

Minutes (Part I)

Police Authority

Thursday 16 June 2016, 9.30 am
at BTP Force HQ, 25 Camden Road, London NW1 9LN

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Present:

Rt Hon. Esther McVey, Chairman
Dominic Booth
Len Jackson OBE
Bill Matthews
Ray O'Toole
Mark Phillips
Andrew Pollins
Stella Thomas

In attendance:

Paul Crowther OBE, Chief Constable
Adrian Hanstock, Deputy Chief Constable
Alun Thomas, T/ Assistant Chief Constable
Simon Downey OBE, Director of Capability and Resources

Andrew Figgures CB CBE, Chief Executive
Alistair Cook, Temporary Finance Director & Deputy Chief
Executive
Lucy Yasin, Authority Business Manager
Harriet Andrews, Audit and Risk Manager
Iggi Falcon, Senior Policy Officer & Minutes

Dan Moore, Department for Transport (DfT)

PART I - Items taken in Public Standing Items

28/2016 Welcome and Apologies

Agenda Item 1

1. The Chairman welcomed all Members to the third meeting of the year and, in particular, Dan Moore, from the Department for Transport's (DfT) Sponsoring Team.

2. Apologies had been received from Dyan Crowther, Liz France, Brian Phillipott and Anton Valk.

29/2016 Minutes of the Meeting 22 March 2016 (Part I)

Agenda Item 2

3. The minutes (Part I) were approved as a correct record.

30/2016 Matters arising

Agenda Item 3

4. **Item 2 - Firearms (Scotland)** - The Chief Constable reported that Police Scotland was set to make an announcement that they would increase the number of officers within armed policing. This provided an opportunity to raise once again the issue of taser deployment in Scotland, and the Chief Constable was looking to discuss this with the Cabinet Secretary at a forthcoming meeting in July.
5. **Item 3 - Airwave Replacement** - Progress had been made in discussions with the Home Office but concerns about the financial impact of meeting a potential enrolment charge (£2600 single charge per device) and the access to the Emergency Services Network (£650 per annum per device) remained. The Chief Constable explained that the BTP also remained exposed to an operational risk since the assurance about the BTP's ability to continue to operate in areas of special coverage was still incomplete.
6. The Chairman indicated that she expected clear timelines to be drawn on how the financial and operational risks would be addressed. In this sense, it would also be important to hold discussions between the BTPA and DfT to examine how to mitigate the risks. The DfT representative undertook to pursue these discussions and an update report would be submitted to the next meeting of the Authority.
7. **Item 5 - Governance Review** - The Working Group Meeting was to meet for the first time on 27 June 2016 to consider the outcome of the Member/COG Away Day held on 23 May. Separately, the Authority Executive Team was to hold a special session with the Chairman with a view to arranging the development and training programme for the team.
8. **Crime Review Consultation** - The Authority requested that the Public Consultation document is shared with members prior to being published later in the summer.
9. **Item 6 - TV Programme (Mental Health)** - The Chairman stated that at the last Authority Meeting it was agreed that the TV programme should not go ahead as it might encourage those with mental health

problems to take their lives on the railway. She stated that her direction was that there was to be no TV programme on suicide and she refused permission. The Chief Constable said that he had heard her advice. The Chair responded that such a programme advertised suicide. The Chief Constable said that this was an operational decision and that he was not sure the Authority could give such direction to him. The Chair then asked Authority Members for their views and received unanimous support that a programme on suicide might increase the risk of suicide to those with mental health problems. The Chair then asked the Chief Executive to look into whether the Authority could give direction to the Chief Constable in this case.

