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Minutes Police Authority

Thursday 10 December 2020 at 10.30am on Microsoft Teams

Present:

Ron Barclay-Smith (Chair)
Andy Cooper (Interim Deputy Chair)
Dominic Booth
Graham Evans
Willie Gallagher
Kenna Kintrea
Craig Mackey
Andrew Pollins
Martin Richards
Stella Thomas

Apologies:

Bill Matthews
Bev Shears (absent 11.00am-12.00pm)

In attendance:

BTPA Executive
Hugh Ind (Chief Executive)
Sarah McGarel (Chief Financial Officer & Treasurer)
Samantha Elvy (Head of Planning, Strategy & Engagement)
Pam Christie (Stakeholder Engagement and Communications Manager)
Lucy Yasin (Co-Head of Governance and Compliance)
Alistair MacLellan (Board Secretary / Minutes)

British Transport Police

Paul Crowther (Chief Constable)
Adrian Hanstock (Deputy Chief Constable)
Charlie Doyle (Assistant Chief Constable)
Sean O'Callaghan (Assistant Chief Constable)
Rachael Etebar (Director of People and Culture)
Simon Downey (Director of Strategy and Change)
Tracey Martin (Director of Finance and Commercial Services)
Sonja Browning-Page (Chief Information Officer)
Elaine Derrick (Senior Adviser)

Welcome and Apologies

Agenda Item 1

1. Apologies were received from Bill Matthews. Bev Shears noted she would be absent between 11.00am-12.00pm due to a prior engagement.

Declarations of Interest

Agenda Item 2

2. There were no declarations of interest from Members. Members noted that officers and staff in attendance had an interest in Item 3 (Pensions Update).

PUBLIC SUMMARY OF NON-PUBLIC SESSION

Pensions Update

Agenda Item 3

3. Members received digest of the Pension Working Group meeting held on 10 December 2020, and a Pensions Update from the Chief Executive covering the Police Staff Pension Strategy, Police Officer Valuation, and Staff Scheme Evaluation.

Contract Renewal

Agenda Item 4

4. Members considered a report of the Chief Financial Officer regarding a contract renewal.

Manchester Arena Inquiry

Agenda Item 5

5. Members received an update from the Chief Constable regarding the Manchester Arena Inquiry.

2021/22 Budget - Provisional Charges

Agenda Item 6

6. Members received an update from the Chief Financial Officer regarding the provisional charges within the 2021/22 budget.

PUBLIC SESSION**Strategic Risk****Agenda Item 7**

7. Members noted the new standing item regarding strategic risk. It was noted that a workshop was planned for April 2021 where risk would be considered in more detail.

Minutes – BTPA Full Authority Meeting – 23 September 2020**Agenda Item 8**

8. **RESOLVED**, that subject to an amendment at page 3, paragraph 13 (**Action 6/2020**) the minutes of the meeting held on 23 September 2020 be approved.

Matters Arising and Actions**Agenda Item 9**

9. **Custody – Legitimacy** – the Chief Executive noted that the need to recalibrate full oversight of the legitimacy agenda had been referred to the Performance and Delivery Committee. Members agreed that this action could be closed.
10. **Manchester Arena Inquiry – Chair/Chief Executive Briefing** – Members noted that this action had been discussed in the non-public session earlier on in the agenda and could therefore be closed. It was agreed that the language around actions arising from the inquiry should emphasise the Force, Executive and Authority's focus on the public, rail staff, critical national infrastructure, recognising where the Force needed to improve, and the delivery of exceptional policing (**Action 7/2020**).

BTPA Report**Agenda Item 10**

11. Members considered a report of the Chief Executive, who highlighted the following issues:
 - a. The Executive was engaging DfT regarding the extra costs incurred by the Force due to COVID in 2020/21. DfT had been broadly positive but was scrutinising the Authority's cash balances. The Executive was committed to arguing the case for those balances being needed for example to facilitate the Birmingham relocation in 2021/22.
 - b. Both the Force and Executive had dedicated a significant amount of effort to delivering the Spending Review submission. That said, the settlement was only for a period of one year, and so many items that the Force/Executive had bid for had not received a decision for the time being. HMT had yet to respond to DfT regarding meeting liabilities arising from the officer pension scheme.

