



House of Commons
Transport Committee

Future of the British Transport Police

Fifth Report of Session 2005–06

Volume I



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Report, together with formal minutes

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The Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Transport and its associated public bodies.

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The current staff of the Committee are Dr John Patterson (Clerk), Annette Toft (Second Clerk), Clare Maltby (Committee Specialist), Louise Butcher (Inquiry Manager), Tony Catinella (Committee Assistant), Miss Michelle Edney (Secretary), Henry Ayi-Hyde (Senior Office Clerk) and Laura Kibby (Media Officer).

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1 Introduction

1. The British Transport Police (BTP) provides “a policing service which delivers a safe railway environment that is free from disruption and the fear of crime” in England, Scotland and Wales.¹ It has done so for over one hundred and fifty years.² In 2004/05 the BTP had 2,494 Police Officers and 1,015 support staff.³ In addition to the national overland railway network, the Force is responsible for a number of other mass transit systems throughout the country, for example, the London Underground, London Docklands Light Railway, Midland Metro Tram System, and the London Croydon Tramlink.⁴

2. Privatisation of the railway in 1994 heralded a period of change for the Force. For example, the responsibility for funding the Force was placed on the train operating companies, Network Rail, independent station operators and open access operators; and London Underground. The BTP was given jurisdiction outside the railway network;⁵ and its powers were extended.⁶ The *Railways and Transport Safety Act 2003* established a BTP police authority, which came into being on 1 July 2004.⁷

Reviews

3. The BTP was last reviewed by the Government less than two years ago. That review rejected any ‘suggestion that the BTP should be merged or linked to the Metropolitan Police or other Home Office County forces.’ To do this, it was argued, would be ‘to lose the valuable specialisms that the BTP has established. It would also take away the extremely positive ability of the BTP to police across boundaries’.⁸

4. This position mirrored the prior conclusions of our predecessor committee: “The British Transport Police is not a Home Office Force, and nothing we have heard suggests that it should become one. The railways are a specialised environment, with specialised needs, and need a specialised force.”⁹

5. It came as a considerable surprise therefore when, on 11 October 2005, the Secretary of State for Transport announced another review of the BTP to ‘examine the functions of the British Transport Police and whether some or all of these are best carried out by a national force, regional forces or, indeed, by the industry itself.’¹⁰ The Secretary of State made clear

1 <http://www.btp.police.uk/> . For further details see, HMIC, BTP Inspection 2003/04, para 2.7

2 <http://www.btp.police.uk/about.htm>. The Force can trace its history back to 1825.

3 BTP Statistical Bulletin 2004-05, p6

4 The national railway network consists of 10,000 miles of track, 3,000 stations and depots, 400,000 tonnes of freight carried a day, a travelling population of over 5.5 million a day plus over 130,000 rail staff (memorandum submitted by the British Transport Police)

5 Anti Terrorism, Crime and Security Act 2001, S 100 and Sch 7

6 Police Reform Act 2002, S 75 and 76

7 British Transport Police (transitional and consequential provisions) Order 2004

8 DfT, Review of the British Transport Police, September 2004, para 7.2

9 Transport Select Committee, Twelfth Report of Session 2003-2004, *British Transport Police* (HC 488), page16

10 HC Deb 11 October 2005 Cols 27-28WS

to us that his review was being conducted ‘in the context of the current review of 43 local police forces which is being undertaken by the Home Secretary.’¹¹

This inquiry

6. We announced a short inquiry into the British Transport Police on 13 January 2006.¹² The purpose of this was primarily to determine whether there was sound evidence that any change to the status of the Force would be justified. We took evidence in public from Derek Twigg MP, Parliamentary Under-Secretary of State, Department for Transport, Hazel Blears MP, then Minister of State in the Home Department, and others on 26 April. We are grateful to those who gave evidence to us.

7. The outcome of the Department for Transport’s latest BTP review is awaited as this short report is published. We understand that the review is due to finish later this month.¹³ We hope that our work will assist the Government in reaching a proper conclusion.

