

# Minutes

## Police Authority

Tuesday 12 June 2012, 10.00am  
at G1&G2, FHQ, 25 Camden Road, London NW1 9LN

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### Present:

Millie Banerjee, Chairman  
Brian Phillpott, Deputy Chairman  
Lew Adams  
Howard Collins  
Colin Foxall  
Wendy Towers  
Anton Valk (part)  
Patrick Butcher  
Elizabeth France  
Len Jackson

### Apologies:

David Franks  
Michael Holden  
Jeroen Weimar

### In attendance:

Andrew Trotter, Chief Constable  
Alan Pacey, Assistant Chief Constable Territorial Policing &  
Crime  
David McCall, Assistant Chief Constable Scotland  
Paul Brogden, Chief Superintendent  
Simon Hart, Head of Finance  
Elaine Derrick, Senior Advisor, BTP  
Mike Furness, Senior Advisor BTP (part)

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

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

### **28/2012 Welcome and Apologies**

Non Agenda

1. The Chair gave apologies from Mr Weimar, Mr Holden and Mr Franks and also welcomed the new Deputy Chairman, Brian Phillpott and new Member Len Jackson, to their first full Authority meeting.

### **29/2012 Minutes**

Agenda Item 1

2. The minutes were approved as an accurate record.

### **30/2012 Matters Arising**

Agenda Item 2

3. Members noted that all actions were closed or addressed elsewhere on the agenda.

### **31/2012 Chief Constable's Report**

Agenda Item 3

4. The Chief Constable spoke to his report. He invited Members to note the encouraging start to the new financial year, in particular noting progress already made on the disruption minutes reduction target. Reductions in cable theft were also described as having moved in a very positive direction in the latter part of 2011/12 and first part of 2012/13. Assistant Chief Constable Pacey explained that he provided the lead on work in this area and was ensuring, in conjunction with the wider work of the Metal Theft Task Force, that BTP was keeping an appropriate focus on this issue. Mr Pacey described a particularly impressive increase in cable theft detections with detection rates for live cable theft currently standing at 40% and non-live at 28%. He noted the positive impact that the work of the Network Rail led industry steering group was also having on both tactical improvements and in lobbying for legislative change. He also updated that the new legislation in relation to dealing in scrap metal theft was coming into force soon which would further support BTP's efforts; Members congratulated the Force on this achievement.
5. The Chief Constable gave an update on Olympic and Paralympic Games preparations which, in terms of both training and practice exercises, was progressing well and as planned. He had personally visited the site at Stratford which was very impressive but had also well illustrated the significant challenge that crowd management would pose to the event organisers, train operators and BTP.
6. Mr Pacey provided a brief on the policing of the recent Diamond Jubilee celebrations and updated how this had been a useful, though complex and large scale test exercise for the forthcoming Olympic and Paralympic Games. One area of concern which had emerged was

the shortcomings rail industry communications with their own staff about queuing systems at London Bridge station. BTP had played an appropriate role in assisting operators with the resulting crowd management challenges but suggested that this was an issue which needed to be resolved before the Olympics. In addition BTP has been focused on tackling pick-pocketing activity during the Jubilee weekend, a challenge which is likely to also be present during the Games, with three BTP teams deployed on the network and each delivering good results in terms of offenders apprehended.

7. A discussion followed about the importance of Olympic and street stewards during the Games period being equipped with the right information to allow visitors (both ticket holders and non-ticket holders) to move quickly and safely around the network. Mr Collins updated that all possible lessons would be learned for the Games but added that there would be more dedicated resource available during the Games and that these would be entirely under the control of Transport for London and this should significantly address concerns about staff knowledge and communications. Members noted that ownership of street management (management of the space outside of the station curtilage) during major events was an issue that was likely to endure beyond the Olympic Games.
8. Mr Collins provided some positive feedback from London Underground Limited's (LUL's) experience of working with BTP during the Jubilee weekend, in particular focusing on the benefits that the new Ebury Bridge CCTV hub had delivered in relation to a specific fatality on the network. The CCTV evidence recovered by this new facility allowed a potentially difficult incident to be promptly be categorised as non-suspicious and cleared quickly to allow services to resume.
9. Mr Franks submitted a question in writing about current performance in relation to detection rates for the most serious offence types (violent and sexual assaults). Mr Pacey confirmed that this figure was likely to fluctuate in year as cases currently in progress were concluded; as it stood the detection rate was an excellent result compared with many Home Office forces and, while it would clearly remain a focus, performance was not a cause for concern at the moment.
10. The Chief Constable noted the excellent work being done through partnership working with LUL around a range of dedicated emergency response capabilities. He believed that if the concept could be proved it may be of interest to other operators. Mr Collins endorsed this view, reporting that early analysis suggested delay minutes arising from suicides and attempted suicides had halved since the various units had launched. He added that the new joint command arrangements

between BTP and LUL were also paying dividends with BTP taking command of a number of incidents recently which had a significant impact on performance. He proposed to provide further feed back to Members on progress to the full Authority at its next meeting.