- c. The new Complaint Regulations would go live in early 2021, and the Executive would be writing to Members to determine who could serve on the newly convened Complaints Panel.
 - d. The Executive and Network Rail would be refreshing their estates relationship given the existing agreement was no longer fit for purpose. The refresh posed a potential financial risk due to Network Rail's stated desire to charge market rates. DfT would need to sign-off the refreshed relationship if significant extra costs were to be met by the rail industry.
 - e. The Executive was spending over 10% of its budget on professional advisers – this was due largely to the support required around police officer and police staff pensions.
 - f. Members should note the fact that £3.94m of reserves had been drawn down in support of 2019/20 spending using the out-of-committee process.
12. In response to a question, the Chief Executive agreed that the budget risk posed by the Network Rail estates agreement refresh should be better understood. A Member added that the volatility of market rates due to COVID should be appropriately factored in to the refresh (**Action 8/2020**).
13. In response to a request, the Chief Executive agreed to liaise with the Chair and approach Members with a view to asking them to serve on the new Complaints Review Panel (**Action 9/2020**).

Chief Constable's Report

Agenda Item 11

14. Members considered a report of the Chief Constable, who highlighted the following issues:
- a. The Force continued to be faced by a complex environment of COVID controls, with continuing changes to lockdown and tiers across different areas of the UK. It was likely that London would, subject to a review on/around 16 December 2020, move into Tier 3.
 - b. The Force continued to respond to the movement of persons for retail and night time economy (NTE) purposes between different tiers. Thought was being given to the expansion of sporting crowds and their use of the rail network, and the likely movement of people during the Christmas relaxation period of 23-27 December 2020. There would be the potential challenge of the period between Christmas and New Year, with the potential for New Year celebrations.

- c. The Chief Constable had joined a call with the Prime Minister earlier that week to discuss the enforcement of COVID regulations and the focus on ensuring compliance in light of the impending vaccine.
 - d. The Force had been liaising with the Home Office to seek clarity on whether County Lines funding would be available from April 2021, given decisions on spending and resource allocation were required imminently. The Force had received assurances to date that it was viewed as one of the primary deliverers of outcomes on County Lines. 12 of the 36 national prosecutions for Modern Slavery were due to the work of the Force in this area. The Force had a call with the Policing Minister later that day, and an announcement was expected imminently.
 - e. Passenger numbers were 25% on year, and crime was 80% on year. Fatalities continued to be 90% on year despite the low overall passenger numbers, and detentions under the Mental Health Act remained the same.
 - f. With regard to the continuing level of fatalities on the network, the Force was developing technology solutions with Network Rail to improve the timely identification of vulnerable persons. The Policing Minister and Rail Minister had been briefed accordingly.
 - g. Progress continued to be made on implementing the Force's Race action plan under Superintendent Murray.
15. In response to a question, the Chief Constable noted that the possibility to include frontline blue light services in the early rollout of vaccinations had been discussed during the phone call with the Prime Minister, given that public order officers in particular would be likely to come into contact with persons less likely to wear masks and follow appropriate precautions. The government was reviewing the potential to include some elements of frontline officers during the secondary rollout of the vaccine.
16. A Member commented that the continuing high level of demand for policing despite low passenger numbers suggested that the Force should not be over-reliant on passenger numbers when planning where to allocate resources. The Chief Constable confirmed that the Force was reviewing its Resource Allocation Model (RAM) with this issue in mind. A Member concluded by noting that the Force should ensure the rail industry was adequately consulted on any emerging model.
17. A Member referenced the continuing high rate of fatalities despite the lower passenger footfall on the network. The Chief Constable reiterated the planned intervention work in partnership with Network Rail and noted Network Rail would be providing further financial investment for 2021/22.