11 Letter to Chairman of the Transport Select Committee, 11 October 2005

12 Transport Select Committee, PN 20

13 Q213

2 Matters of concern

Department for Transport review of the British Transport Police

8. We were disturbed to hear of the serious drop in morale experienced as a result of the fourth review of the BTP in five years.¹⁴ The BTP Federation told us ‘BTP police officers ... have become disillusioned with their sense of security of career and personal future direction’.¹⁵ Consequently, **throughout this short report, we have sought to identify a sound rationale for the review, a justification for the uncertainty created at a time – in the aftermath of the terrorist bombings of the London Underground in 2005 – when it is of particular importance that the Force should concentrate on protecting the travelling public, and when distractions should be avoided.**

9. According to the Department for Transport memorandum, the review had identified two serious options: a ‘refocused BTP’; and ‘abolition’, with the Strategic Forces proposed by the Home Office review taking responsibility for all transport policing.¹⁶ When Mr Twigg gave evidence to us however he said that further work was taking place almost exclusively on the ‘refocusing’ option.¹⁷

10. It is not clear what the ‘refocused’ option can realistically mean for the BTP. The BTP is already a police force dedicated to the railways. We attempted to elicit a clear idea from the Minister and were interested to note that funding and reduced responsibilities appeared to be important related factors:

... looking at whether we can improve things, *whether the focus is right in terms of should it continue to deal with any murders or fraud, et cetera, should it be more focused on low level crime and antisocial behaviour.* Also in terms of the train operating companies, as you will be aware, Chairman, in terms of their role some of them...have expressed concerns about the resources they are paying for and exactly what they are getting for that in terms of looking at their role and their needs in the future, not just what the British Transport Police would do but in terms of the funding for that (*emphasis applied*).¹⁸

11. We asked Sir Alistair Graham, Chairman of the BTP Authority, for his view of why the review was taking place. He indicated that cost was a likely factor as: ‘the train operating companies...believe, as part of the review that is taking place that there should be a refocused British Transport Police and that that could come out at a very cheaper level.’ He was quick to dismiss this however as ‘a bit of a fantasy which would mean we would not

14 Department for Transport reviews available at: (2001/02) http://www.dft.gov.uk/stellent/groups/dft_control/documents/contentservertemplate/dft_index.hcst?n=10416&l=2 (2004) http://www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_032061.pdf

15 Memorandum submitted by the British Transport Police Federation

16 <http://police.homeoffice.gov.uk/police-reform/Force-restructuring>, Memorandum submitted by the Department for Transport

17 Q186

18 Q187

have a serious police force, it would be something of a toy town police force rather than a police force meeting national standards”.¹⁹

12. It is possible therefore that ‘refocusing’ the BTP *could* mean limiting it to investigations of ‘level one’ crime,²⁰ for example, anti-social behaviour, vandalism, and muggings, and leaving ‘level two’ and ‘level three’ crime, for example, terrorism, to be dealt with by the Home Office Strategic Forces.

13. So-called low level crime forms the majority of crime committed on the railway, and the BTP is successful in tackling it.²¹ Like every other police force in England and Wales²² the BTP’s performance in addressing more serious crime is not good enough and must be improved. But a comparison with Metropolitan Police (MPS) clear up rates for example places the BTP’s performance in the relevant context. In 2004/05, the BTP cleared 118%²³ of reported homicides, compared to 94% for the MPS; in the same year the BTP cleared 35.7% of serious assaults, compared to 44.4% for the MPS and 22.7% of sexual offences, compared to 36.3% for the MPS.²⁴

14. The clear up rate of the British Transport Police for some serious crime is not inspiring; the Force is operating over a wide geographic area. We expect the Force to bend all its efforts to make improvements in this very important area. But this is true of many other police forces in England and Wales. In itself, we do not believe that the Force’s clear up rate is a valid reason for destroying the British Transport Police as a serious force by removing from it the investigation of serious crime on the railways. In particular, it is not clear what would be gained by shifting responsibility for these crimes to the Metropolitan Police whose clear up rate is only a little better than that of the British Transport Police, and whose experience of railways policing is non-existent.