10. **Item 7 & 8 - Disruption** - Agenda items had been deferred to 28 September. The Authority expected the presentation to be delivered that day.
11. **Item 11 - Sickness Absence** - The People and Standards Committee had received and considered data in relation to Sickness Absence. A Gold Group continued to monitor and review cases and implement the Welfare Strategy, focusing on issues such as PTSD.
12. All other actions were marked completed.
13. **Agreed:-**
 - 13.1. To pursue discussions between the DfT, BTPA/BTP and Home Office regarding the BTPs continued use of the Emergency Services and Mobile Network, particularly in respect of adequate coverage in underground/ deep tunnels and of the cost of transitioning to the new provider. A paper to be submitted Authority with a financial impact of the transition and a timeline. **(Action: Dan Moore, Andrew Figgures)**
 - 13.2. The Authority Executive Team to hold a special session with the Chairman with a view to arranging the development programme and training for the team. **(Action: Andrew Figgures)**
 - 13.3. The Crime Review Public Consultation to be shared with Members prior to being published later in the summer. **(Action: Mark Newton)**
 - 13.4. Operational Independence advice to be submitted in the context of the BTP's potential participation in a TV Programme. **(Action: Andrew Figgures)**

31/2016 Finance Committee Report

Agenda Item 4

14. The Chairman of the Finance Committee introduced a report setting out an overview of the work of the Committee at its meeting of 8 June 2016. Business at the meeting included an update on the position with PSA holders, the latest on Direct-Debit issues and an update on Force projects and Digital Transformation.
15. Also discussed in some length was the BTP 2015/16 End of Year Results, with the Authority noting the serious concerns expressed by the Committee at the budget variations reported over the last three periods. This showed that the position moved from a £1.8m underspend reported in P12 to a final position of £4.4m overspend in P14. This deficit of £4.44m combined with the £5m fixed-assets write-off had also led to a draw-down of reserves of £9.4m, on top of a pre-agreed draw down of £1.5m. In total the movement on reserves reported in the Financial Statements was £11m. It was noted that work was still ongoing to understand what elements of the reserves were cashable.
16. Questions were raised as to why the financial implications of the work in implementing the financial action plan with respect to reclassification of capital and revenue spend, asset write offs, dilapidations, depreciation, and accruals of staff costs which had been identified by internal audit but had not been reflected in the management accounts and the consequent adverse impact in the financial statements. The Authority was therefore faced with increasing the charges to PSA holders.
17. The issue exposed accountancy failures and capability issues at the heart of the Finance Team. The Action Plan which had been drawn out last year had already captured the need to address capability and staffing issues in the BTP's Finance Section and work to carry out those actions was progressing. Members were advised that it was open to them to attend fortnightly meetings of the Action Plan if they wished.
18. The Chairman expressed her disappointment at the report and emphasised the need to understand the extent of failings and address the root causes. She also requested that the Finance Team's restructure be accelerated to ensure that it was equipped with an appropriate level of accountancy capability. The Chief Constable also spoke of his disappointment in the current position and thanked the Interim Authority Finance Director for the assistance that he had offered over the past few weeks in getting to the End-of-Year position. He assured Members that every effort was being made to improve the position. The DfT's representative commented that, from his department's perspective, they would be keen to see how lessons were being captured and how the

organisation was moving forward. Members echoed the sentiments above and made the following final points:-

- 18.1. There was a need to clarify accountancy policy, and provide a clear narrative of how the failings came about, and what lessons are drawn.
 - 18.2. There was a need to agree the message that would be shared with stakeholders, and provide assurances about the controls being put in place to avoid this situation from recurring
 - 18.3. There was a need to get to a much-improved forecast position and 'understand the numbers' before entering dialogue with the Industry about the budget.
19. The report was noted.

20. Agreed:

- 20.1. The Finance Team's restructure to be accelerated to ensure that it was equipped with an appropriate level of accountancy capability
- 20.2. To clarify accountancy policy, and provide a clear narrative of how the failings came about, and what lessons are drawn.
- 20.3. To agree the message that would be shared with stakeholders, and provide assurances about the controls being put in place to avoid this situation from recurring
- 20.4. To take steps to get to a much-improved forecast position and 'understand the numbers' before entering dialogue with the Industry about the budget.