11. The Chief Constable updated that the Secretary of State for Transport had recently opened two new BTP facilities, including the Safer Travel Unit in Birmingham which she had been very impressed with and had spent a longer than planned visit understanding the nature of the unit's work.
12. The Chief Constable also invited members to note the extensive work BTP was doing with the Metropolitan Police Service (MPS) to ensure BTP's resources were plugged into, and where necessary aligned with, the MPS's new 24 hour tasking regime. He also reported on the excellent feedback that ACC (Scotland) David McCall and Area Commander (Scotland) Ellie Bird had received from police colleagues at the recent Association of Chief Police Officers in Scotland (ACPOS) conference. He also gave a brief update on the ongoing work of the police NewCo IT project and noted that the Chairman had now taken up a position on the shadow board for Police and Crime Commissioners, an organisation that will also be involved in the work of NewCo over the coming months.
13. Members noted the item in the Chief Constable's report about the PCSO who had received a commendation for bravery; they suggested that the Authority might want to write separately to the PCSO in question expressing their gratitude.
14. **Agreed**
  - 14.1. The Authority to write separately to the PCSO in question expressing their gratitude for the act of bravery.

## **32/2012 Chief Executive's Report**

### Agenda Item 4

15. The Chief Executive spoke to his report. He highlighted the recent meeting with Mark Phillips of ATOC (Chair, ATOC Policing Forum) to discuss the draft new PSA. This meeting was helpful in exploring a number of issues and highlighted those which PSA holders remained most concerned about. These included establishing a clear process for the Authority to attempt to recover monies owed from non-payers; ATOC was of the view that once PSA holders had signed the PSA, withholding payment in the event of a dispute would be both in breach of the PSA and of their licence agreement. However the PSA could be strengthened to give other PSA holders comfort by setting out the reasonable steps BTPA will take to would take if the situation

arose where they had to recover unpaid monies. The Chief Executive confirmed that any such change in wording would need to be shared with the DfT before the PSA was approved. The Direct Debit provision would afford further protection against non/under payment as this could not be changed in year without prior agreement by both parties.

16. The other remaining issues of contention were the property clause which could require PSA holders to make accommodation available on request; the specific concern here was about the availability of accommodation and payment of rents for any accommodation provided.
17. ATOC had also requested that the Authority review the clauses relating to payment terms (currently 14 days) and interest payable on debts to make these consistent with industry standards (currently base rate +4%). Mr Butcher agreed to provide the Executive with this information. Those issues aside a good deal of progress had been made in moving this piece of work forward through this recent liaison with ATOC.
18. David Franks provided written feedback querying why the DfT would not contemplate a contractual remedy where a commercial remedy existed. The Chief Executive explained that the DfT did not want to replicate in the PSA a requirement that was already captured in the detail of the Railways and Transport Safety Act 2003. He further asked that a timeline for the next phase of the work on the PSA be produced as had been done for phase 1.
19. Members asked for an assessment of which of the remaining PSA issues might constitute a problem in the future and whether the DfT had provided its own independent assessment of any residual risks remaining. They also asked whether the DfT had taken a view about how an arbitrator may evaluate the situation in the future and whether they agreed that the industry's fears about risks arising for individual operators may not be as likely as previously thought. The Chief Executive suggested that the risks are likely to be less probable than was first thought but the Executive had not had an assessment from the DfT on the position. Until that assessment had been received it was not appropriate for the Authority to officially change its position on the assessment of risk.

### *Business Plan*

20. Lucy Barrick spoke to her report and invited feedback on the assessment and proposals presented. The Chairman asked whether individual Committees had agreed the proposals and Lucy explained that this was a first step in seeking approval and an opportunity for a collective discussion. The Chairman invited Members to provide any

further feedback directly to the Executive. Members welcomed the reference to the wider rail review work in the plan for the coming year and Mr Butcher offered to act as a co-ordinator in getting the Authority properly engaged at a senior level in the work of the Rail Delivery Group.