Metropolitan Police Service proposals to take over the British Transport Police

15. Her Majesty’s Inspectorate of Constabulary (HMIC) initiated a review of the policing structure in England and Wales in 2005 called *Closing the Gap*.²⁵ The Metropolitan Police Authority’s (MPA) response proposed that there should be a “strategic merger of MPS [Metropolitan Police Service] and the London element of BTP (to include one or more elements of the Underground, railways stations and railway lines in London)”.²⁶

19 Q170

20 Broadly, level one covers locally-based crime; level two covers cross-border issues such as organised crime and level three covers serious and organised crime and terrorism. These ‘levels’ are outlined in the 2005 HMIC report *Closing the Gap*: http://inspectrates.homeoffice.gov.uk/hmic/inspect_reports1/thematic-inspections/closinggap05.pdf

21 Q191

22 In 2004/05 the detection rate (crimes cleared) for all crime in England and Wales was 26%. Home Office, *Crime in England and Wales 2004/05*, p115 and table 7.01

23 Apparent anomalies, such as more crimes being detected than have been reported, are due to the fact that statistics reflect crimes and detections recorded in the period stated. Detections may relate to crimes reported in earlier periods.

24 BTP Statistical Bulletin, 2004/05, p21 and MPS Crime Statistics, Financial Year 2004/05: <http://www.met.police.uk/crimestatistics/index.htm#2004>

25 http://inspectrates.homeoffice.gov.uk/hmic/inspect_reports1/thematic-inspections/closinggap05.pdf

26 Available from: <http://www.mpa.gov.uk>

16. An MPA report of February 2006 revealed more about the Authority's rationale for taking over the BTP in London: that the nature of policing the capital changed fundamentally and irreversibly on 7 July 2005; that a single command and control system, a single communications system, a single infrastructure and a single line of accountability are all 'critical' to achieving a safer London; and that to be 'properly prepared' for London's Olympic Games in 2012 the MPS would need to be merged with the BTP by 2010.²⁷

17. We questioned Mr Alan Brown, an Assistant Commissioner of the Metropolitan Police, closely about these proposals. Mr Brown, who was the officer in charge of the Metropolitan Police Service response to the bombings on 7 July 2005, stated that there were no specific coordination problems between the MPS and the BTP during that incident.²⁸

18. Mr Brown was asked about his Force's assertion that the 'nature of policing the capital changed fundamentally and irreversibly on 7 July'. Mr Brown justified the statement because, in his words, on that day the attacks 'actually happened'.²⁹ We did not find this persuasive. Since the terrorist attacks of 11 September 2001 in New York similar attacks have been expected and have taken place world-wide. The nature of policing throughout the West changed in 2001, not 2005.

19. Mr Brown also argued that London would be better equipped to deal with future terrorist threats were BTP fully engaged in the community policing strategy and if the 'artificial boundary' set up by having the BTP as a separate force, were removed.³⁰ When pressed for specific examples of instances where people had suffered because of this 'boundary', Mr Brown was unable, regrettably, to provide any.³¹

20. Assistant Commissioner Brown also argued than a MPS 'take over' of the BTP would have 'significant economies and efficiencies':

The backroom amalgamations would release significant funding that would undoubtedly be able to be ploughed back into front-line policing. The creation of additional bureaucracy and line management and command structures would all be significantly reduced if there was one command structure for London and that additional money could be ploughed back into London.³²

But he was unable to provide specific examples of these economies.

21. When we queried cost savings from a transfer of the BTP to the MPS, Mr Alex Robertson of the BTP Federation took the view that there was likely to be cost *increases* associated with training costs. These would arise from the additional railway training which would be required by MPS officers.³³

27 <http://www.mpa.gov.uk/committees/sap/2006/060203/04.htm>

28 Q41

29 Q52

30 Q55

31 Q56, Q57 and Q58

32 Q58

33 Q132

22. The London Underground area extends beyond the Metropolitan Police Service boundary.³⁴ Most surprisingly, the Metropolitan Police Service appear to have failed to give any thought to what would happen to the BTP outside London if the MPS take control of BTP in London. When questioned on this point, Mr Brown said that it was not for him to comment on what would happen to railways policing outside London as a result of the MPS's proposal.³⁵

23. Further, we established that neither the Department for Transport,³⁶ nor the Home Office,³⁷ have received any representation or detailed plan from the MPS or the MPA about this proposal. The Minister, Mr Twigg, also confirmed that no other police force had requested to amalgamate the BTP in their area.³⁸ The Chairman of the BTP Authority, Sir Alistair Graham, stated that the Metropolitan Police Authority had not raised the matter with him. He offered the opinion that the proposal was 'very much a personal agenda of the new Commissioner for the Metropolitan Police'.³⁹

24. The Metropolitan Police have proposed to take over the responsibilities of the British Transport Police in London. We have established that no detailed plan of the proposal has been put to the Government; and that no local representations in London have been made proposing such a move.

