

Minutes Full Authority

Wednesday 29 June 2022 in Rooms G1/2, British Transport Police Force
Headquarters, 25 Camden Road, NW1 at 11.45am

Present:

Ron Barclay-Smith (Chair)
Andy Cooper (Deputy Chair)
Fiona Brunskill
Graham Evans
Emir Feisal
Willie Gallagher
Mike Gallop
Nick Hawkins
Stewart Jackson
Kenna Kintrea
Craig Mackey
Bill Matthews
Martin Richards
Bev Shears

Apologies:

None

In attendance:

British Transport Police Authority Executive

Hugh Ind (Chief Executive)
Sarah Church (Chief Financial Officer and Deputy Chief Executive)
Stephanie Calvert (Co-Head of Governance and Compliance)
Kate Carr (Project Director – Policing and Security)
Lucy Yasin (Co-Head of Governance and Compliance)
Alistair MacLellan (Board Secretary / Minutes)

British Transport Police

Lucy D’Orsi (Chief Constable)
Steff Sharp (Chief of Staff)
Sean O’Callaghan (Assistant Chief Constable)
Charlie Doyle (Assistant Chief Constable)
Rachael Etebar (Director of People and Culture)
Allan Gregory (T/Assistant Chief Constable)
Tracey Martin (Director of Finance and Commercial Services)

External

Oliver Mulvey (Department for Transport)

Andy Odell (Rail Delivery Group)

Kim Webster (Rail Delivery Group)

Apologies

Agenda Item 1

1. There were no apologies.

Declarations of Interest

Agenda Item 2

2. There were no declarations of interest.

Minutes

Agenda Item 3

3. **RESOLVED**, that the minutes of the meeting held on 30 March 2022 be approved.

Actions

Agenda Item 4

4. Members considered the actions arising from previous meetings and the following points were made.
 - a. Members agreed that Actions 13/2022; 15/2022; 17/2021; 1/2022; 3/2022; 5/2022; 6/2022 could be closed.
 - b. Members noted with regards Action 2/2022 that the Railway Guardian app would be launched on 4 July 2022, and the proposed briefing would be convened thereafter.
 - c. Members noted that Actions 4/2022 and 7/2022 remained in progress.
5. **RESOLVED**, that the report be noted.

[Background Pack] Action 17/2021 [Comparison of Performance Reporting]

Agenda Item 4.1

6. **RESOLVED**, that the paper in support of Action 17/2021 [Comparison of Performance Reporting] be noted.

Risk Profile

Agenda Item 5

7. Members considered the risk profile and the following points were made.
 - a. The Chief Executive noted that, in light of issues identified during the current reporting period, the People risk would be elevated in the profile's forthcoming iteration.
 - b. The Chair of the Audit and Risk Assurance Committee noted that the strategic risks would be refreshed in light of feedback arising from the informal risk workshop held on 30 May 2022.
8. **RESOLVED**, that the risk profile be noted.

Draft Annual Report and Accounts 2021/22

Agenda Item 6

9. Members considered the draft Annual Report and Accounts 2021/22 and the following points were made.
 - a. The Chair noted Members had scrutinised the Annual Report and Accounts at walkthrough sessions held on 13 June 2022 and 21 June 2022, and a note of the substantive points made was included as a Background Paper.
 - b. Members noted the report regarding Financial Statements P14 (31 March 2022) hyperlinked at paragraph 2.4, as explaining significant movements between P13 and the year-end position set out in the Annual Report and Accounts.
 - c. Members noted that the draft Annual Report and Accounts had been reviewed by the Audit and Risk Assurance Committee at its meeting on 23 June 2022, with substantive points arising summarised in the cover report.
 - d. The Chief Financial Officer noted that the Accounts had been audited by National Audit Office/KPMG and nothing overly material was expected to arise between the time of the meeting and the laying of the report before Parliament.
 - e. The Chief Financial Officer drew Members' attention to yellow highlighted areas of the report that denoted significant updates.
 - f. The Chair, on behalf of the Full Authority, thanked both the Executive and Force teams involved in the preparation of the Annual Report and Accounts.

