

Report to: Police Authority
Agenda item: 6
Date: 21 March 2013
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.

2. Pan London Agreement

- 2.1 A paper was sent to the DfT in January with the contract approved by both the TfL Board and the Authority.
- 2.2 Once approval has been given the contract will be signed. The DfT have been asked to raise the priority for approval.
- 2.3 Insurance cover for public liability post October 1 2013 will required for L Area. Once the Pan London agreement has been approved. This will be arranged such that it is in force once the Pan London agreement comes into effect.

3. Pensions Update

- 3.1 Members had a detailed presentation on the Police Officer scheme and the implications of changing the material benefits of the scheme.
- 3.2 Draft results of the Police Officers scheme as at 31 December 2012 have been received which show a reduced deficit of £80m, compared to the June 2012 deficit of £110m. Work has

now commenced on challenging the initial assumptions made by the scheme actuary. The pay assumptions, CPI differential with RPI and the investment returns will be scrutinised.

- 3.3 A meeting of the Pensions working group is scheduled for 15 April 2013 to discuss both these issues and a further report will be presented to the Authority in June.
- 3.4 The Authority Finance Director is now dealing with the tax returns for the 18 members in receipt of unauthorised pensions. Tax accountants are in place and the liabilities for 16 of the 18 individuals for 2010/11 and 2011/12 have now been completed.

4. PSAs – New Format PSA

- 4.1 The new format PSA has been sent to all PSA holders. It has been requested that these are signed and returned to the Chief Executive by 21 March. A verbal update will be given at the meeting on progress.
- 4.2 The charges for 2013/14 have now been calculated and have been presented elsewhere on the agenda.

5. Police and Crime Commissioners PCCs

- 5.1 Attached as Annex A is a comparison of Police and Crime Commissioners (PCCs) statutory duties and functions compared to those of the Authority. There are a number of key differences and the briefing note concludes with a number of recommendations for the Authority as a result. Members will also have seen the weekly PCC Briefing produced by the Authority's Communications Officer which reports on PCC activity noting any good practice that the Authority may want to adopt. The Authority's Consultation Strategy has also been amended to include PCCs.

6. Invoices

- 6.1 Since the last meeting there have been no invoices presented for approval.

7. BTP Ex-Gratia Payments Summary

- 7.1 In accordance with the Authority scheme of delegation, the Authority has had to seek DfT approval for one ex-gratia payment since the last meeting. This payment was for £2,000 and the Authority received approval for the payment on 15 February 2013.

8. Contracts

- 8.1 The Chief Executive signed and sealed the following contract:
- Sprint II Model Contract - BTPA Specialist Computer Centres Plc - Contract relating to provision of IT Product and Service - 22.02.13
 - Freightliner Ltd and Freightliner Heavy Haul - New 2013 PSAs signed - 13.03.13
- 8.2 The BTPA Finance Director signed and sealed the following contracts:
- Roffe Swayne signed contract + BTPA re Professional Services advice on tax - 23.01.13
 - West Coast Trains - Interim PSAs x 2 - 23.01.13

9. Recommendations

9.1 Members are asked to note this report.

A comparison of the functions of Police and Crime Commissioners compared to those of the Authority

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1. Purpose of the paper

- 1.1. This paper reviews the functions and responsibilities of both the police and crime commissioners (PCCs) and chief constables (CCs) taken from the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") and how these differ from the Authority's arrangements as stated in the Railways and Transport Safety Act 2003 ("the 2003 Act").
- 1.2. The paper identifies areas where the Authority may want to consider aligning its approach more closely to that of PCCs where the statutory functions allow this.