32/2016 Audit & Risk Assurance Committee

Agenda Item 5

- 21. The Authority considered a report updating Members on audit activity and risk management issues, as considered by the Committee at its meeting on 16 June 2016. The report was introduced by Andrew Pollins on behalf of the Chairman, who had given apologies to the meeting.
- 22. A range of issues were covered, including an update on engagement with HMIC, the Annual Insurance Report and a Progress Update on Internal Audit activity. One of the issues covered included the consideration of the final report from Frith Street Consulting on its Forensic Investigation. The Committee had been pleased to note that no evidence was found of fraudulent payment or the suppression of records as part of their investigations.

23. The main item of business concerned the review of the BTP Fund Accounts for the period up to 31 March 2015/16. A recommendation was now before the Authority, under Item 6, for the Accounts' final approval.
24. The report was noted.

33/2016 Annual Reports and Statement of Accounts 2015/16

Agenda Item 6

25. The Authority considered the Annual Report and Statement of Accounts for the period to 31 March 2016 and approved their signing by the Accounting Officer and submission to the National Audit Office and Parliament, subject to any minor formatting changes that may be further required.

26. Agreed:

- 26.1. The Authority approved the signing of the accounts by the Accounting Officer and their submission to the National Audit Office and Parliament, subject to any minor formatting changes that may be further required.

[Afternote: Between the date of approval of the accounts and the date of laying, the results from the National Rail Passenger Survey were received. The annual report was therefore updated with these results.]

34/2016 Progress against Finance Action Plan

Agenda Item 7

27. The Authority considered this item as part of the report under Item 4.

35/2016 Chief Constable's Report

Agenda Item 8

28. The Chief Constable introduced a report which provided an update on the BTP's activity to deliver the key objectives in the Strategic Plan, undertaken since the last Authority meeting.

Counter Terrorism

29. The events in Orlando, Florida on the night of the 12 June 2016 were evidence of the sustained threat from Islamist Terrorism facing US and Western Europe. The BTP continued to provide visibility and reassurance on the UK's rail and underground network and the

Force's role in protecting the public was showcased in a recent visit by the Prime Minister alongside the former Mayoral candidate Zac Goldsmith MP. A recent move by the Metropolitan Police to recruit a large number of additional firearm officers could result in the potential loss of BTP skills, and the situation was being monitored closely.

Scotland

30. The formation of the new SNP government had provided greater clarity on the speed of Scottish Government's plans to integrate BTP D Division into Police Scotland. The Scotland Act 2016 had come into force on 23 May and the Scottish Parliament now enjoyed devolved responsibility for railways policing in Scotland.
31. The Scottish Government was committed to pass legislation to merge the D Division into Police Scotland. It had long argued the case for doing this, and indeed it saw it as part of its wider goal of having a single Scottish Police Service. The integration of the D Division into Police Scotland was however more complex than the merger of the previous eight Scottish police forces because of the BTP's unique funding model and legal framework. The Scottish Government had taken into account concerns put forward by the BTPA/BTP and confirmed that it would work towards a switchover date of 1 April 2019 - one year later than originally planned.
32. A Scottish Parliament bill was expected to be introduced within 12 months, once the formal process of consultation takes place. The Scottish Government was to publish a consultation paper after the EU Referendum on 23 June. In the meantime, a Programme Board jointly set up by the Scottish Government and the DfT was now in the process of finalising the structure of 7 distinct workstreams to facilitate the transition. Both the BTPA and the BTP (alongside Police Scotland, SPA, Transport Scotland, etc) were supporting the various workstreams, and the process for putting in place a Project Manager, as well as identifying leads, responsibilities and milestones was now underway in line with the Chairman's direction.
33. There were anticipated additional costs which were now being identified at both the BTPA and SPA level, with work progressing on the recruitment of a Project Manager by September 2016. The BTPA/BTP was awaiting direction from the UK and Scottish Governments on how any extra costs might be costed and apportioned. The DfT representative clarified his department's expectation that, from a point of view of compliance, a reasonable level of BTPA/BTP's support would need to be met from existing resources. The Authority Chief Executive queried whether there was any legal impediment to use Police Fund money towards activities

other than policing and the DfT representative undertook to provide advice in that regard.