18. In response to a question, the Chief Constable acknowledged that there were varying degrees of clarity amongst the travelling public with regards to permitted travel between tiers, regions, and borders between the home nations. The Force was working with the rail industry on the ground to educate the public as much as possible, as well as striking a pragmatic balance on enforcement given the need to maintain legitimacy in the longer term. Overall the COVID restrictions presented a very complex landscape for officers on the ground.
19. In response to a question, the Chief Constable noted that officer and staff absence due to COVID stood at 3.8%, largely due to the need to self-isolate rather than due to positive tests. Whilst the overall percentage had varied during the course of the pandemic, and often been focused in pockets e.g. operational support units using the same vehicle(s), operational capability had been maintained.
20. In response to a comment, Assistant Commissioner O’Callaghan confirmed that the Force was aware of limitations on certain areas of the Force estate which made making those facilities COVID-secure difficult – nevertheless the Force had a robust stabilisation plan within the estates programme to address those issues.

Medium-Term Financial Plan & British Transport Police Budget 2021/22

Agenda Item 12

BTPA Cover Report

Agenda Item 12.1

21. The Chief Financial Officer introduced the report and highlighted the following areas to Members:
- a. Members were asked to approve funding of £322.8m for 2021/22. A proposed funding figure had been considered by Strategy and Planning Committee at its November 2020 meeting, but the figure had changed in light of the Autumn Statement in the interim – the MTFP now assumed a pay freeze for Year 1, and 2.5% pay increase thereafter. There was a 1.6% inflationary increase using RPI, rather than CPI.
 - b. A typical capital spend of £12m per year was assumed, with an additional £7m being required for the Birmingham relocation/Axis House in Year 1. A more detailed full business case would be brought back to Members in due course. Discussions over compensation for Axis House were ongoing, alongside the potential for further funding from DfT. There was therefore an ask for preliminary funding from cash reserves in the interim, and from 2022/23 the total cost, minus any compensation and DfT funding, would be charged out to industry. Some primarily worse-case scenario cash flows were provided, which overall were manageable but would trigger the Executive’s red threshold on a couple of occasions and dealt with using existing procedures.

- c. The five-year MTFP had a deficit of £2.8m, assuming a constant vacancy rate and £24m of efficiencies over the five years. Key to these assumptions were that they are to be revisited in line with the agreement of a new strategy – so Members should expect a further efficiency plan to be forthcoming.
 - d. The Transport for London (TfL) budget stood at £72.6m, with any variation to be agreed with TfL alongside any variation in service levels. No numbers for the Elizabeth Line were included, but Members were asked to approve in principle that this would be a Core increase, with scrutiny delegated to the Strategy and Planning Committee.
 - e. Members were asked to note the risks and opportunities set out at paragraph 4.4 of the report. Risks included the fact that the MTFP and Budget were affordable at present fundamentally only due to the pay freeze; possible increase in pension costs; and the fact that capital spend assumed a £12m annual spend with any variances requiring further scrutiny and funding. Opportunities included the internal capability review within the Force.
22. In response to a question on whether the budget was workable, the Chief Constable noted that there were a number of inbuilt risks e.g. the assumed vacancy rate, which was being held at a time when wider forces were receiving a 5% uplift. What concerned the Chief Constable most was a combination of issues namely maintaining officer and staff motivation; disquiet around the pay freeze; and aggressive recruitment from Home Office forces. In short, it was a challenging budget.
23. A Member highlighted ongoing discussions at the Transformation Working Group which noted that at some point there would need to be a significant and ongoing investment in estates for a period of 10-15 years – in his view therefore the budget was a pragmatic one, but not an easy one. The Director of Strategy and Change added that some important decisions would need to be made re estates in early 2021, in consultation with the incoming Chief Constable.
24. In response to a question, the Chief Executive acknowledged the financial complexity posed by the Elizabeth Line. MTR would pay the bulk of the costs via a Police Services Agreement (PSA) and the existing Cost Allocation Mechanism with a minority of the monies coming from TfL. A fair balance between the two would need to be struck, overseen by the Strategy and Planning Committee. The Executive had shared its assumptions with TfL, but those assumptions were based on pre-COVID data and so TfL would need to provide their expectations in light of their own projections. Lastly, Members would want to be mindful not just of the footfall of the Elizabeth Line, but its infrastructure given that many of the stations were large and complex.

