

Date: 27 November 2012

Item 8: **Police Services Agreement with the British Transport
Police Authority**

This paper will be considered in public

1 Summary

- 1.1 This paper updates the Committee on the development of the revised Police Services Agreement (PSA) between Transport for London (TfL) and the British Transport Police Authority (BTPA) for the continuing provision of existing policing services from the British Transport Police (BTP) on the Tube, Docklands Light Railway (DLR), London Overground and suburban rail services. The Committee is asked to recommend to the Board that it approve the revised terms of the PSA.

2 Recommendations

2.1 The Committee is asked to recommend to the Board that it:

- (a) note the paper;**
- (b) approve the revised terms of the Police Services Agreement (PSA) between Transport for London and the British Transport Police Authority, as described in this paper;**
- (c) delegates to the TfL Officers and the Subsidiaries (as described in paragraph 2.2 below) the authority to finalise the terms of the PSA referred to in paragraph 2.1(b) above;**
- (d) authorises the agreement and execution (whether by deed or otherwise on behalf of TfL or any Subsidiary (as appropriate)) any documentation to be entered into in connection with the completion and implementation of the PSA referred to in paragraph 2.1(b) above (including, without limitation, all agreements, deeds, guarantees, indemnities, announcements, notices, contracts, certificates, letters or other documents); and**
- (e) authorises TfL Officers and Subsidiaries to do all such other things as they consider necessary or desirable to facilitate the execution and implementation of the PSA referred to in paragraph 2.1(b) above.**

2.2 The following Officers and Subsidiaries shall have delegated authority:

- (a) TfL Officers: the Commissioner, Managing Director, Rail and Underground, Managing Director, Surface Transport, Managing Director, Finance and General Counsel.**

(b) Subsidiaries: Subsidiaries of TfL including Transport Trading Limited and any other subsidiary (whether existing presently or to be forms) of Transport Trading Limited and any of the directors of the relevant company shall be authorised to act for and on behalf of that company.

3 Background

- 3.1 The current agreement between TfL and the BTPA, dated 27 May 2002 (2002 Agreement), relates to the provision of BTP policing services on London Underground (LU) and DLR networks through the BTP London Area (the “L” Area). In addition to the 2002 Agreement there have been a number of separate agreements for additional BTP policing services relating to London Overground and Croydon Tramlink as well as various neighbourhood policing and emergency response initiatives. This paper outlines proposals to update the PSA and in order to regularise the enhanced arrangements between TfL and the BTPA, provide a cost effective framework for providing rail policing going forward and deliver a structure that will allow for the development of policing arrangements for projects like Crossrail.
- 3.2 The BTPA is also in the process of replacing all of its current police services agreements with train operating companies as part of its responsibility under Section 18 of the Railways and Transport Safety Act 2003 (2003 Act) for securing the maintenance of an efficient and effective police force to police the railways.
- 3.3 Under the 2003 Act, licensed operators of networks, trains, stations and depots are required to enter into an agreement with the BTPA for the provision of Core Policing Services in respect of such operations and facilities. Whilst TfL and LU have certain licence exemptions there are non-exempt operations and networks for which TfL and LU hold licences and it is a condition of those licences and the 2003 Act that TfL/LU enters into an agreement with the BTPA for Core Policing Services and such additional Enhanced Policing Services as may be agreed.
- 3.4 Core Policing Services are those services undertaken by the BTP to maintain law and order and include (without limitation) services undertaken in relation to safety, anti-terrorism, the prevention and detection of crime, the keeping of the peace, the bringing of offenders to justice and the rendering of support to the victims of crime.
- 3.5 Enhanced Policing Services are those that are specific duties as specified and agreed with the BTPA, which are intended to meet particular objectives and which compliment the Core Policing Services.
- 3.6 Since entering into the 2002 Agreement, the Enhanced Policing Services requested by TfL have been extended to include increased resources on LU and the DLR, London Overground and London suburban rail services. These have been mainly to provide an additional level of neighbourhood policing support including the Mayor’s BTP50 initiative, under which seven BTP neighbourhood policing teams provide Enhanced Policing Services on overland commuter lines. Also, more recently, new Enhanced Policing Services relating to emergency response capability for dealing with disruption incidents and medical assistance on Underground trains have been provided by the BTP, again to minimise

disruption and these are delivering positive results in reducing delays and improving reliability.