10. **RESOLVED**, that subject to comments made, Members approve the Annual Report and Accounts 2021/22 for submission to Parliament pending final review by the Audit and Risk Assurance Committee at its meeting on 5 July 2022.

Note of Draft Report and Annual Accounts Walkthrough Sessions – 13 June 2022 and 21 June 2022

Agenda Item 6.1

11. **RESOLVED**, that the note of the draft Annual Report and Accounts Walkthrough sessions held on 13 June 2022 and 21 June 2022 be noted.

A Force on the Move

Agenda Item 7

Mitigation of Outstanding Financial Pressures

Agenda Item 7.1

12. Members considered a report of the Chief Executive regarding the mitigation of outstanding financial pressures affecting *A Force on the Move* and the following points were made.
- a. The Chief Executive noted that Strategy and Planning Committee had considered the *A Force on the Move* portfolio update provided in Background Papers at its meeting on 1 June 2022. Members of that Committee had expressed concern over funding pressures outside of *A Force on the Move* and had asked for reassurance, which the paper before Members was designed to provide.
 - b. The Chief Executive continued, highlighting four of the largest identified pressures namely Emergency Services Network (ESN), CCTV, Electric Vehicles and London Estates. With London Estates, he hoped that assistance would be forthcoming from Department for Transport but the Authority would need to plan for a scenario where this was not possible.
 - c. The Chief Executive concluded by noting that he had not quantified a further potential pressure of cost of living. The Force planned to address this through a paper to the People and Culture Committee in July 2022 and there was potential that any recommendations brought to Members would cut across funding available for *A Force on the Move*.
 - d. The Chief Constable was heard regarding Electric Vehicles, noting that if EV were not adopted then the Force would continue to purchase petrol and diesel vehicles. Moreover the ongoing war in Ukraine had prompted a growing backlog in EV parts which would impact Force procurement. Lastly, there existed a natural partnership with Transport for London to develop EV infrastructure.

- e. A Department for Transport representative noted that the wider financial context of the rail industry meant that a compelling efficiencies narrative should accompany any forthcoming funding bids.
- f. The Chief Constable noted the Force had some flexibility of choice in profiling spend e.g. investigation of certain types of theft.
- g. In response to a question, the Chief Executive confirmed that, where an identified funding route existed, the Force was free to bring forward business cases to Members albeit many such business cases had yet to crystallise.
- h. A Member commented that future financial narrative should make clear how savings would be achieved in succeeding years.

13. **RESOLVED**, that Members,

- a. Note the proposed treatment of each of the financial pressures described within the report.
- b. Accept that the proposed treatment(s) contains sufficient reassurance for them to consider funding *A Force on the Move* for 2022/23.
- c. Note that the forthcoming Medium-Term Financial Plan process will permit a review of *A Force on the Move* funding, the pressures described within the report, and progress on identification of future efficiencies.

2022/23 Funding of A Force on the Move

Agenda Item 7.2

14. Members considered a report of the Chief Financial Officer regarding 2022/23 Funding of *A Force on the Move* and the following points were made.

- a. The Chief Financial Officer concurred with a point made by a Member that projects should not be de-funded prior to any benefits being realised; and that this risk would be mitigated by the governance structure outlined in the report appendix alongside the current year spend, which would build a robust Programme Management Office capability within the Force.
- b. The Director of Finance and Commercial Services noted that her Finance team had worked hard to increase Cash Reserves. Allied with this, the Force had ambition to spend and therefore pressure on the Budget would increase, with the Force likely to seek to use those Reserves.
- c. In response to a question, the Director of Finance and Commercial Services replied that forecast underspend sat with headcount and vacancies, and

therefore other potential spend included overtime, IT *Fixing the Fundamentals* and any inflationary pressures on Non-Pay.