2. Background

- 2.1. The Government's vision for the role of the PCCs is that they will cut crime and deliver an effective and efficient police service within their force area. In order to do this, they are to fulfil five broad objectives:
 - hold the chief constable to account for the delivery of the policing service;
 - produce and implement a Police and Crime Plan;
 - set the force's budget and precept;
 - regularly engage with the public and communities; and
 - appoint, and where necessary dismiss, the chief constable.
- 2.2. The objectives are very similar to those of the Authority and the overarching functions of the Authority, PCCs and Home Office force CCs, as taken from the relevant Acts, are included below:
 - **PCCs** "*Secure the maintenance of an efficient and effective police force for that area*" (s1(6) 2011 Act)
 - **Home Office CCs** "*To direct and control the police force and its civilian staff, in such a way as is reasonable to assist the relevant PCC to exercise the PCC's functions*" (s2(3)&(5) 2011 Act)

- **BTPA** “Secure the maintenance of an efficient and effective police force for the railways” (s20(1) 2003 Act)

- 2.3. There is no corresponding description of the BTP Chief Constable’s overarching duty in the 2003 Act.
- 2.4. A detailed breakdown of the functions of PCCs and Home Office CCs as compared to those of the Authority and the BTP Chief Constable is attached at Appendix A. A summary of the key differences can be found in the section 3 below with suggestion for possible alignment.

3. Key Differences

Chief Officer Appointments and Recruitment Process

- 3.1. There have been a number of changes to the chief officer appointments and the recruitment process and the key changes are listed below:
 - 3.1.1. PCCs are responsible for the appointment of the chief constable only. Chief constables are responsible for the appointment of the rest of their team. The Home Office force CCs however must consult the PCC in relation to appointments and any proposed increase in numbers of the chief officer team. The Railways and Transport Safety Act 2003 has not been amended and, therefore, the Authority continues to be the appointing body for all chief officer ranks.
 - 3.1.2. PCCs have been given the power to offer a salary range of 10% (higher or lower) from the ‘spot rate’ when advertising for a chief constable. This only applies to chief constable posts and does not affect deputy chief constable salaries.
 - 3.1.3. The appointments panel for all chief officer ranks must be diverse and a total of 5 panel members is recommended. An Independent member is required to sit on the panel¹ and can be drawn from the lists held by the College of Policing or the Office of the Commissioner for Public Appointments. The role of the independent member is to ensure the appointment process is conducted in line with the principles of merit, fairness and openness².

¹ Home Office Circular 20/2012

² Taken from the College of Policing Guidance on Chief Officer Appointments November 2012

- 3.1.4. The Senior Appointments Panel has been disbanded. The College of Policing instead has a pool of Policing Advisors who will be available to provide professional advice at an appropriate level should this be requested. The College of Policing can also verify policing qualifications and experience.
- 3.1.5. PCCs have to recommend their proposed chief constable appointment to their Police and Crime Panel who have the power of veto. There is no role for the Secretary of State as there is for the Authority.
- 3.1.6. The requirement for chief officer applicants to have completed the Police National Assessment Centre and the Strategic Command Course has now been formalised in police regulations. These do not apply to BTP and this is a matter for the Authority to take a view on.
- 3.2. A revised Chief Officer Appointments Process is being drafted to encompass those changes relevant to the Authority. This will formalise the Chief Constable's role in the appointment process for the Deputy Chief Constable and Assistant Chief Constables. The Chief Constable will be consulted on the process before it goes to the Appointments and Remuneration Committee for approval.

Chief Officer Complaints

- 3.3. PCCs are only responsible for dealing with complaints against chief constables. The Home Office chief constables will become the appropriate authority for all other senior officers where this previously sat with the police authority for the area.
- 3.4. The Authority's new police regulations retain the status quo with the Authority as the appropriate authority for complaints and conduct matters with respect to all senior officers (ACC and above) and the Chief Constable as the appropriate authority for all from Chief Superintendent rank and below.

Police and Crime Plan

- 3.5. Rather than being required to develop a three-year strategy and Annual Policing Plan, PCCs are charged with developing a Police and Crime Plan. The Plan must set out, in relation to the planning period³, the following matters:
 - 3.5.1. the PCC's police and crime objectives;

³ The term of the PCC

- 3.5.2. the policing of the police area which the chief officer of police is to provide;
 - 3.5.3. the financial and other resources which the PCC is to provide to the chief officer of police for the chief officer to exercise the functions of chief officer;
 - 3.5.4. the means by which the chief officer of police will report to the PCC on the chief officer's provision of policing;
 - 3.5.5. the means by which the chief officer of police's performance in providing policing will be measured;
 - 3.5.6. the crime and disorder reduction grants which the elected local policing body is to make, and the conditions (if any) to which such grants are to be made.
- 3.6. The Authority covers these aspects in its Strategy, Policing Plan and Code of Governance.

