

Minutes

Police Authority

Date: Thursday 15 December 2011

Venue: G1 & G2 FHQ, 25 Camden Road, London NW1 9LN

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Present:

Ms Millie Banerjee, Chairman
Mr Lew Adams
Mr Patrick Butcher
Mr Howard Collins
Mr Colin Foxall
Mrs Elizabeth France
Mr David Franks
Mr Michael Holden
Mr Neil Scales
Mrs Wendy Towers
Mr Anton Valk

Apologies:

Mr Jeroen Weimar

In attendance:

Mr Andrew Trotter, Chief Constable
Mr Paul Crowther, Deputy Chief Constable
Ms Francesca Okosi, Director of Corporate Resources
Mr Alan Pacey, Assistant Chief Constable
Mr Stephen Thomas, Assistant Chief Constable
Ms Marie Daniels, currently seconded to ACPO
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

87/2011 Welcome and Apologies

Non-Agenda

1. Apologies had been received from Mr Weimar.

88/2011 Minutes of Meeting 02 November 2011

Agenda Item 1

2. The minutes were approved as an accurate record.

89/2011 Matters Arising

Agenda Item 2

3. All matters had been discharged.
4. The Authority was advised that the DfT had confirmed it would cover the Operation Bench costs fully, both in terms of delegated expenditure limit and cash. The Authority expressed their thanks to the DfT for coming to a prompt decision.

90/2011 Chief Constable's Report

Agenda Item 3

5. Performance against the Policing Plan targets was progressing well.
6. There had been a number of incidents on the rail network coming to light through social media since the last Authority meeting (some of which were racially aggravated) rather than being reported in the first instance to BTP. There was a level of social media monitoring within BTP but crime should be reported in the standard way. This was because there was no guarantee that incidents would be picked up from social media as the Force did not have the resources to comprehensively monitor this. The Authority was advised that BTP currently promoted activity via social media which would provide updates on the relevant cases. The Head of Media was also formulating a strategy on how social media should be used going forward across the Force.
7. In some cases where matters had been brought to attention via social media these were investigated, and on occasion, finalised via the internet and telephone. The Authority noted the efficiency and innovation of this method. There was however a concern about the criminalisation of more minor offences which had to be dealt with but must be done so proportionately.
8. The HMIC police integrity report 'Without Fear or Favour' had been released. This touched on a mix of issues but there was nothing specific for BTP. In response to the report the Force was reviewing its policies and procedures to ensure that these were all in line with the report recommendations. The Chief Constable was also doing this on a national basis in his ACPO role.

9. There had been further legal advice on the firearms matter and the Force would progress this work down the individual licences route. The first responses from chief constables in Home Office areas were positive but some matters remained outstanding. The next step was to explore how to regularise this position and this was likely to require an amendment to either the Firearms or Interpretation Acts. It would be the responsibility of both BTP and BTPA to continue to press for this to happen by explaining the cost and inconvenience of such as a solution, as well as the residual risk for the BTP and BTPA.
10. There had been a metal theft day of action on 14 December. This had resulted in a number of arrests, and 172 scrap metal dealers being visited in total. There had been 25 forces involved in the day across England, Scotland and Wales, including BTP. The day had generated a significant amount of interest with a number of followers on Twitter, but it was noted that there was the possibility to improve the media strategy for the future.
11. The incidence of live cable theft was lower compared to the same period the previous year. BTP had looked at delay minutes to see if these could give some feel for the impact that the number of thefts had on the rail network, but this was found to be highly inconsistent owing to a variety of other factors, such as location of theft, and therefore not a particularly helpful metric.
12. It was commented that anecdotally there appeared to be more fear of British Telecom (BT) than of Network Rail and the BTP from scrap metal dealers. It was noted that BT had a clear disposal policy and consistently marked cable. Dealers therefore were aware that if they were not an authorised BT cable receiver and were found in possession of BT cable they would be unlikely to escape prosecution. Mr Butcher said that he would take this back to Network Rail to see what they could learn from BT's approach.
13. There was significant political interest and considerable activity with regard to metal theft. There was political will to amend the Scrap Metal Act to help counter metal theft. This was a considerable step forward, but would likely take between two to three years to implement. As an interim measure however, it was hoped that some measures could be written into the Justice and Sentencing Bill which the Ministry of Justice was presently progressing and had significant momentum owing to its potential for large scale savings in legal aid. This Bill could be used to make it a criminal offence for scrap metal dealers to deal in cash and it had also been requested that it include the power to seize assets and committal to Crown Court. It was important to get the tone of these amendments right as any disruption of the passage of the Bill was unlikely to be tolerated and could result in the amendments being dismissed.
14. It was noted that there remained some significant differences of opinion on the cashless model between government departments.