15. **RESOLVED**, that Members approve,

- a. That the Force should proceed with their plans for 22/23 *A Force on the Move* activity, noting that it was currently expected that much of the cost would be absorbed through budget underspends as a result of recruitment and retention challenges.
- b. That in proceeding with the investment plans for 22/23, the spend be subject to the *A Force on the Move* governance arrangements set out within the report's appendix, and approvals as set out in the Code of Governance.
- c. That quarterly financial results and forecasts be provided to the Executive as early as possible such that the point at which the 22/23 budget was likely to be exceeded in the year (should that be the case) could be identified and funding implications considered by the Authority.
- d. That should the 22/23 spend exceed budget as a result of the planned *A Force on the Move* investment, that Members would look favourably on funding such investment from Cash Reserves – subject to a clear understanding of, and confidence in, delivery of the benefits.
- e. That the incremental capital spend estimated to be required for *A Force on the Move* in 22/23 could be absorbed through the current capital budget control total delegated by Department for Transport and hence no additional request to Department for Transport should need to be made.
- f. That decisions over the funding of *A Force on the Move* investment and thus cash reserves in future years be deferred until the completion of the Medium-Term Financial Plan planning to allow for a complete analysis and quantification of cost pressures currently sitting outside of the current Medium-Term Financial Plan and *A Force on the Move* programme (as outlined at agenda item 7.1 and section 6 of the report).

[Background Pack] *A Force on the Move* Portfolio Update

Agenda Item 7.3

16. Members considered an update report of the Deputy Chief Constable and Director of Financial and Commercial Services regarding the *A Force on the Move* portfolio. Given the discussion had at the meeting, the length of time since Members had first had sight of proposals in July 2021, and the changing membership of the Full Authority in the meantime, Members requested that the Force provide re-statement of strategic intent of *A Force on the Move* alongside a phased timeline of its delivery (Action 8/2022).

17. **RESOLVED**, that the report be noted.

Medium-Term Financial Plan 2022/23: Forecast Pay Miscalculation

Agenda Item 8

18. Members considered a report of the Chief Executive regarding Medium-Term Financial Plan 2022/23: Forecast Pay Miscalculation and the following points were made.

- a. The Chief Executive introduced the report, noting the Authority was charging industry £3.2m more in 22/23 than was needed on the basis of the pay assumptions in the MTFP. This would be mitigated by the likely higher than anticipated pay award for 2022. Any remaining excess would be well within the usual margins of the Authority's usual over or under spends in year. Therefore, no action was proposed for the time being, pending clarity on the forthcoming pay award.
- b. The Chief Financial Officer noted that the issue had been identified by management, which was a positive reflection on management oversight.
- c. Members welcomed the transparency provided by the report, and the fact that the scale of the sums involved should not be considered material. Nevertheless, Members noted the Executive and the Force should develop a communication plan and proactive messaging for engagement with Police Service Agreement (PSA) holders (Action 9/2022).

19. **RESOLVED**, that subject to comments made, the report be noted.

The meeting adjourned for lunch between 12.55pm – 1.15pm

Modernising Industry Charges

Agenda Item 9

Principles for Change

Agenda Item 9.1

20. Members considered a report of the Chief Financial Officer regarding principles for change in modernising industry charges, and the following points were made.

- a. The Chief Financial Officer introduced the report, noting the proposals therein sought to remedy the current charging model that was demonstrably out-of-date and produced such volatility that the Authority was often engaged in difficult conversations with operators. The Executive had undertaken some initial engagement with Department for Transport to express an ambition to identify a charging model that remedied the current

volatility whilst encompassing operators that sat outside the current model.

- b. An Assistant Chief Constable noted that those within the Force responsible for generating the data that any model would be based on should be involved in its development.