[Stella Thomas and Dominic Booth left the meeting at this point of the meeting. Stella Thomas had previously given agreement to the recommendation under Item 12, bearing in mind that quorum would be lost following her departure).

Euro 2016 Football Championship

34. The Authority received a brief presentation from T/ACC Alun Thomas on the efforts put in place to assist French Authorities in the policing of the Euro 2016 Football Championship. BTP was authorised to operate on French territory under EU Prüm arrangements. This allowed BTP to have policing powers whilst travelling on the Eurostar service and when accompanied by Police aux Frontières (PAF) within French borders. This also allows BTP officers to carry Personnel Protective Equipment and body worn video, and to use reasonable force and detain individuals allowing PAF officers to make arrests. There has been strong support from the Home Office, Foreign and Commonwealth Office, and the French authorities to enable this to happen.
35. Members were pleased to hear about the strong collaboration between the BTP and their French counterparts in the policing of this important event and commended T/ACC Thomas and the entire Senior Officer Team for the work that they had led.
- 36. Agreed:**
 - 36.1. The DfT to provide advice to the BTPA about the legal mechanisms that would allow the BTPA/BTP to meet costs associated with Scottish devolution from the Police Fund.
 - 36.2. A Project Manager for the Scottish Devolution project to be recruited by September 2016.

36/2016 Risk Register and Scotland

Agenda Item 9

37. The Authority considered this item as part of the discussion under Item 8.

37/2016 Stakeholder Engagement

Agenda Item 10

38. The Chairman led a discussion with Members on the suggestions ahead of the September Authority meeting, which is when the

BTPA traditionally holds a workshop with representatives from the Rail Industry. The suggestion was that this year, the workshop be replaced by Stakeholder dinners, thus providing the Industry with an opportunity to speak more frankly about their views and expectations about the work of the BTP. That said, the date for the workshop would be kept to provide Members with an opportunity to have an away day session as well as an induction to the new Deputy Chair and Members who are expected to join later in the year. Members supported that suggestion.

39. The Chairman also spoke about an approach she had had from a TV production company with experience of documenting the Royal Household about the possibility of taking part in a TV documentary to showcase the BTP's work, particularly on activities like Football events. Chairman felt this was an opportunity worth considering and she undertook to continue discussions with the company to explore the feasibility of the project.

40. Agreed:

- 40.1. The Chairman to continue discussions with the TV Production Company and explore the possibility of taking part in a TV documentary to showcase the BTP's work, particularly on activities like Football events

38/2016 Governance Review

Agenda Item 11

41. The Authority received a report outlining the next steps to address the recommendations from the Governance Review and formally introduce the Governance Review Working Group (GRWG), including its terms of reference. The Working Group was to have its inaugural meeting on 27 June 2016.
42. The report was noted.

39/2016 Chief Executive's Report

Agenda Item 12

43. The Authority received a report outlining the work of the Authority Executive Team since the last meeting. The report included an update on Stakeholder Activity, Out of Committee decisions and Contracts signed. In particular, the report highlighted a request received from the Force to make an amendment to two local targets on B Division, one each on East and South sub-divisions. This would be a wording change to remove '10%' from two local targets to reduce physical violence on East and South; making them simple rather than quantified reduction targets. The rationale was set out in detail in the attached paper at Appendix B.

44. If supported the change would:
- Be consistent with the wording we used to consult stakeholders in January, the 10% figure was added by BTP post consultation
 - Create consistency in approach across all divisions
 - Address concerns expressed by the Chief Constable at the recent away-day about the intended consequences of the application of some numeric targets, ACC Newton believes that retaining a 10% target may encourage a focus on lower level but higher frequency crime rather than those crimes which cause greatest risk of harm.
45. The Policing Plan Group was happy to recommend the proposed change to the Authority for approval. Members endorsed the proposal.
46. The report was noted.
- 47. Agreed:**
- 47.1. The Authority approved the changes to the B Division Policing Plan as recommended in the report.