This posed an obstacle to the progress of effective legislation but BTPA and BTP would continue to press for this.

15. The Chancellor in his Autumn Statement stated that £5m would be provided for a national metal theft task force led by BTP. The initial indication was that this money would have to be spent in the current financial year which would be difficult to do effectively. BTP and BTPA were currently in discussion with the DfT as to whether the money could be rolled over to the next financial year. This would enable the establishment of regional units, which it would not be possible to achieve prior to the end of March 2012. The DfT had asked to see plans of how the money could be used most effectively to aid its decision making and this was being arranged.
16. There had been work at a strategic level to look at the value for money provided by PCSOs. Since the introduction of PCSOs there had been concerns regarding general standards of conduct, sickness absence and turnover. It was noted that there were some excellent PCSOs working for BTP and there was good feedback from industry partners on the whole with regard to PCSOs. However, there remained a balance in terms of value for money and visibility and the need for warranted officers who could be deployed on public order tasks as had been highlighted during the Summer unrest. The review thus far had found that sickness absence was not as disproportionate as at first appeared when BTP PCSO levels were benchmarked against those in the surrounding Home Office forces and against police constables in BTP. Further work was taking place to try and understand the issues which led to the sickness levels. There was also a piece of work looking at raising the recruitment standards for PCSOs and all of this would be picked up in the people strategy.
17. **Agreed**
 - 17.1. BTP and BTPA to continue to press for the legislative firearms position to be regularised, explaining the cost and inconvenience of such as a solution as well as the residual risk.
 - 17.2. The BTPA and BTP to provide plans of how the £5m for a national metal theft task force led by BTP would be spent to the DfT, to support the position that it could be most effectively used if allowed to roll into the next financial year.

91/2011 Chief Executive's Report

Agenda Item 4

18. The implications of going to a uniform charging model had been presented to the DfT and a response was awaited. The new version PSA had been agreed subject to one amendment which had been completed. The DfT were keen to ensure that there would be no irrecoverable gap in the future which they would be required to fund, rather that any gap would be funded by the PSA holders. This

amendment had involved some complication in wording and it was anticipated that it would provoke comment in the consultation.

19. The 2012/13 bills were on track and the fixed proportion PSA holders would be in receipt of their 2012/13 charge notification shortly. The Full Authority would be asked to endorse the invoices at its 29 March 2012 meeting.
20. The Chief Executive had signed the contract for the Disaster Recovery centre following its approval at the last meeting. This had been possible because of the good work of the Estates Department. The programme was on track to be complete by May 2012 ahead of the Olympics.
21. Mr Scales advised the Authority that Northern Rail was looking to move to a Merseyside model with an Integrated Transport Executive and he would keep BTPA apprised of progress.
22. The Pensions Working Group had reviewed the analysis and advice on the staff scheme. For several reasons, including the one off move from RPI to CPI and the poor performance of investments since the actuarial evaluation, it was recommended that the Joint Contribution rate remain unchanged. The Authority approved this recommendation to be taken to the Trustee. The Authority also agreed the assumptions for the staff valuation and the de-risking of the investments strategy.
23. A separate concern with regard to the pension schemes was raised by Mr Adams. He was concerned about the number of standard pensions that were being awarded following disciplinary action. It was agreed that this was something which would be reviewed on an ongoing basis. It was noted that the Audit Commission had written a report called 'Retiring Nature' which may be useful in this regard.
24. There was a triennial review of BTP by the DfT due to take place after the 2012 Olympics. BTPA would be working with the DfT to help feed into the terms of reference.
25. **Agreed**
 - 25.1. The assumptions proposed by the Trustee, as amended, for use in the 2010 valuation of the staff scheme were agreed.
 - 25.2. The Joint Contribution Rate for the staff scheme to remain unchanged.
 - 25.3. The investment strategy of the staff scheme to be de-risked.
 - 25.4. The number of standard pensions awarded following disciplinary action to be monitored and reviewed on an ongoing basis.

