

TRANSPORT FOR LONDON

BOARD

**SUBJECT: SPECIAL SERVICES AGREEMENT WITH THE METROPOLITAN POLICE AUTHORITY**

**DATE: 24 MARCH 2010**

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**1 PURPOSE**

- 1.1 This paper seeks to update the Board on the development of the revised Special Services Agreement (SSA) between Transport for London (TfL) and the Metropolitan Police Authority (MPA) for the continuing provision of special “non-core” policing services under section 25 of the Police Act 1996. The SSA will rationalise and consolidate the current agreements covering the provision of the Transport Operational Command Unit (TOCU), Safer Transport Teams (STTs), Hub Teams and road safety operations into a single agreement that reflects new organisational arrangements in the Metropolitan Police Service (MPS).
- 1.2 The Board is requested to approve in principle the terms of the SSA and to delegate to the Commissioner or, in his absence, the Managing Director of Finance, the authority to negotiate and agree the final terms of the SSA and its execution, and any ancillary documentation to be entered into in connection with the SSA.
- 1.3 The Finance and Policy Committee considered a similar paper at its meeting on 9 March and supported the recommendation to the Board.

**2 BACKGROUND**

- 2.1 In 2002, TfL and the MPA entered into an agreement under section 25 of the Police Act 1996 to provide enhanced policing services on London’s bus network through the TOCU. Since 2002, the policing services have been extended to include red route enforcement, the introduction of STTs and most recently the Hub Teams launched by the Mayor in October 2008.
- 2.2 TfL and the MPS have undertaken a review of transport policing structures. As a result, all transport policing services is now consolidated under the Territorial Policing division of the MPS which also oversees local Borough policing. The new structure which combines the TOCU, STTs and Hubs Teams has been named the Safer Transport Command (STC). The revised SSA will provide for approximately 2,000 uniformed officers who focus on policing London’s surface transport system.
- 2.3 The enhanced policing services provided under this agreement have delivered substantial reductions in crime and disorder levels on the transport system, and have helped mitigate congestion on the Transport for London Road Network (TLRN). The services have delivered real benefits to the travelling public in London and have been widely supported at both a local and London-wide level. Crime on London’s bus network is the lowest since records began and over the

past two years passenger perception of safety and security has shown a significant improvement.

- 2.4 Since 2006/07, there has been a 45 per cent reduction in the number of bus related crimes per million passenger journeys (from 22 to 12 in 2008/09) and for the first time crime rates are below that seen on the London Underground network. In terms of volumes of bus related crimes, there was an 18 per cent reduction between 2007/08 and 2008/09 (over 6,000 crimes) and early indications for 2009/10 suggest a further reduction in the region of ten per cent. This is also supported by reduced fear of crime and disorder on the network as recorded through TfL market research. Survey data also shows a much improved rate of compliance on the TLRN with the associated benefits to traffic flow.
- 2.5 Over the past twelve months, TfL and the MPS have reviewed the organisational structures for these services and undertaken a major organisational change process (called the MPS Transition Project). This has resulted in a single management chain for all transport policing within the MPS, the Safer Transport Command (STC), and will deliver £6.5 million of savings in 2010/11 with no reduction in visible policing numbers. The key services provided by the STC include:
- (a) 32 STTs of at least 27 officers (these teams include 32 hub teams of seven officers, each allocated to major hubs in London) focused on reducing crime and disorder on London's transport system;
  - (b) 12 centrally deployed police teams which provide support to the STTs for major operations and issues across London;
  - (c) Specialist policing teams covering areas such as BusTag (CCTV investigation unit for criminal damage on buses), the Cab Enforcement Unit and the Workplace Violence Unit for operational bus staff;
  - (d) 210 red route enforcement officers who enforce parking regulations and provide support for smoothing traffic activities on the TLRN; and
  - (e) Six Road Response Teams which provide rapid response to collisions and congestion issues affecting the TLRN.
- 2.6 This paper seeks approval to create a single consolidated contractual agreement to support these new transport policing arrangements.

### **3 FUNDING**

- 3.1 Budget provision for these services has been included in the Business Plan since 2002/03. The MPS transition arrangements have enabled efficiency savings to be realised and a revised provision of £89 million has been included in the Business Plan in 2010/11 and £811 million in the full eight year Business Plan to 2017/18. This reflects £52 million of efficiency savings agreed as part of the transition arrangements.

## 4 PROPOSED NEW AGREEMENT

- 4.1 The purpose of the revised SSA is to redefine the contractual relationship between TfL and the MPA to reflect the new arrangements for the organisation, control and command of the teams in the STC, and to replace the existing agreements. The SSA is not time limited but requires a minimum of one year's notice to terminate from either party.
- 4.2 The approach taken by the MPA in its section 25 agreements is that much of the risk of any liability arising from the provision of the services is placed on the service requester. Under the current TOCU Special Services Agreement, TfL indemnifies the MPA against the activities of the MPS staff providing the special police services whether they are criminal, negligent or reckless, subject to limited exceptions.
- 4.3 Under the new agreement, the number of special police service personnel for whom TfL will be liable under this indemnity will increase but, due to the scope of their duties and the MPA's actions, the increase in liability will not be as much as would be the case under the current TOCU Special Services Agreement.
- 4.4 In addition, the risk will be subject to certain limitations and mitigations, namely:
- (a) the SSA expressly removes any liability on TfL for criminal consequences resulting from criminal acts; acts once a detainee appears before a custody sergeant; or acts carried out by MPS personnel not directly connected to the services requested (e.g. when responding to an event which is manifestly a non-transport related incident);
  - (b) the MPS places very strong emphasis on risk management and this has been evidenced by an excellent claims record with no public liability claims recorded in the eight years of TOCU operation and a net cost of around £30,000 in motor liability claims; and
  - (c) the duties undertaken by TfL funded STC officers primarily involve visible patrol, dealing with anti-social behaviour and prevention of crime. Duties that could be perceived to incur higher risk such as blue light response to incidents and undertaking investigations into serious crime are minimised and in some cases removed for TfL funded staff in the new structure.
- 4.5 Under the new SSA, TfL's liability to indemnify the MPS will be capped at £65 million per claim event and TfL will not be liable for the amount by which any claim exceeds such amount. TfL will be liable for the first £10 million of any claim event and claims in excess of £10 million up to £65 million will be met by the MPS insurance.
- 4.6 TfL will pay an annual insurance premium of £20k as a contribution towards the MPS insurance cover described above. In addition, the MPS is seeking a quote from its insurers to reduce the deductible for TfL from £10 million to £100k and TfL officers will continue to look at ways to further mitigate the risk of any claims. Should TfL wish to accept the reduced deductible, TfL would pay the additional premium thus reducing TfL's liability to the first £100k of any claim.

- 4.7 These costs can be met within existing budgets and the situation will be kept under annual review. Although there are significant risks and liabilities imposed on TfL as a result of the updated SSA, past history has shown the practical impact is likely to be minimal and the MPA/MPS has a vested interest in working with TfL to minimise claims from a reputational point of view.

## **5 CRIME AND DISORDER IMPLICATIONS**

- 5.1 The proposals included in this paper describe existing and new initiatives with the MPA that aim to reduce crime and anti-social behaviour and the fear of crime on the transport system. Such arrangements are to be consolidated into the SSA.

## **6 RECOMMENDATION**

- 6.1 The Board is asked to APPROVE in principle the terms of the SSA and to DELEGATE to the Commissioner or, in his absence, Managing Director of Finance, the authority to negotiate and agree the final terms of the SSA and its execution and any ancillary documentation to be entered into in connection with the SSA.

## **7 CONTACT**

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