Community Engagement and Consultation

- 3.7. There is a stronger emphasis on consultation for both PCCs and Home Office chief constables under the 2011 Act. PCCs are required to have regard to the view of people in the area about policing and the financial code of practice when carrying out their functions⁴. Also to the views of victims of crime.
- 3.8. The Authority is developing its consultation strategy with the intention of reaching a wider audience.

Police and Crime Panel

- 3.9. PCCs are held to account by a Police and Crime Panel (PCP). There is no comparative panel for the Authority, which is ultimately held to account by the Secretary of State for Transport. There is an element of self-governing for the Authority as it is constituted of a panel of 11-17 members rather than one individual.
- 3.10. The key role of the Police and Crime Panel is to focus their attention on the important strategic actions and decisions taken by the PCC including whether they have:
 - 3.10.1. achieved the aims set out in their Police and Crime Plan;

⁴ s17 2011 Act

3.10.2. considered the priorities of community-safety partners;
and

3.10.3. consulted appropriately with the public and victims.

Crime and Disorder Reduction Grants

3.11. PCCs receive some consolidated grants made up of funding that was previously provided to a range of organisations to fulfil this function. This could affect funding that is received by BTP from the Home Office, and this will need to be investigated. It is unlikely that the Authority will receive a share of this funding and therefore that the Authority could fulfil a similar role. However, the Authority can review how it gets involved in activities that contribute to crime reduction and prevention.

Victim Services

3.12. PCCs will be responsible for commissioning emotional and practical support locally for victims of crime. There is no similar function statutorily for the Authority but it would be helpful to understand how the BTP will fit into victim services in the future.

Health and Care System

3.13. PCCs will be expected to work together with the health care services as there are strong shared interests⁵. This is something that BTP is currently working towards.

Monitoring Officer

3.14. The Chief Executive to the PCC will act as monitoring officer to the PCC. This involves telling the PCC about any actual or possible law breaking, or any other action that could be seen as causing an injustice.

4. Specific Differences for Chief Constables

4.1. Under Schedule 2 of the 2011 Act Home Office CCs become a corporation sole. Whereas police authorities were the employer of all officers and staff, from 1 April 2014, following a consultation between the PCC and CC and approval from the Secretary of State of the proposed transfers, there will be a separation with the staff responsible for delivering policing

⁵ Home Office leaflet: Have you got what it takes? Working with the health and care system

becoming employees of chief constables and those responsible for delivering governance remaining in the employ of the PCC.

- 4.2. This is not something that the Authority can mirror as it remains the sole legal entity.

5. Recommendations

- 5.1. The Authority to review how it gets involved in crime reduction and prevention activities and whether it could take a stronger role in this area.
- 5.2. To ask BTP how it will fit into the victim support arrangements going forwards.
- 5.3. The Authority to review the types of information published by PCCs to assess how it compares once the PCCs have been in post for 6 months.
- 5.4. The Authority to review the scope of its Annual Report compared to those of PCCs when the first reports are released.
- 5.5. The Authority to and BTP to develop an integrated communications plan.