- 3.7 Separately, the BTPA has also entered into agreements for the provision of Core Policing Services with the operating and concession companies engaged by TfL for the provision of railway operations and services on the DLR, Croydon Tramlink and London Overground networks. These agreements are separate to any agreement between TfL and the BTPA and will remain in force notwithstanding the new PSA and may, from time to time, be amended or replaced by new agreements, following a change in the relevant railway operator.
- 3.8 The new PSA will provide for the continued provision of Core Policing Services and Enhanced Policing Services. It will cover all the Core Policing Services included in the 2002 Agreement, as well as the current Enhanced Policing Services for all TfL requested services (LU, DLR, Overground, Tramlink, etc.) and will provide for further Enhanced Policing Services to be agreed as and when required. From 2015, the new Crossrail operator will be required to enter into a core policing agreement (in the same way as LOROL and Serco) and should TfL add enhanced services these would be included under the new PSA as required.

4 Policing Services

- 4.1 Alongside TfL's investment in dedicated Metropolitan Police services – principally the £88m annual investment in the Safer Transport Command (STC) – the BTP policing services provided have delivered substantial reductions in crime and disorder levels on the transport system, improved passenger perception of safety and security and have played key roles in tackling and preventing disruption on the systems.
- 4.2 The BTP provide Core and Enhanced Policing Services to LU and the DLR through its L Area. London Overground and general rail/Train Operating Companies related neighbourhood policing is provided by Neighbourhood Policing Teams (NPTs) in two other BTP London based Areas – London North Area and London South Area.
- 4.3 The BTP services continue to deliver benefits to the travelling public in London and have been widely supported at both a local and London-wide level. Crime on London's underground and DLR networks is the lowest since records began. At a time of rising passenger numbers last year's crime statistics on the L Area showed a record reduction, building on several years of improvement. In 2011/12 crime on the Underground and DLR saw a reduction of 1,357 offences, down 10 per cent from the previous 12 months and equates to a crime rate on the Underground and DLR of 9.6 crimes per million passenger journeys. The equivalent figure for the London Overground services in 2011/12 was 7.5 crimes per million passenger journeys.
- 4.4 Since 2005/06, there has been a 48 per cent reduction in the number of L Area notifiable crimes per million passenger journeys (from 18.4 to 9.6). In terms of volumes of crimes, there was a 36 per cent reduction between 2005/06 and 2011/12 (over 6,700 crimes) and year to date performance in 2012/13 indicate a further reduction in the region of three per cent.

- 4.5 A summary of the TfL funded initiatives and the main teams that deliver the Core and Enhanced Policing Services by BTP Area is set out in the table below. Officer numbers include police officers of all rank and Police Community Support Officers (PCSOs):

Summary of main BTP teams funded by TfL by BTP Area		
BTP Area	Main teams funded by TfL	No. of uniformed Officers
London Area (L Area) (Core and Enhanced policing)	Multi functional command unit providing a full range of policing services including 17 line based Neighbourhood Policing Teams (NPTs) and Command and Control (managed by Force HQ and also supporting the other London Areas) Joint LU/BTP teams: Workplace Violence Unit Emergency response Unit	505 core officers and 229 enhanced officers
London North (Enhanced policing)	London Overground – three NPTs	47
	Four BTP 50 NPTs	29
London South (Enhanced policing)	London Overground NPT	15
	Three BTP50 NPTs	21
	Croydon Tramlink NPT	4
	Two other NPTs – One based at Lewisham and the other covering the Victoria to London Bridge loop due to refocus on the London Overground extension between Surrey Quays and Clapham Junction from December 2012	24
Total		874

5 Proposed New Agreement

- 5.1 The proposed new PSA between the BTPA and TfL will rationalise and consolidate the current existing arrangements for all BTP policing provided to TfL and will update and supersede the existing 2002 Agreement. The key terms are summarised in the following paragraphs.
- 5.2 The Core and Enhanced Policing Services under the PSA will continue indefinitely unless terminated by either the BTPA or TfL. The Core Policing

Services may be terminated by giving three years notice and the Enhanced Policing Services by one years notice. On termination of any of the services TfL will be liable for any redundancy payments but the BTPA will endeavour to redeploy staff and minimise costs.