21. **RESOLVED**, that Members,

- a. Endorse the direction of travel and high-level principles set out at section 3 of the report, namely
 - i. That any future charging methodology adheres with statutory requirements set out in the Railways and Transport Safety Act 2003
 - ii. Any new methodology shall follow high-level principles
 - 1. Simplification whilst aligned with legislation
 - 2. Reduced volatility in-year and year-to-year
 - 3. Predictability and consistency
 - 4. Based on meaningful and available information
 - 5. Equitable to all operators
 - 6. Scalable to ensure all new and varied operators can be easily accommodated
 - iii. Any new methodology must be simple so as to justify its introduction for possibly only c.2-3 years until the advent of Great British Railways
 - iv. Any new methodology should be scheduled to be in place for calculation of 2024/25 Police Service Agreement charges.
- b. Endorse next steps set out at section 5 of the report namely
 - i. Further research into other charging methodologies
 - ii. Establishment, in principle, of a working group to discuss and test options
 - iii. Develop 3-5 charging options for sharing with the Full Authority and Department for Transport
 - iv. Develop consultation and stakeholder engagement plan.

Future of Police Service Agreement Wash-Up Charges

Agenda Item 9.2

22. Members considered a report of the Chief Financial Officer regarding the future of Police Service Agreement Wash-Up Charges and the following points were made.

- a. In response to a question, the Chief Financial Officer confirmed the Executive had a full understanding of the rationale underpinning both Arriva Rail London's and Croydon Tramlink's decisions to not sign their respective Deed of Amendments.
- b. The Chief Financial Officer acknowledged there was some risk in proceeding with elimination of the wash-up without full agreement from industry, and that she would revert to Members in the event that was the case.

23. **RESOLVED**, that Members,

- a. Endorse the proposal for removing the wash-up process for core Police Service Agreement holders for all future years.
- b. Endorse that the Executive engage with Department for Transport to seek their approval for the proposal and, if given, proceed with consulting all core Police Service Agreement holders.

Board Effectiveness Evaluation and Action Plan

Agenda Item 10

Cover Report

Agenda Item 10.1

24. Members considered the cover report to the Board Effectiveness Evaluation 2022 and the following points were made.

- a. The Chief Executive noted there was scope to reduce the number of proposed actions within the associated action plan. A Member added that each action could also be prioritised as high/medium/low (Action 10/2022).
- b. Members noted they would welcome sight of the full Deloitte report on the Authority's scheme of delegation and ways of working, once available (Action 11/2022).

25. **RESOLVED**, that Members,

- a. Subject to comments made, approve the final Board Effectiveness Evaluation Report and Action Plan for publication and submission to the Department for Transport.

Board Effectiveness Evaluation and Action Plan

Agenda Item 10.2

26. **RESOLVED**, that the Board Effectiveness Evaluation and Action Plan be noted.

Code of Governance Refresh 2022

Agenda Item 11

27. Members considered a report of the Head of Governance and Compliance regarding the Code of Governance Refresh 2022.

28. **RESOLVED**, that Members

- a. Approve the proposed amendments to the terms of references of each of the Full Authority's Committees.
- b. Approve the proposed amendments to the wider BTPA Code of Governance.

[Background Pack] BTPA Code of Governance [June 2022]

Agenda Item 11.1

29. **RESOLVED**, that the BTPA Code of Governance [June 2022] be noted.

Appointment of Stakeholder Engagement Working Group

Agenda Item 11.2

30. Members considered a report of the Head of Strategy, Planning and Engagement regarding the appointment of a Stakeholder Engagement Working Group.

31. **RESOLVED**, that Members,

- a. Approve the appointment of a Stakeholder Engagement Working Group in place of the existing Policing Plan Working Group and,
- b. Approve the Stakeholder Engagement Working Group's terms of reference.

Chief Constable's Report

Agenda Item 12

32. Members considered a report of the Chief Constable and the following points were made.

- a. The Chief Constable encouraged Members to consult the Police Race Action Plan and her associated blog post, alongside the Authority's existing reading list on diversity (Action 12/2022).

- b. A Member commented that Great British Railways would be composed of regional companies and therefore the Force could consider one policing and security pilot site per region.
- c. A Member requested a report or briefing outlining the engagement strategy to promote greater diversity among direct entry detective scheme applicants (Action 13/2022).

33. **RESOLVED**, that the report be noted.