### *APA Shadow Board*

21. The Chairman provided an overview of her engagement in the new Home Office funded Shadow Board, the group which was leading on the transition from the APA to the new representative body for Police and Crime Commissioners (PCCs). The Board was currently developing its new Terms of Reference, which would be different to those of the APA, and other work streams which included assisting prospective PCCs in accessing information and in creating a forum for exchanges of information and ideas. It was the intention that the successor body would continue with this remit and would act as a central point of contact for PCCs and other government agencies with shared interests in policing and community safety matters. The Chairman noted that the Local Government Association (LGA) had also made a proposition to PCCs to provide this sort of facility in the future; she explained that the Home Office would not make the final decision about which organisation would be the ongoing PCC representative body but they would have some influence over the long term direction and objectives that any such body committed to.
22. The Chairman also noted that members of the Board who were currently serving members of Home Office Police Authorities were now required to step down if they intended to run in the PCC elections; this meant that the City of London Police, BTPA, the Ministry of Defence Police, and the Civil Nuclear Police Authority were now the remaining core membership of the shadow board along with representatives from the three political parties. The BTPA presence on the board meant there was an opportunity for BTPA to have dialogue with prospective candidates about the role and remit of both BTP and BTPA and it was noted that this work should be aligned with and complementary to any similar work the Executive was doing as part of the Strategic Policing Futures project. She suggested that this was both a period of opportunity and risk for the Authority as both the PCCs and their local scrutiny panels were appointed.
23. The Chairman also noted that the work previously done by the NPIA, in particular on IT, had been distributed to a number of bodies with legacy information systems being taken back into the Home Office for the present time. She explained the Home Office had decided that the IT assets and strategy in the interim period would be owned jointly by the Shadow Board (APPCs) then the Home Office with the intention that this ownership would eventually pass to PCCs. This proposition

was not without risk and the Chairman explained that as part of her role on the shadow board she was engaged in the IT transition work and had already put a number of questions to the Home Office regarding terms of reference, and current ownership of assets and liabilities. She agreed to keep the Authority updated on progress on this piece of work.

24. The Chief Constable added that he had learned through his work on the NewCo project that there were spaces for ACPO, National Crime Agency and the Scottish Force to be included in the membership on the new board and that these members would ultimately be Directors of NewCo. He was aware that there were some concerns generally amongst the police service about the challenges ahead regarding the current differences between forces in their current ability and preparedness to engage in the NewCo project. Members echoed the concerns about what they perceived to be the potentially significant personal liabilities of individual NewCo Board members and PCCs in the future.
25. Members noted that in addition to the national police IT work there was potential for BTP to consider, if it felt appropriate, opportunities to engage with other partners - such as rail operators- on shared IT services where these related to support functions rather than police specific data sharing. This observation was noted and it was suggested that it would be revisited at an appropriate time in the future as a clearer position on the national IT project emerged.

**26. Agreed**

- 26.1. The Authority to develop a timeline for the next phase of work on the draft new PSA.

**33/2012 Finance Group Quarter 4 Report**

Agenda Item 5

27. Wendy Towers spoke to the report on behalf of the Chair of the Group, highlighting the details of the outturn position on the revenue budget - an under spend of £1.154m and the capital budget - an under spend of £0.6m. The surplus was delivered as planned and would be used to support delivery of operations in 2012/13; additional savings would be added to the contingency fund. Wendy Towers also noted that the £975k provision for pensions payments had been reversed out of the management accounts but had been earmarked within reserves in the statutory accounts, where the amount was disclosed as a contingent liability.
28. Members noted that the Group had received a paper on the WAN overspend which explained that this was caused by parallel running due to slippage of the project delivery. Wendy Towers confirmed that

the Finance Group was not fully satisfied with the explanation provided thus far on the cause of the project slippage and the budget impact of the extended dual running costs. The Group had asked for a further report on the project and would update the full Authority once this had been received in July.

29. Members asked what the Authority's current position was in relation to progress with the Winsor Review. The Chief Executive confirmed that work on Part 1 was concluded and implications would be incorporated into the budget for 2013/14. Part 2 was due to be reported to the next meeting of the Appointments and Remuneration Committee at the end of June with a full report back to the Authority in September. Members confirmed that they would welcome a detailed report back to the full Authority in due course, in particularly highlighting any proposals which would have implications for changes to Terms and Conditions.
30. Members also noted that the anticipated financial benefits set out in the Winsor Review may not actually come to fruition for BTP as the assumptions on savings were based on aggregations which would vary over time. The additional costs arising from the Olympics staffing were an example of where the predicted savings may not actually be delivered. The Chief Constable noted the disproportionate impact of 'anti-social hours' payments on BTP caused by the nature of its deployment patterns. Mr Hart confirmed that work was ongoing to understand the actual impact of Winsor on BTP; Members accepted that there was a need to adopt Winsor but reiterated the need to accept that the anticipated benefits may not come to reality.