92/2011 McNulty Presentation

Agenda Item 5

26. A significant amount of work had gone into reviewing how BTP could best position itself to deliver the most efficient and effective service in the future, following the publication of the McNulty Report and its recommendations for changes to the shape of the railway industry. The work focused on how BTP could reduce its unit cost (expressed as cost per passenger/freight kilometre or per passenger pound) without compromising on service and other ways of working with the industry.
27. This work was intended to bring clarity on the outputs provided by BTP to PSA holders and how it intends to move forwards.
28. It was noted that BTP had a specialist enabling role for the rail industry of:
 - 28.1. Reducing disruption through:
 - 28.1.1. Cable theft prevention and detection
 - 28.1.2. Fatality management
 - 28.1.3. Emergency response
 - 28.2. Counter terrorism work
 - 28.3. Maintenance of public order
 - 28.4. Football and events policing
29. Following the initial project there were six work streams that were being developed:
 - 29.1. BTP to continue to develop under the Futures Programme initiatives with the objective to deliver a 30% reduction in real terms per passenger kilometre by 2015. The robustness of the cost per passenger kilometre as a metric to be tested to ensure that it is the most appropriate measure.
 - 29.2. Research to seek to determine an optimum level of investment in policing to be developed. To cover the outlying network as well as the high density network in the south east.
 - 29.3. BTP/BTPA to further the activity analysis exercise using the drivers of activity model to provide an assessment of the time, cost and cost allocation to customers of BTP activities.
 - 29.4. Opportunities presented by regionalisation and closer cooperation and working with PSA holders to be explored and modelled to find the optimum mix of security for passengers, infrastructure and freight.
 - 29.5. The potential case for a wider strategic transport policing and enforcement role taking into account the national

policing requirement implications, the experience of the Dutch Transport Police and the wider DfT strategy to be developed, working with the DfT to determine their appetite for this. It was noted that this would influence the 2013/14 refresh of the Strategic Plan.

30. It was suggested that owing to its importance the research to determine an optimum level of investment in policing be peer reviewed to add to its robustness.
31. The Authority thanked the team who had worked on this for an excellent piece of work. The only concern was that the work appeared inward looking and did not give detail about how this would be communicated to stakeholders. The Chief Constable assured the Authority that there was regular contact with the PSA holders at various levels and he was happy to discuss this with individual Members should they want further detail.
32. It was noted that the intention was to feed this work into the Command Paper that the DfT were planning to publish in February 2012. This would also feed into the triennial review which was regarded as an opportunity to provide the vision for the future. The work would provide a qualitative feel in addition to the quantitative information it provided.

93/2011 Police Reform and the Implications for BTP

Agenda Item 6

33. New legislation and guidance, alongside other structural changes were due to be introduced in the largest reform of policing in the UK since 1829. The key changes were reviewed by the Authority and are listed below:
 - 33.1. Decommissioning of the NPJA
 - 33.2. Creation of the National Crime Agency
 - 33.3. Interoperability programme
 - 33.4. Move to Police and Crime Commissioners from police authorities
 - 33.5. The publication of the Policing Protocol
 - 33.6. The publication of the Strategic Policing requirement
 - 33.7. Establishment of Authorised Professional Practice
 - 33.8. Information Systems Improvement Strategy
 - 33.9. Establishment of NewCo
 - 33.10. Winsor Review of Police Officer and Staff Remuneration and Conditions Parts 1 & 2
 - 33.11. Professional Body (to replace ACPO)

34. A key challenge during the transition was to ensure that policing business as usual continued. For BTP and BTPA the added complication of ensuring that they were part of the discussions and changes in the national policing infrastructure was acknowledged.
35. The Chief Constable noted his concern about the decommissioning of the NPIA, and the establishment of new functions such as NewCo, and the risks to BTP if the Force and BTPA were not included in consultation. However, it was considered that the reform offered opportunities as well as challenges for BTP and BTPA.
36. It was agreed that a chart of the changes be compiled explaining what was happening in each case, what BTPA and BTP wanted the outcome to be for them and how this should be progressed.
37. **Agreed**
 - 37.1. A chart of the changes to be compiled explaining what is happening in each case, what BTPA and BTP want the outcome to be and how this should be progressed.