Chief Executive's Report

Agenda Item 13

34. Members considered a report of the Chief Executive and the following points were made.

- a. The Chief Executive noted that Members should be mindful of the likelihood of civil claims arising during the course of 2023, following the conclusion of the Manchester Arena Inquiry. An Assistant Chief Constable agreed to provide a paper setting out the Force approach to managing civil claims (Action 14/2022).
- b. The Chief Executive agreed to share the Executive's report on opportunities in policing and security with Members prior to its submission to the Department for Transport (Action 15/2022).

35. **RESOLVED**, that the report be noted.

Emir Feisal left at this point of the meeting.

Committee Minutes

Agenda Item 14

[Background Pack] Performance and Delivery Committee [10 May 2022]

Agenda Item 14.1

36. **RESOLVED**, that the minutes of the Performance and Delivery Committee meeting held on 10 May 2022 be noted.

37. The Committee Chair highlighted the inclusion of a Committee Member on the Force-level Force Performance Board.

[Background Pack] Scottish Railways Policing Committee [18 May 2022]

Agenda Item 14.2

38. **RESOLVED**, that the minutes of the Scottish Railways Policing Committee meeting held on 18 May 2022 be noted.
39. The Committee Chair noted that the Committee was exploring ways in which it could engage with industry through its workplan.

[Background Pack] Strategy and Planning Committee [1 June 2022]

Agenda Item 14.3

40. **RESOLVED**, that the minutes of the Strategy and Planning Committee meeting held on 1 June 2022 be noted.
41. The Committee Chair noted that the substance of that meeting i.e. *A Force on the Move* had been dealt with earlier on the agenda of the Full Authority meeting that day.

[Background Pack] People and Culture Committee [8 June 2022]

Agenda Item 14.4

42. **RESOLVED**, that the minutes of the People and Culture Committee meeting held on 8 June 2022 be noted.
43. The Committee Chair highlighted the following points,
 - a. The Committee had been briefed on recruitment and retention issues and risks arising.
 - b. The Committee would hold an extraordinary meeting in July 2022 to consider financial wellbeing proposals.
 - c. The Committee had been briefed on the emerging People Strategy.
 - d. The Committee had considered a RM3 risk management maturity assessment.
 - e. One concern of the Committee had been the factor that good progress was being made on Occupational Health staffing, but this progress was at the mercy of practitioners being offered better remuneration elsewhere.

[Background Pack] Audit and Risk Assurance Committee [23 June 2022 & 11 March 2022]

Agenda Item 14.5

44. **RESOLVED**, that the minutes of the Audit and Risk Assurance Committee meeting held on 11 March 2022 be noted.
45. The Committee Chair noted that the minutes of the Audit and Risk Assurance Committee meeting held on 23 June 2022 were not yet available, but highlighted the following points from that meeting with Members,
- a. The Committee had received the remaining 2021/22 internal audit reports, including risk management which had been graded Limited, which was disappointing given the level of effort given to managing strategic risk. The grading reflected the work that remained to embed risk at the operational level within the Force.
 - b. The Committee had noted the *Moderate* internal audit opinion 2021/22 which was deemed positive, albeit the Deputy Chief Constable had been challenged to ensure the Force continued to strengthen its processes over the coming year.
 - c. The Committee had noted its standing report on the progress of the Manchester Arena Inquiry.

[Background Pack] Non-Public Minutes

Agenda Item 15

46. **RESOLVED**, that the non-public minutes of the meeting held on 30 March 2022 be approved.

Any Other Business

Agenda Item 16

47. There was no other business.

Meeting Evaluation

Agenda Item 17

48. Kenna Kintrea delivered an evaluation of the meeting and the following points were made.
- a. There had been a good, substantive discussion on *A Force on the Move* that had resolved issues arising from its consideration at Strategy and Planning Committee.

- b. Participation had been good, given it was only the second Full Authority meeting for some attendees.
- c. Papers had been issued in good time and were of good quality.

The meeting ended at 2.36pm.

DRAFT