Appendix A: Key Functions from the Act

Strategic Planning

| <i>PCC Function</i> | <i>BTPA Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
|---|---|---|
| <p>Prepare a draft and issue a police and crime plan</p> <ul style="list-style-type: none"> • have regard to the strategic polling requirement when issuing or varying the Plan • Consult the chief constable • Send the draft to the police and crime panel and have regard to any report or recommendations made by the panel <p>s5(5)(6)(b)(c)(d)</p> | <p>The Authority shall set objectives for policing the railways each year and issue a Policing Plan (s50(1) & 52(1))</p> <p>In setting the objectives the Authority will consult the chief constable and have regard to opinions expressed in s62 (public consultation) (s50(3)(a)(b))</p> <p>The Authority shall issue every consecutive 3 financial years issue a strategy setting out the medium and long term strategy for policing the railways (s55(1))</p> | <p>The Police and Crime Plan may last for the PCC's term but can be varied.</p> <p>The Authority and Force are not required to have cognisance of the strategic policing requirement in their development of their Policing Plan and Strategy but it is encouraged in the interests of interoperability.</p> <p>The Police and Crime Plan replaces the Policing Plan and Strategy that police authorities were required to have in place.</p> <p><i>The Authority may want to consider whether it wants to amalgamate its Policing Plan and Strategy into one document as with an annual refresh this could be a viable option.</i></p> |
| <p>Consult the relevant chief constable before issuing or varying police and crime plan if, and to the extent that, the plan or variation is deferent from the draft prepared in accordance with subsection (6)</p> <p>s8</p> | <p>The Chief Constable is required by the 2003 Act to develop drafts of the Annual Policing Plan and 3-year Strategy for the Authority to discuss, suggest amendments and approve (s52 and 55 as amended by schedule 14 of the Police and Justice Act 2006).</p> | <p>Police and Crime Plans are to be developed by the PCC initially rather than the CC and the CC then consulted.</p> <p>The 2003 Act is clear that the CC should prepare the draft following the amendments by the Police and Justice Act 2006.</p> |
| <p>Review the police and crime plan, particularly in the light of;</p> <ul style="list-style-type: none"> (i) any report or recommendations made by the police and crime panel (ii) any changes in the Strategic | <p>There is no Police and Crime Panel equivalent for BTPA.</p> <p>The Policing Plan is reviewed on an annual basis as required by statute and the Strategy is refreshed annually.</p> | <p>Arrangements are already in place to take account of the Strategic Policing Requirement (although this is not statutory for BTPA/BTP).</p> |

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| Policing Requirement s5(9) | Changes to the strategic policing requirement as part of each of these processes along with the BTP Strategic Assessment. | |
| <i>CC Function</i> | <i>BTP Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
| Duty to have regard to the strategic policing requirement in exercising the functions of chief constable (Police Act 1996 37A(2)) | This is encouraged but not statutory for BTP. | Arrangements are already in place to take account of the Strategic Policing Requirement (although this is not statutory for BTPA/BTP). |
| Duty to have regard to the police and crime plan in exercising the functions of chief constable (s8(2)) | The CC has a duty to have regard to the Policing Plan and three year strategy when exercising his functions (s21(3)(b)(c)) | The CC has the corresponding duties with respect to the BTPA Policing Plan and Strategy. |

Information and Engagement

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| <i>PCC Function</i> | <i>BTPA Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
| Publish specified information in the time and manner specified, including information which enables persons who live in the body's area to assess the performance of <ul style="list-style-type: none"> the body in exercising its functions; and the chief officer in exercising their functions s11 | BTPA published its Annual Policing Plan, 3 Year Strategy Document, Annual Report and meeting papers which track progress against these. BTPA also has a publication scheme in accordance with the FOI Act | BTPA strives to be as open as possible with respect to the information that it provides publicly. <i>A review of the types of information published by PCCs could be a useful exercise to assess how BTPA compares and whether it could be releasing more information.</i> |
| Produce and publish an annual report covering; <ul style="list-style-type: none"> the exercise of the body's functions in each financial year the progress which had been made in the financial year in meeting the police and crime objectives in the police and crime plan s12 | BTPA is required to produce an Annual Report which includes an assessment of the extent to which the policing objectives and strategic objectives have been achieved. | <i>There could be scope for BTPA to put together a more detailed report on how it has met its functions. A review of PCC annual reports will be a useful exercise to see how BTPA's compares.</i> |
| Provide the police and crime panel with any information which the panel may reasonably require s13 | N/A | N/A |

| <i>CC Function</i> | <i>BTP Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
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| Make arrangements to provide people within each neighbourhood with information about the policing and how it is aimed to reduce crime and disorder and to hold regular meetings | There is no equivalent provision for the CC to provide information to the public outside of the Freedom of Information Act and HM Government Open Data project. Regular meetings are held as part of the neighbourhood policing model. | <i>It could be useful to review what information BTP does make available and how this compares to other forces under the new legislation.</i> |
| Make arrangements for obtaining the views of people within each neighbourhood about crime and disorder in that neighbourhood. | This is achieved through neighbourhood policing. | <i>BTPA to gain a greater understanding of what BTP does in this with respect to local consultation</i> |

