

Minutes

Police Authority

Wednesday 5 February 2020, 10:00 – 14:00
BTP Force Headquarters
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Present:

Ron Barclay-Smith, Chair
Mark Phillips, Deputy Chair
Dominic Booth
Andy Cooper
Graham Evans
Willie Gallagher
Shrin Honap
Kenna Kintrea
Bill Matthews
Andrew Pollins
Martin Richards
Stella Thomas

Apologies:

Craig Mackey
Beverley Shears

In attendance:

BTPA Executive
Hugh Ind, Chief Executive
Sarah McGarel, Chief Financial Officer
Sam Elvy, Head of Strategy, Planning and Engagement
Stephanie Calvert, Head of Governance and Compliance
Lucy Yasin, Head of Governance and Compliance (& Secretariat)

BTP
Paul Crowther, Chief Constable
Adrian Hanstock, Deputy Chief Constable
Sean O'Callaghan, Assistant Chief Constable
Simon Downey, Director of Strategy & Change
Rachael Etebar, Director of People and Culture
Tracey Martin, Director of Finance & Commercial Services
Elaine Derrick, Senior Advisor

Public session

Welcome

Non-agenda

1. The Chair recorded the Authority's sincere thanks to Jeremy Mayhew whose term of appointment had ended on 25 January. The Chair also congratulated the Chief Constable on his award of a CBE in the New Year Honours.

Minutes of meeting 3 December 2019

Agenda item 1

2. The Chief Constable raised a concern that the minute of the discussion in respect of the budget needed more context. The Chair asked that the Chief Constable put his observations in writing but was clear that the final decision on the minutes was for the Authority and that he was content with the minute as it stood.
3. The minutes from the previous meeting were agreed as an accurate record by the Authority.

Matters arising/actions outstanding

Agenda Item 2

4. The Chair invited comments from those present on the actions arising from previous Authority meetings.
 - 4.1. Action one (possibility of requirement for reserves funding) remained open until the financial year-end and was monitored through the Performance and Delivery Committee.
 - 4.2. Action two (tripartite pension valuation meeting) was deferred whilst advice was sought from the DfT.
 - 4.3. Actions three (approval of provisional charges) and four (sharing of sub divisional COG visit dates) were accepted as being discharged.

Chief Constable's update

Agenda Item 3

5. The Chief Constable began by confirming that BTP was monitoring emerging advice in respect of coronavirus. The Force had established a Gold Group which was linked in to PHE and London Resilience and daily updates were being provided to the workforce. The Chief Constable noted significant changes were taking place in respect of how the rail network operated with a further route being taken over by the Operator of Last Resort (OLR), effectively DfT. Also, that the Williams Rail Review would be reporting shortly and that the Authority and BTP needed to be proactive in recognising potential impacts for railway policing responding to these.
6. There was the possibility of a large-scale strategic review of the way policing is delivered in the UK in the near future. This followed the successful nationally coordinated but regionally delivered approaches to counter terrorism policing and serious and organised crime. There was also a desire to look at policing as an overall system. This was likely to

have implications for BTP as the largest of the national forces. It was agreed that it would be helpful to have a discussion on how best to position BTP in any such discussion and have a jointly agreed position.

7. The Home Secretary had visited BTP twice since the last Authority meeting. The Home Office had confirmed further investment into BTP for policing of county lines. Discussions remained ongoing in respect of receiving government funding for counter terrorism policing for BTP.
8. The initial results from the People Survey had been delivered. A full report on this would come to the March Authority meeting. It was requested that this report include an update on progress of actions from the previous survey. There was general concern amongst the membership in respect of the low uptake (29% response rate). BTP responded that factors such as survey fatigue may have impacted this but also noted that this was a median result in terms of those forces that Durham had surveyed.
9. The Force had a significant recruitment project underway. It was noted that BTP was one of the top forces in respect of percentage of BAME employees but was low in respect of female officers. A focus on diversity was being maintained throughout the recruitment drive and the Force was reaching out to women through women's groups and social media.
10. It was recognised that there was risk of a disconnect between the Authority and BTP in their position on a range of issues right down from the strategic opportunities resulting from planned reorganisation of the rail industry through to their understanding of pressures around front line recruitment and retention. The Chair asked that the Chief Constable prepare a short paper on the practical issues being experienced by officers to provide members with a better understanding of them. The Chief Constable undertook to prepare this.
11. The Chief Constable spoke of the value of spending more time discussing strategic issues and finding ways forward in a more informal setting reaching a shared view between the Authority and BTP. It was recognised that this would be helpful for both the approach to Williams Rail Review and a potential review of policing nationally.