25. **RESOLVED**, that Members (noting the report of the Director of Finance and Commercial Services at 12.2)
- a. Approve funding of £322.8m for the 2021/22 British Transport Police Authority expenditure;
 - b. Approve that capital for the Birmingham relocation will initially come from cash reserves, following approval of the Full Business Case by the Authority;
 - c. Approve in principle the current 5-year plan as presented, acknowledging this will need to be revised to support the cost and funding of a new strategy;
 - d. Approve that the Force present a detailed efficiency plan to Strategy and Planning Committee (**Action 10/2020**);
 - e. Approve that the MTFP continue to assume inflation of RPI at 1.6% rather than CPI;
 - f. Approve that in principle there will be a Core policing increase attributable to the costs of policing the Elizabeth Line, with scrutiny of a detailed assessment delegated to the Strategy and Planning Committee (**Action 11/2020**).
 - g. Note the future risks and opportunities set out at paragraph 4.4 of the report.

Medium Term Financial Plan 2021/22 – 25/26

Agenda Item 12.2

26. **RESOLVED**, that the report of the Director of Finance and Commercial Services regarding the Medium-Term Financial Plan 2021/22-25/26 be noted.

British Transport Police Authority 2021 Medium Term Financial Plan

Agenda Item 13

27. Members considered a report of the Chief Financial Officer regarding the BTPA 2021 MTFP. The Chief Financial Officer noted that the budget fell within the approved overall BTPA budget envelope but provided detail of Executive-specific activities. The 20/21 full year forecast for the Executive was in line with budget, with some underspends in pay offset by advisor and legal costs. The budget for Year 1 (21/22) was £2.7m and assumed the Executive and Authority Members were fully resourced. The largest cost item outside of pay was audit and consultancy fees. The benefit of moving out of the Executive's Camden Street premises would be seen in future years due to the need to make good dilapidation etc in the current year.

28. **RESOLVED**, that Members approve the 2021/22 British Transport Police Authority budget and 2021/26 MTFP as set out within the report, noting that the sums were included within the overall approved budget and MTFP envelope.

2020/21 Actuals Process

Agenda Item 14

29. The Chief Executive was heard, noting that in both his report before Members earlier on in the agenda, and within an out-of-committee decision reported to Members, that he had noted the Executive was now consulting PSA holders regarding not running the 2020/21 actuals process given the huge impact of Covid on the operational data normally used to run that process. This was a first step towards potentially changing the Executive's annual financial approach, in consultation with DfT given the wider context of future funding of the rail industry.

Minutes of Committees

Agenda Item 15

Performance and Delivery Committee – 5 November 2020

Agenda Item 15.1

30. The Chair of the Committee noted that Members had had a good discussion regarding the proportional use of powers, and it was clear there was a need for better descriptors, justification and explanation of proportionality when conducting taskings and describing outcomes. The Committee had suggested revised policy principles and protocols, benchmarked with other forces. The Committee had also called for a thematic piece of work on professionalism to give better understanding of the flow through from professional aspirations, to expectations, training and how the Force captured lessons learned. Finally, the Committee had noted the issue of COVID spend in financial outturn reporting.

Strategy and Planning Committee – 12 November 2020

Agenda Item 15.2

31. The Chair of the Committee noted that the Committee's recommendations had been reflected in the report on the MTFP and Budget earlier on the agenda. The Committee had further recommended that the Force/Executive negotiate towards an improved settlement for the Compulsory Purchase Order at Axis House. There had been some discussion on fleet and estates, and the Committee had also noted the roll-forward for the Policing Plan along with some additional priorities highlighted at stakeholder meetings.

Scottish Railways Policing Committee – 13 November 2020

Agenda Item 15.3

32. A Member of the Committee noted that it had reviewed an overall strong performance in Scotland, including the response to the Stonehaven derailment. The Committee had had an interesting discussion on equality and inclusion, and had requested a presentation at a future meeting on the comparative approaches between the Force and Police Scotland.