Finance/value for money/contractual ability

| <i>PCC Function</i> | <i>BTPA Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
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| May not enter an agreement with another PCC under 1970 Act (Goods and Services) that could be subject to force collaboration under 23A of the 1996 Act s15(4) | BTPA is covered by the same provision. Section 23I in the Police Act applies the whole of section 23 as amended to BTPA and BTP. | No difference |
| Keep the Police Fund and Accounts (s21) | The Authority shall keep the Police Fund and maintain the Fund Accounts making the arrangements for an annual audit. (Schedule 4, Part 3 paragraph (16) (17)(a)(b)) | No difference |
| Police grant and other grants s24 & s25 and s46 1996 Act | The Authority may accept money or other property, by way of grant, loan or otherwise from any person (whether or not subject to terms and conditions) (Schedule 4, Part 3 paragraph (28)) | No difference |
| Enter into collaboration agreements and keep these under review (s89 23A - C 1996 Act) | BTPA is covered by the same provision. Section 23I in the Police Act applies the whole of section 23 as amended to BTPA and BTP. | No difference |
| Receive grants for police purposes S46 Police Act 1996 as amended by s24 | The Authority may accept money or other property, by way of grant, loan or otherwise from any person (whether or | No difference |

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| | not subject to terms and conditions) (Schedule 4, Part 3 paragraph (28)) | |
| Receive grants capital expenditure s47 Police Act 1996 as amended by s25 | See above | No difference |
| Receive national security grants s48 Police Act 1996 as amended by s25 | See above | No difference |
| Receive grants from local authorities s92 Police Act 1996 as amended by s25 | See above | No difference |
| Accept gifts and loans s93 Police Act 1996 as amended by s25 | See above There is no corresponding clause in the 2003 Act with respect to gifts, but also nothing that disallows the acceptance of gifts. | No difference for loans The 2003 Act is silent on gifts. |
| Borrow monies s96 Police Act 1996 as amended by s25 | The Authority may borrow money only from, or with the consent of, the Secretary of State (Schedule 4, Part 3 paragraph (29)) | No difference |
| Issue a precept s39 Local Government Act 1992 as amended by s26 and schedule 5 | N/A | N/A |
| Receive emergency assistance s155 Local Government and Housing Act 1989 as amended by s26 and schedule 5 | The Authority may accept money or other property, by way of grant, loan or otherwise from any person (whether or not subject to terms and conditions) (Schedule 4, Part 3 paragraph (28)) | No difference |
| Do anything calculated to facilitate their functions including; <ul style="list-style-type: none"> entering into contracts and other agreements acquiring and disposing of property (including land) borrowing schedule 1 para 14 | The Authority may acquire, develop or dispose of property. (Schedule 4, Part 3 paragraph (31)) | The 2011 Act does not include the development of property. |
| <i>CC function</i> | <i>BTP Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
| In exercising functions provide value for money, including ensuring those under direction and control | There is no specific duty on the CC from the 2003 Act but there is a general duty | This is not spelt out in the 2003 Act as it is in the 2011 Act but it still a |