Action

12. The paper on the staff survey for March to include an update on progress against the action plan from the previous survey.
13. The Chief Constable to prepare a paper a short paper on the practical issues that are limiting the Force's ability to meet the increasing operational challenges and deliver the Strategy, what is causing them and how this is impacting delivery.
14. The Chief Executive and Chief Constable to agree how the Force and Authority can achieve a focused discussion on the changing strategic landscape with Members and the industry.

Executive Items

Police integrity regulatory changes

Agenda item 4.1

15. The Head of Governance and Compliance presented a paper setting out the history of the changes for the benefit of new members. The Regulations had come into force for Home Office police forces on 1 February. The Authority was in the process of finalising its draft regulations which largely mirrored the Home Office versions. Once the final drafts were ready the consultation with the staff associations would take place. The next step would then be for the Authority to approve the final versions for commencement.
16. The Authority was working with BTP. BTP welcomed the changes which provided clarity on discipline versus improvement and which processes applied to staff versus officers. It was recognised that there was a major cultural aspect to this work which was crucial to its success.
17. The Deputy Chief Constable clarified that whilst BTP was not formally part of the barred and advisory lists it did report this information via the Police National Database (PND) and had an information sharing agreement in place with the College of Policing to view the lists.
18. Members noted the contents of the report and that the new regulations would be circulated for approval once the consultation phase had been completed.

Out of committee decision for noting
Agenda item 5

19. The decisions taken out of committee included approval of provisional charges for 2020/21, wash up charges for 2018/19 and the new staff pensions scheme contribution structure.
20. The decisions taken out of committee were duly noted.

Items for update and discussion
Agenda item 6.1

Taser

21. The Authority had requested a better understanding of the current situation in BTP in respect of taser and the future taser strategy. Taser was classed as a 'less lethal weapon' and as such it was important that the Authority was able to understand and support BTP's approach in this area.
22. It was noted that officers could not be mandated to carry a taser. Those who were content to carry a taser had to pass rigorous testing in the first instance which had around a 30% failure rate. There was also an annual eyesight requirement. Officers could now receive taser training in their probationary period.
23. At the time of the meeting there were 669 officers who carried taser in BTP. 450 of the 669 tasers were carried by non-armed officers. Firearm officers were required to carry a less lethal option by statute. Taser had been used by BTP 427 times in the last 12 months but only fired 12 times. There were five levels of measurement and the breakdown as follows: drawn (188x), aimed (106x), arced (7x), red-dotted (114x) and fired (12x). The figures demonstrated that the presence of a taser was usually sufficient to bring about compliance without the need for firing.

24. BTP had surveyed its officers to see who would be willing to carry a taser. The result was awaited as a second survey had taken place following a low response to a first round. A further 50 taser had been reserved with the manufacturer pending the outcome of the survey. It was recognised that some officers were concerned about the legal implications of using a taser should death or serious injury occur following discharge. The Chief Constable was clear that he would support officers as far as possible.
25. The Authority was concerned that the rollout of taser appeared to be based on individual choice as opposed to led by the StRA. The Chief Constable responded that the survey had taken place to help inform training requirements and the number of officers that carry taser was linked to the threat and risk assessment in the StRA, which identified the number of taser required in BTP locations. It was noted that taser was already in most locations so officers were able to see the capabilities and benefits. Furthermore, the importance of protecting those officers who did not want to carry taser was noted.
26. ACC O’Callaghan provided the insight into the financial investment required in taser, noting that each taser unit is £1200 and then the cost of cartridges (which have a limited shelf life), training, holster, storage and batteries increased this even further. There was Home Office funding for taser but BTP had not been able to access this. If BTP were to roll out tasers to all officers the cost would be £2.5m, requiring 282 devices and, taking account of training and reaccreditation, would take approximately two years before all were operational.
27. The Authority recognised that the use of taser was an operational matter for the Chief Constable. It further noted that Taser is not classed as Personal Protective Equipment and as such is not mandatory. It noted the Chief Constable’s desire, nonetheless, to ensure that officers who wished to be trained could be. Control over the degree to which Taser was actually deployed would be determined by assessed need. In the circumstances, the Authority concluded they were content to support the operational judgement of the Chief Constable. Authority Members also requested a clearer picture of the national guidance on the deployment of Taser. Though they stipulated that the usual financial and procurement permissions should be sought depending on the levels of cost involved in an increased Taser deployment.