Audit and Risk Assurance Committee – 18 November 2020

Agenda Item 15.4

33. The Chair of the Committee noted that the internal audit work programme remained on track despite COVID, with 5 out of 8 workstreams in fieldwork. The Committee had also recommended that the Authority conduct a deep dive on strategic risk during the first half of 2021. The Chief Executive confirmed that the deep dive was currently scheduled for 25/26 April (**Action 12/2020**).
34. Members noted the following two comments from the Chief Constable on the approved minutes:
- a. The Force would welcome working with the Executive to ensure greater focus on the strategic risk register, with a view to driving mitigating measures to address the risk(s).
 - b. The Chief Constable did not agree with the wording regarding the Force's handling in 2019/20 of Core and Non-Core TfL funding.

Appointments and Remuneration Committee – 18 November 2020

Agenda Item 15.5

35. The Chair noted that the Home Office was sponsoring consideration of the future of police officer pay and an answer was expected in due course. The Chair further noted that Members were aware of the appointment of Lucy D'Orsi as Chief Constable and added that in the new year the Authority would go on to recruit a successor to the current Deputy Chief Constable. Lastly, there would be a recruitment round for new Authority Members in 2021.

Summary of Key Risks and Messaging

Agenda Item 16

36. The Chair summarised the key messages arising from the meeting as follows:
- a. The comments from the Chief Constable regarding the development of the strategic risk register, were noted. It was clear that Members had taken a number of decisions that day within the overall risk context set out within the register.
 - b. The issue of pensions was clearly complex, and Members would need to be mindful of how the issues developed.

- c. Members had noted that the MTFP and Budget were challenging and would require a great deal of effort from both the Force and the Executive – both parties were encouraged to work closely together in a changing financial landscape. Members had noted the challenges posed by the capital programme both in terms of spend, and in terms of the Birmingham relocation.
- d. The work the Force had done to navigate the pandemic – with all of the operational nuances involved – was to be commended. In particular, on behalf of Members the Chair placed on record his appreciation for the men and women of the Force who continued to deliver exceptional policing for the public and industry.

Meeting Evaluation

Agenda Item 17

- 37. Craig Mackey noted that Members and Officers were in their ninth month of meeting virtually and thanked all of those involved for facilitating the virtual arrangements. Ways of working via Microsoft Teams had improved markedly since March 2020. There had been real clarity in the reports before Members, which he hoped was indicative of close working between the Force and the Executive. Members had dealt with some challenging issues that day and, much like the Force responding to the operational demands of the pandemic, they had been navigated well.

Any Other Business

Agenda Item 18

Change of Registered Address of the British Transport Police Authority

- 38. **RESOLVED**, that the registered address of the British Transport Police Authority be changed from The Forum, 5th Floor North, 74-80 Camden Street, London, NW1 0EG to Ivason House, 8a London Bridge Street, London, SE1 9SG (**Action 13/2020**).

Thanks to Chief Constable Paul Crowther CBE

- 39. The Chair noted this was the last Police Authority meeting that the Chief Constable would attend prior to his retirement. It fell to him as Chair therefore to thank the Chief Constable for his distinguished service as a police officer for several decades with the Force, including through some interesting and challenging times. The Chief Constable's willingness to stand up for the Force was to be commended and was appropriately recognised by the award of a CBE. The Chair and Members wished the Chief Constable all the best for his next chapter and were sorry that the physical constraints of the pandemic meant that more formal recognition of his impending retirement could not be offered at that time, although it was hoped appropriate arrangements could be made once the pandemic had abated.

40. The Chief Constable was heard in reply, noting that he had been a police officer with the Force for 40 years – it was an understatement to note that it was a radically different organisation now compared to the one he had joined, both in terms of size and professionalism, which was largely down to the men and women who made up the organisation. The Chief Constable’s service had encompassed the Kings Cross Fire and more recent events. It was his firm belief that the Force was an incredible Force made up of incredible people doing incredible things every day – borne out by reading both the overnight logs, and the weekly summaries.
41. The Chief Constable continued, noting he had been a Chief Officer for 13 years, and had worked with the Police Committee, the precursor to the Authority. The Authority was of a different make up to the Committee, with more public interests represented. Overall he had worked with seven Chairs and various Members, all of whom had brought great wisdom and experience to their roles. Lucy D’Orsi was an inspired choice and he was pleased to be handing over to her, and he was confident she would lead the Force to new heights.

The meeting ended at 1.29pm.