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| obtain good value for money in exercising their functions (s35) | with respect to managing public money. The 2003 Act also charges the Authority with the aim to secure an efficient and effective police force. | applies as a general duty for managing public money and a requirement from the BTPA. |
| Enter into collaboration agreements, with the consent of the PCC, and keep these under review (s23A Police Act 1996 as inserted by s89 and schedule 12) | BTP is covered by the same provision. Section 23I in the Police Act applies the whole of section 23 as amended to BTPA and BTP. | No difference |
| Must appoint someone who is responsible for proper admin of police force's financial affairs (chief finance officer). A qualified person must be a member of one of the recognised chartered accountancy bodies in accordance with the Local Government Finance Act (1988) section 113 (schedule 2 paragraphs 4-6) | The Code of Governance requires BTP to have Director of Corporate Resources who is supported by a person with a relevant CCAB qualification if the DofCR does not have one him/herself | No difference |
| Do anything calculated to facilitate the exercise of their functions, including: <ul style="list-style-type: none"> Entering into contracts and other agreements, but only with consent of the PCC, unless the person by virtue of the contract becomes a member of the force's civilian staff Acquiring and disposing of property but only with the PCC's consent The CC may not borrow money (schedule 2 paragraph 7(2)) | According to the BTPA Scheme of Delegation included on the Code of Governance the CC may sign contracts up to the value of £0.5m. The CC has no delegation in the Act or the scheme of delegation to acquire or dispose of property. | This is not spelt out in the 2003 Act as it is in the 2011 Act but |

Partnership working

| <i>PCC Function</i> | <i>BTPA Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
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| Make a crime and disorder grant to any person (s9) | No equivalent provision | There is no corresponding function for BTPA in the 2003 Act. PCCs will receive some consolidated grants made up of funding currently provided to a range of organisations to fulfil this function. |

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| Have regard to the relevant priorities of each responsible authority ⁶ (s10(1)) | | There is no corresponding function for BTPA in the 2003 Act and owing to our national structure this is more difficult to achieve. However BTPA and BTP do strive to work with local authorities and passenger transport executives. |
| Act in cooperation with responsible authorities (s10(2)) | | See above |
| Make arrangements with criminal justice agencies ⁷ for the exercise of functions so as to provide an efficient and effective criminal justice system for the area (s10(3)) | No equivalent provision | This is not a statutory requirement for BTPA but it is an area that both BTPA and BTP have been working to develop. |
| Provide advice and assistance to a body outside of the UK with the consent of the Secretary of State s26 1996 Act as amended by para 25 schedule 16 | The Authority may provide advice or assistance, or arrange for the Police Force to provide advice or assistance, to a body which has responsibilities in relation to policing of a railway outside of Great Britain. This power can only be exercised with the consent of the Secretary of State. (s70(1)(3)) | No difference |
| CC Function | BTP Equivalent | Difference/Possible BTPA Response |
| Formulate and implement strategies for reducing crime and disorder, etc, with other responsible authorities, having regard to the police and crime plan s6 CDA 1998 as amended by schedule 11 | No equivalent provision placed directly on the CC but the authority is charged with securing the maintenance of an efficient and effective police force. | No equivalent provision. This is an area that BTP could be probed on to see how much they do with local authorities in problem areas for BTP. |
| Provide mutual aid (Police Act 1996 s24) | s24(3) of the Police Act 1996 applies this provision to BTP | No difference |
| Provide special police services (Police Act 1996 s25) | s25(1A) of the Police Act 1996 applies this provision to BTP | No difference |

People

⁶ Means the responsible authority exercising the functions in relation to a local government area that is comprised, or included, in the police area

⁷ Including the chief officer of police, CPS, Lord Chancellor (courts service), Minister of the Crown (prisons), youth offending teams, probation providers and other offender management agencies.