Action

28. To agree where and when future regular reports on Taser deployment and usage would be reported to the Authority in future.

Agenda item 6.2

Custody

29. The Head of Governance & Compliance provided Members with clarity of why this item had been tabled at the meeting. She explained that it formed part of a wider piece of engagement work which the Executive had been progressing under the umbrella of legitimacy and this extended beyond custody and included other public confidence areas such as stop and search and use of force.

30. The Head of Governance & Compliance emphasised the Executive's intention to ensure that the Authority was aware of its responsibilities as set out within the paper. Members were advised of the recently reviewed agreement with MOPAC. It was noted that the recent HMICFRS custody inspection also made the item timely.
31. The Chief Executive recognised that there was more the Authority could do in this space. He referred to the recent feedback from custody visitors which endorsed this.
32. The Deputy Chief Constable provided a briefing on the current custody estate, usage and statistics. The key message was that custody was getting busier. BTP only had one full-time custody open in London and used custody suites of local forces throughout the rest of the England, Scotland and Wales. This area had some risk attached in respect of requests for charging but to date any requests had been resolved with no charge being applied.
33. The custody estate and staffing had been changed significantly as part of the transformation programme. This was now at the point of review and it was recognised that there were some issues, particularly in respect of staffing. Sickness rates for those working in custody were 22 days per annum as opposed to 9 days across the rest of the Force. Whilst this figure was slightly skewed by some long-term sickness it was clear that there was an issue to be resolved. The Force was currently looking at options to address this.
34. The DCC gave an update on the key outcomes from the HMIC inspection which had provided a forensic inspection of custody. The key findings were:
 - 34.1. Good practice identified, including:
 - good support of detainees, especially those who are vulnerable, ensuring their welfare needs are met
 - ongoing tracking of improvements to custody through local management
 - good engagement with partners
 - 34.2. HMICFRS identified some areas for improvement:
 - Improving accuracy of custody data
 - Review of resourcing model required
 - Greater governance and oversight of use of force
 - Conducting Code C PACE reviews face to face
35. The report including the Authority's duties and responsibilities was noted.

Action

36. The Authority to decide how custody, and other legitimacy data would be reported in future to help ensure the Authority properly discharged its oversight duties in this area.

Business Reports

Agenda Item 7.1

Transformation Working Group – 14 January 2020

37. The Chief Executive drew attention to three areas:

- 37.1. The Smarter Working Programme which is aimed at helping BTP staff/officers make best use of the technology recently rolled out.
- 37.2. Agreement on developing a fuller narrative on both cashed and non-cashed efficiencies delivered. To share with rail industry funders amongst others.
- 37.3. A new Head of Transformation, Head of Estates and Chief Information Officer had been recruited, as such work with PA Consulting (the delivery partner) would pause from April 2020. This had been pre-empted in the MTFP. The contractual framework would remain in place but there would only be a charge if PA's services were used.

38. The minutes were noted.

Authority meeting in Cardiff – 24 March 2020

Agenda item 8

39. The Chief Executive briefed Members on the plans for Cardiff. There would be background reading material distributed ahead of the visit.

Action

40. Elaine Derrick to have Superintendent Morgan's paper on transport policing in Wales updated for circulation ahead of the visit.

AOB

Agenda Item 9

41. The Chair asked for reflections on the meeting. The Deputy Chair provided feedback that the purpose of some of the items had not been clear.