40/2016 Performance Review Committee
Agenda Item 13

48. The Authority received a report providing an overview of the work of the Committee at its Q4 meeting. Highlights were as follows:-
- 2015-16 year-end performance against the strategic objectives:**
- 48.1. There was a **6% increase in notifiable crime** (excluding police-generated offences). A 14% reduction is required by 2019 in order to achieve this strategic objective.
- 48.2. There was an **8% increase in police-related lost minutes**. This objective had been one of BTP's biggest challenges. A 34% reduction was required by 2019 to achieve this objective.
- 48.3. The **year-end confidence figure was not yet available**, but the Force was on track to achieve this objective.
49. At the end of quarter 4, BTP had achieved 3 out of 9 National and 32 out of 53 Local **Policing Plan** targets. The National target to increase confidence at the 20 lowest ranked stations and the two Policing Plan commitments with respect to cybercrime and safeguarding had been achieved. The three targets to reduce

notifiable crime by 3%, violence against the person offences by 10%, and police-related lost minutes by 7% were not achieved.

50. **Confidence:** Year-end data was not yet available for the two targets to increase passenger and staff confidence; however, BTP was on course to achieve the passenger confidence target, which will be measured against the results of the Spring 2016 National Rail Passenger Survey (NRPS), which will be published in June 2016.
51. **Crime:** There had been a **6% increase in notifiable crime** (excluding police-generated offences). Offences were down by 38% between 2005-06 and 2015-16; however, the previous reductions had halted in 2015-16. There had been a large increase in the number of texts received to the 61016 number, from 8,433 in 2014-15 to 21,019 in 2015-16, which had started to drive up the number of recorded crimes. The 'Report it to Stop It' campaign had also resulted in increased confidence to report sexual offences on the rail network; it was predicted that this increase would continue.
52. **Disruption: Police related lost minutes were up by 8%**, with primary lost minutes up by 4% and reactionary lost minutes up by 11%. It was estimated that Chief Superintendent Brogden's joint work with the rail industry, to improve the management of and response to delays, would have an impact toward the latter part of this year.
53. There was, in 2015-16, an average of **7.51 days sickness per employee**, above the target of 7.30 days. BTP's sickness rates, however, compared well with those of Home Office Forces; 2.65% of days were lost to officer sickness in BTP, compared to an average of 4.15% across Home Office Forces.
54. The performance dashboard, which provides further details of performance at the end of quarter 4, was appended to the report.
55. The report was noted.

41/2016 People and Standards Committee

Agenda Item 14

56. The Chairman of the People and Standards Committee introduced a report summarising the key developments at the most recent meeting of the Committee on 27 April 2016. Business at the meeting included the review of the Quarterly report on PSD Activity, the People and Health and Safety regular update and a review of comprehensive data relating to sickness absence at the BTP, further to an action arising at the March meeting of the Authority

57. The meeting had been preceded by a review of a sample of Complaint and Conduct cases, including cases containing Use of Force allegations, Discriminatory Behaviour and cases containing both those allegations. The types of allegations were selected following a small number of high profile cases fitting these criteria. The Committee was interested in examining any trends as well as reviewing how the BTP followed the IPCC Guidelines for handling discrimination allegations. Of the reviewed cases, none gave cause for concern.
58. The picture was generally positive in relation to the activities of the Professional Standards Department. The analysis of PSD Complaint-handling data showed good performance in Q4. The volume of complaint cases remained consistent, whilst the total number of allegations had increased marginally. It was highlighted that that the number of the most serious allegations such as corrupt practice and sexual assault was extremely small. Finally, the number of upheld finalised complaints stood at 14% which was comparable with the national average of 13%.
59. The report was noted.

PART III - SUMMARY OF ITEMS TAKEN IN PRIVATE

42/2016 Minutes of the Meeting 28 January 2015 - Part II

Agenda Item 15

The Authority agreed the minutes as an accurate record.

43/2016 Minutes of the Meeting 28 January 2015 - Members only session

Agenda Item 16

The Authority agreed the minutes as an accurate record.

The meeting finished at 12.15.

Date of next meeting:

16 June 2016

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