| <i>PCC Function</i> | <i>BTPA Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
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| Appoint, manage complaints regarding, suspend and remove the chief constable S38 and schedule 8 | The Authority shall appoint a Chief Constable (RTSA s21(1)) | BTPA continues to be the appointing body for the entire senior officer team as according to the RTSA sections 21-23 which remain unchanged by the PR&SRA 2011. |
| Appoint a chief executive, chief finance officer and may appoint any other staff, including a Deputy PCC. Schedule 1 6-8 | The Authority shall appoint Treasurer and a Clerk with responsibilities assigned by the Authority similar to those of a head of a local authority (RTSA schedule 4 11(a)(b)) | No difference |
| <i>CC Function</i> | <i>BTP Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
| Police force and, civilian staff of a police force are under the direction and control of the chief constable (s2(3)) Duty to exercise power of direction and control conferred by subsection 3 (see above) in such a way as is reasonable to assist the relevant PCC to exercise their functions (s2(5)) Subsection 3 is subject to any provision included in a collaboration agreement (s2(6)) | A constable of the Force shall be under the direction and control of the Chief Constable (RTSA 24(2)) A cadet of the police shall be under the direction and control of the Chief Constable. (RTSA 26(2)) A civilian employee shall be under the direction and control of the chief constable. (RTSA 27(2)) | No difference |
| Appoint, manage complaints regarding, suspend and remove deputy and assistant chief constables s39-40 and schedule 8 | The Authority shall appoint a Deputy Chief Constable and Assistant Chief Constables (RTSA s22(1) s23(1)) | BTPA continues to be responsible for the appointment of the Deputy and Assistant chief constables. Also for the management of complaints against, suspension and removal of these officers. |
| Appoint a chief finance officer and other staff schedule 2 4-6 | The Authority shall appoint and employ constables of the Police Force. (RTSA s24(1)) The Authority may employ persons to assist the police force (s27(1)). | PCCs will be required consult with their CCs and submit for approval a transfer scheme setting out which staff should be transferred to the CC's employ and which should remain in the employ of the PCC. This transfer must be completed by 1 April 2014 to recommend to the Home Secretary. CC's will become Corporations Sole. The Authority continues to be the employer of civilian |

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| | | employees, retaining direct responsibility for the employment of any civilian staff at the senior rank equivalent levels. This is written in the RTSA and has not been amended by the 2011 Act. |
| Appoint special constables s27 1996 Act | The Chief Constable may appoint special constables of the Police Force. (RTSA s25) | No difference |
| Appoint cadets s28 1996 Act | The Chief Constable may appoint cadets to undergo training with a view to becoming constables of the Force (RTSA s26(1)) | No difference |

Holding to Account

| <i>PCC Function</i> | <i>BTPA Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
|---|---|--|
| <p>Hold the chief constable to account for;</p> <ul style="list-style-type: none"> the functions of the CC, and of persons under the direction and control of the CC (s1(7)(a)(b)) the exercise of the duty to have regard to the police and crime plan (s1(8)(a)) the exercise of the duty to have regard to the strategic policing requirement (s1(8)(b)) the exercise of the duty to have regard to the codes of practice issued by the Secretary of State (s1(8)(c)) the effectiveness and efficiency of the chief constable's arrangements for cooperating with other persons (s1(8)(d)) the effectiveness and efficiency of the chief constable's arrangements for engagement with local people (s1(8)(e)) the extent to which the chief constable achieves value for money (s1(8)(f)) | <p>The 2003 Act does not have such a list in the RTSA but holds the CC to account:</p> <ul style="list-style-type: none"> the functions of the CC, and of persons under the direction and control of the CC the exercise of the duty to have regard to the Policing and Strategic Plans to have regard to the strategic policing requirement (this is not a statutory requirement for BTP but is encouraged in the interests of interoperability) the exercise of the duty to have regard to the codes of practice issued by the Secretary of State for Transport the effectiveness and efficiency of the chief constable's arrangements for cooperating with other persons the effectiveness and efficiency of the chief constable's arrangements for engagement with stakeholders the extent to which the chief constable achieves | <p>Whilst the 2003 Act does not list these functions, BTPA has arrangements in place to hold the CC to account on each of these functions, or the BTP equivalent as listed in the previous column.</p> |

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| <ul style="list-style-type: none"> • The exercise of duties relating to equality and diversity (s1(8)(g)) • The exercise of duties in relation to the safeguarding of children and the promotion of child welfare (s1(8)(h)) | <p>value for money</p> <ul style="list-style-type: none"> • The exercise of duties relating to equality and diversity • The exercise of duties in relation to the safeguarding of children and the promotion of child welfare. | |
| <i>CC Function</i> | <i>BTP Equivalent</i> | <i>Difference/Possible BTPA Response</i> |
| To provide PCC with such information on policing matters that the PCC may require the chief officer to give (s36). | <p>This is not specified in the 2003 Act but would come under our remit to ensure an efficient and effective force.</p> <p>The CC is required to provide an annual report on policing at the end of every financial year.</p> | N/A |