31. **Agreed**

- 31.1. The Authority to develop a short (1-2 page) briefing for members on the Winsor review by way of background.

[Anton Valk joined the meeting]

**34/2012 Audit Committee and Approval of the 2011/12 Accounts**

Agenda Items 6 and 7 taken together

32. Colin Foxall offered his congratulations to teams at both the Force and the Authority in bringing the accounts to a successful conclusion. They had been produced a month earlier than in previous years, to comply with the Treasury's new Clear Line of Sight reporting requirements. In particular he recorded thanks to Simon Hart, Janet Dowding and Sonja Maharaj at BTP and Liz Pike and her team at BTPA; also the internal auditors, Tribal and the technical support provided by the National Audit Office.



33. The Chief Constable also noted his thanks to the Authority and to Simon Hart for his improved grip on spend during the year; this focus had allowed BTP to continue to provide a good frontline presence and to engage in some recruitment during the year despite budget restrictions.
34. Colin Foxall noted that the NAO had examined the decision to reverse out the £975k provision for pension payments and agreed that this was an appropriate action to take. Also this would be recorded as a contingent liability in 2011/12 and would be recognised when the appropriate agreements from the Treasury and HMRC were in place. As such he was happy to recommend the Accounts to the Authority, and the Accounting Officer, for approval confirming that they were assessed as unqualified by the NAO.
35. Colin Foxall updated Members that there has been an exchange of correspondence between himself, the Chairman and the Chief Constable which established a record of a number of governance matters arising during 2011/12. He was satisfied that a number of actions were now underway which sought to address these concerns; these included a proposal for BTP to establish a new internal audit board. The Audit Committee had offered some feedback to the Force on the proposals for this board and the Deputy Chief Constable has agreed to bring back more details on the intended work of the board and its lines of reporting both internally and between the Force and Authority.
36. He noted that the Committee had also received health and safety statements from both the Force and Authority and had recommended that some professional sign-off of these arrangements would give greater assurance to the Authority. Finally he confirmed that new governance arrangements relating to the relationship between BTP, BTPA and Her Majesty's Inspectorate of Constabulary (HMIC) had been reviewed and it had been agreed that this would include annual sign-off of the HMIC inspection plan for BTP at this Committee.

### **37. Agreed**

- 37.1. Members approved the accounts and the Accounting Officer was authorised to sign and submit them to the NAO.

### **35/2012 BTP and BTPA Risk Reports**

#### Agenda Item 8

38. As requested the Chief Executive highlighted only the most significant risks currently captured on the register. The key one of these currently remains the new format PSA and potential risks to the revenue stream in the event of an arbitration. The current view was that PSA holders are likely to sign the new document but some may decide to go to

arbitration once their first charge for services is received. The appetite for risk at the DfT will influence the Authority's next steps.

39. From the Force perspective Mr Brogden updated that no new risks had been added to the register since the last meeting and noted that completion of the Disaster recovery Centre was the key risk at the moment. Members discussed whether imminent appointment of PCCs should be captured on the risk register. The Chair of the Audit Committee suggested that as this was such a complex issue and presented a range of possible risks this should be dealt with as business as usual until such time as a distinct risk emerged to which the Authority needed to develop coherent management response.

### **36/2012 Performance Review Group Quarter 4 Report**

Agenda Item 9

40. Mr Collins spoke to his report and noted the excellent outturn performance achieved in relation to the policing plan in 2011/12. In terms of specific areas of performance, Mr Pacey updated on the ongoing challenge presented by cycle theft and suggested that initial efforts in 2012/13 had halted the rises in crime seen in the previous year.
41. Members asked whether any of the performance information being developed through the BTP performance portal could be made public to assist with communication of messages and reputation building. Mrs Elvy and Mike Furness updated that it might be possible to capture and publish datasets at sufficiently high level to not reveal personal details. These snapshots could be used to illustrate the points being reviewed by the group. Members suggested that operators could also be consulted to see what information they would like to see public and Mr Furness explained that a piece of work was nearing completion to provide monthly data reports to TOCs and give them access to a bespoke data portal which provided data updated daily.

### **42. Agreed**

- 42.1. Mrs Elvy and Mr Furness to liaise to see whether data from the BTP performance portal could be used publicly to communicate on the Force's performance.

### **37/2012 Strategic Planning Futures**

Agenda Item 10

43. Mr Brogden spoke to his report highlighting the Hutton Pension report as a new work stream adding that this was one of three potentially high risk areas. In doing so he also referred to the imminent election of PCCs and the introduction of the new Policing Protocol as the other areas of priority focus at the moment. The Chairman reiterated the need for any work in the area of PCCs needed to be co-

ordinated with her work on the Shadow Board.