- 5.3 The Core Policing Services on LU are to be agreed annually (by the end of January) in a Core Policing Plan for the forthcoming financial year consistent with the BTPA's national plan. The Core Policing Plan will set out the objectives and performance indicators for the Core Policing Services.
- 5.4 The Enhanced Policing Services are to be agreed annually (by the end of January) in an Enhanced Policing Plan for the forthcoming financial year. The current Enhanced Policing Services include:
- (a) London Underground Neighbourhood Teams;
 - (b) London Underground Emergency Response Unit;
 - (c) London Underground Medical Response Unit;
 - (d) London Underground Cable Theft Project;
 - (e) London Overground Enhanced Policing;
 - (f) Croydon Tramlink Enhanced Policing; and
 - (g) BTP50 (Mayoral initiative to provide enhanced policing on suburban rail network).
- 5.5 The charges for the Core Policing Services are to be agreed annually (by the end of January) for the forthcoming financial year based on a contribution towards the BTPA's overhead costs and the direct costs related to the L Area.
- 5.6 The charges for the Enhanced Policing Services are to be agreed annually (by the end of January) for the forthcoming financial year based on the resources to be deployed by the BTPA in providing those services and a contribution towards BTPA's overhead costs.
- 5.7 Under the 2002 Agreement TfL provided a wide ranging, uncapped indemnity to the BTPA in respect of any claims arising out of the policing services. Under the new PSA TfL's exposure to the risk of significant claims under the indemnity will be reduced by the addition of new limitations and mitigations. There is also a possibility that the BTPA will remove the indemnity should restructured insurance arrangements to cover all liability under the indemnity provision be viable.

6 Crime and Disorder Act Implications

- 6.1 The proposals in this paper describe existing initiatives with the BTPA that, alongside investments in the MPS, provide TfL with its main platform for tackling and preventing crime and anti social behaviour on the transport system. Transport policing remains a key focus for the Mayor who has pledged to maintain funding in enhanced policing on the transport system.

7 Financial Implications

- 7.1 Budget provision for these services has been included in the TfL Business Plan. The BTP has an active programme of identifying and delivering efficiency savings and a zero growth budget was introduced in the current year. The budget commitment from TfL is £71.7m in 2012/13 and appropriate business plan provision has been included up to 2014/15.
- 7.2 TfL will continue work closely with BTPA to ensure a strong focus on efficiency savings while maintaining frontline officer numbers and by streamlining back office functions and reducing overheads.
- 7.3 A breakdown of the service charges for 2012/13 is as follows:
- (a) L Area Direct Costs (LU and DLR Core and Enhanced policing services) - £54.38m;
 - (b) L Area Overhead Costs - £9.36m;
 - (c) London Overground enhanced policing - £2.94m;
 - (d) Croydon Tramlink enhanced policing - £0.17m;
 - (e) Enhanced Neighbourhood Policing initiatives including the Mayor's BTP 50 teams - £4.89m; and
 - (f) Total: £71.74m.

8 Rail and Underground Panel Views

- 8.1 At its meeting on 15 November 2012, the Rail and Underground Panel noted this proposal and supported its submission to the Board. The Panel discussed the level of investment being made in the BTP and the need to ensure that officers continued to press for efficiencies in delivery of these services in line with the TfL Continuous Savings Efficiencies programme.
- 8.2 The Panel also discussed TfL's representation on the BTP Authority. Currently, TfL has only one representative, the LU Chief Operating Officer. The Panel requested that further discussions be held with the Authority about increasing the number of TfL representatives to reflect the level of funding provided by TfL.

List of appendices to this report:

None

List of Background Papers:

None

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