94/2011 Draft Revenue Proposals

Agenda Item 7

38. The budget recommended by the Strategy Group was for a flat nominal PSA charge for 2012/13 for the overground only. The L Area budget and capital programme were to be reported to the January Authority meeting for approval.
39. The proposed budget had left a £3.3m gap in funding but a route to cover this in the most part had now been found. This was largely owing to the recovery of the Operation Bench money from the DfT, for which thanks were given to Mrs Pike and Mr Hart for their efforts in this area.
40. There was a risk to the budget from the pensions issue which would be discussed later on the agenda in the private session. In terms of the contingency level, the Finance Group had requested that for future budgets the potential contingency is quantified for the Finance Group to review. This was something that had also been discussed at the Audit Committee and was encouraged.
41. The Authority approved the PSA charge of **£196,969k** noting the implication of this was a £3.3m gap which was largely filled by the recovery of the Operation bench funding and by carrying over the planned underspend of 2011/12.
42. The BTPA budget had been kept at the same level as the previous year. The main area of risk was legal fees but this was more likely to be an issue in 2013/14 when the new charging arrangements were introduced.
43. The Authority approved the BTPA budget at £1,870k.

44. **Agreed**

- 44.1. The PSA charge of **£196,969k**
- 44.2. The BTPA budget at **£1,870k**.
- 44.3. The budget communications to include a level of detail to demonstrate the significant savings and how these had been made.

95/2011 Policing Plan Group Minutes 06/12/11

Agenda Item 8

- 45. The shape of the proposed national objectives had emerged and these remained aligned to the four Strategic Plan objectives. The tone of the Plan was on holding the gains from previous investment whilst in these times of austerity.
- 46. There were 11 national objectives proposed split by the 4 strategic objectives as follows:
 - 46.1. Reducing Disruption - 4 targets
 - 46.2. Safer more secure railway - 3 targets
 - 46.3. Improving value for money - 2 targets
 - 46.4. Promoting confidence - 2 targets
- 47. The next step was to circulate the proposals for consultation with stakeholders in January. Members would have the opportunity to comment in the intervening period.
- 48. The main issue had been trying to agree on a disruption metric that allowed the impact of events causing disruption to be measured rather than simply counting them. This was now progressing but required collaborative working at an Area level. The message was clear that this was not a means of holding BTP to account for all disruption on the railway.
- 49. There remained some nervousness from BTP on the disruption targets with Area Commanders having concerns regarding their ability to influence this. It had been agreed that Area Commanders would set problems solving plans with their local operators. An Olympics specific disruption target had also been incorporated.
- 50. The Chief Constable noted that 2012/13 would be a challenging year with the Olympics, Queen's Diamond Jubilee, largest Notting Hill Carnival and the potential for public disorder to police. The proposed Plan was also demanding and the disruption target was not within the gift of BTP to deliver without support from partners.
- 51. The Authority responded that the Plan had been developed with these issues in mind and the Group had been clear that they were not asking for a specific number of disruption based problems solving plans. It was noted that how the Plan was communicated was

important and Members comments should be incorporated prior to consultation.

96/2011 Audit Committee Minutes 06/12/11

Agenda Item 9

52. The delegated expenditure level (DEL) letter had been received from the DfT in November.
53. There had been some discussion of staff shortages in the budget control area and the Director of Corporate Resources had been encouraged to look at longer term options for the resolution of this. The Director of Corporate Resources advised that she was arranging for interim cover and would be reviewing the structure of the department.
54. The work on the new pensions interface with RPMI had uncovered some errors in pension contributions. The errors were not material and were being addressed. The new automated interface should help to ensure that this did not happen again.
55. The Fraud policy for BTPA had been reviewed at the meeting. The policy was approved subject to a final alignment check with BTP.