
  - Lease at Ebbsfleet, from HS1
  - Lease at Ebbsfleet, from HS1
  - The Axis, Birmingham. Award recommendation paper for the disaster recovery Centre
- PSA for HS1 – 6.12.11
- Disaster Recovery Capability Contract

10. Recommendations

Members are asked to note this report.