44. Members provided feedback that it was essential that the Authority was plugged in to the work going on in support of the 15 work streams and that matters were brought back to the full Authority, or its supporting groups or Committees, at an appropriate time. Mr Brogden assured members that this was the intention and was what had happened, for example with the work on Winsor Part 1, the purpose of this item was to provide a regular live update on the status of all these pieces of work. He confirmed that items would be brought forward for to the appropriate forum for more detailed attention as appropriate. The Chairman reiterated the importance of liaison between the Force and Authority Executives and Chairs of Committees to ensure that matters were elevated appropriately. Members also sought assurance that the risk register for this project was aligned with core risk management processes; Mr Brogden confirmed that it was.

### **38/2012 Strategy Group Update**

Agenda Item 11

45. The Chief Executive updated on the changes to the draft Strategy presented and Mr Brogden and Mr Furness provided a short update on the changes and the performance metrics being proposed. [copy in file]. The Chief Executive proposed that if Members were content with the drafts of the Strategy and the Medium term Financial Plan (MTFP) as presented these could now be shared with stakeholders for feedback. Members reiterated the need to make it clear that this was a genuine consultation exercise and make sure both were circulated more widely than just PSA holders. They also sought clarification that the MTFP properly reflected possible risks or opportunities, Winsor implications and inflation predictions etc to give the Authority confidence in its proposals. The Chief Executive confirmed that this was as accurate and robust a picture as was possible at the present time but that the supporting communication would need to be appropriately caveated as our 'best current estimate'. Members supported the idea of the cover letter for this particular piece of engagement being sent from the Chairman.
46. Members asked whether, given the wider rail review agenda, a written consultation was the best way to engage with groups such as the Rail Delivery Group. The Chairman agreed that different methods, including face to face meetings and the September stakeholder workshop, were likely to be appropriate as we consulted on this Strategy and the more in depth refresh of a Strategy to be launched from April 2013.

## 47. Agreed

- 47.1. The draft Strategy and MTFP to be shared with a wide range of stakeholders for consultation feedback with a cover letter from the Chairman.

## 39/2012 Fatality Management Presentation

### Agenda Item 12

48. ACC Pacey delivered a presentation on the Force's recent fatality management review [copy in file]. The Chief Constable explained that this was essentially a reinterpretation of how business had already been which now placed a greater emphasis on frontline decision making. The Chairman welcomed this piece of work which presented a very encouraging picture and she suggested that the Force share this good news story with stakeholders. From her attendance at the recent BTP Disruption reduction conference, Liz France suggested that there was a great deal of fatality prevention work going on which could also be communicated.
49. Mr Pacey asked Members to recognise the personal risks that frontline officers and their supervisors were being asked to take on behalf of BTP and the Authority as a result of this refreshed approach; officers were being encouraged to make evidence based decisions which were also informed by assessments of probability and risk. The bomb threat assessment protocol used by BTP is another example of this type of approach.
50. Members identified the importance of the Force and authority providing the strategic support to frontline staff, in the event that something went wrong, to give officers the confidence to take these risk based decisions. Recalling similar exercises undertaken by network rail, Mr Butcher suggested that BTP might want to scenario test how it would respond in the event that a 'bad call' was made; this would give confidence that an appropriate process was in place at a senior level.
51. Members also noted that evidence based decisions around fatalities could include an assessment of the risk of not dealing with a fatality incident promptly; that is an assessment of the risks arising from disorder caused by secondary delay elsewhere on the network. Members asked whether there was any experience to be gained from speaking to officers who have to make quick-time decisions about the cause of traffic accidents, for example on motorways, and whether incidences of making the wrong decision were high. Mr Pacey agreed that this was something BTP could explore.
52. Members also noted that the implementation of the good practice recommendations following the review of historic cases should also

ensure that BTP was well placed to deliver this new approach. Mr Pacey concluded by saying that if the Strategic Support team was sure the proposed model was correct and this should give confidence in its application on the ground.

#### **40/2012 Annual Review**

##### Agenda Item 13

53. Lucy Barrick spoke to her paper highlighting the key concerns around possible sources of duplication/overlap which the recommendations for change sought to address. Feedback suggested that these included development of the budget and MTFP and project oversight. The Chief Constable identified some additional feedback that he wished to submit separately via the next fortnightly Chairman and Chief Constable's meeting.

#### **54. Agreed**

54.1. Subject to further feedback from the Chief Constable the recommendations were approved.