25. The Metropolitan Police was unable to point to any specific problems of coordination between themselves and the British Transport Police, or give even one example of poor policing arising from the present arrangements.

26. We were provided with no costing for the supposed 'value for money' benefits of the take over, and we have doubts that costings exist. The Metropolitan Police Authority has not raised any proposal to amalgamate the forces with the British Transport Police Authority.

27. No thought appears to have been given by the Metropolitan Police to how the remaining parts of the British Transport Police would operate were a London amalgamation to take place. Finally, far from being critical of the British Transport Police's performance, the Home Office and the Department for Transport are highly complementary, in particular about the Force's counter terrorism effort.

28. There is no support from the key parts of the railway industry either for abolishing the British Transport Police or changing the Force's status or responsibilities. Network Rail, the Association of Train Operating Companies, and Transport for London all confirmed to us that they were satisfied with BTP's performance and supported its retention. There was

34 Memorandum submitted by the British Transport Police Authority

35 Q60

36 Q235

37 Q234

38 Q211

39 Q155

also strong support from the Trades Unions and the rail passengers' organisation Passengerfocus for specialised railway policing.⁴⁰

29. We were anxious to ascertain a justification for the review of the British Transport Police at a time when the terrorist threat to the UK and to London is exceptionally high, and where police concentration needs to be tightly focussed on the job in hand. Unfortunately, we did not find that justification.

30. The facts speak for themselves: no case for changing the status quo, much less justifying the 'take over' of the British Transport Police by the Metropolitan Police Service, has been made in the areas examined so far.

Counter terrorism

31. Since 1997, around half of all terrorist attacks on the UK mainland have been against railway targets.⁴¹ In the wake of the July attacks it is paramount that the railway transport network is policed to an exemplary standard. Therefore despite the complete absence of any evidence which would justify a change to the status quo in policing of the British rail network, we nevertheless looked as closely as we were able to at how the BTP was discharging its counter terrorism responsibilities.

32. The British Transport Police works as part of UK and London Resilience and within London it is fully integrated in the Guardian Group of police forces (BTP, City of London Police, Ministry of Defence Police & the Metropolitan Police Service).⁴² The BTP also provides a link with rail operators and keeps them briefed on security issues. BTP officers are trained and equipped to deal with terrorist situations, including a chemical or biological threat. For the London Area there is a dedicated 24 hour instant response capability for possible terrorist incidents. They advise rail staff and patrol officers who are briefed on aspects of identifying unattended and suspicious packages. These specialist officers would also deal with chemical, biological or radiation related incidents.⁴³

33. The Home Office Minister, Ms Blears, mentioned 'an issue around intelligence gathering' for the British Transport Police, and an unspecified issue of co-ordination.⁴⁴ She said nothing however to identify these issues and help us to understand if problems might exist. Mr Brown of the Metropolitan Police told us that 'The need to create a hostile environment for the offender would be more comprehensively achieved if there was one intelligence and tasking system.'⁴⁵ This appeared to be a general comment, and no specific instances of failure were alleged.

40 HC 1085-ii (2005–06), Qq 256, 257, 361, 368

41 <http://www.btp.police.uk/issues.htm>. See also, Bill Johnstone, *New Strategies to Protect America: Terrorism and Mass transit after London and Madrid*, Center for American Progress, Critical Infrastructure Security Series, page 3

42 London Resilience is a strategic partnership that is working to ensure London is prepared for major incidents or catastrophes. It embraces all the key organisations and bodies in the capital in both the public and private sectors. See: <http://www.londonprepared.gov.uk/resilienceteam/index.htm>. The Guardian group of forces oversees counter-terrorist measures for London.

43 <http://www.btp.police.uk/issues.htm#>

44 *ibid.* See also, Q 214

45 Q 36

34. We accept that terrorism knows no boundaries. The existing expertise of the British Transport Police includes working extensively with Home Office police forces throughout the length and breadth of the country. This should be exploited by the Metropolitan Police Service in the collective drive to counter terrorism.

35. Both Ministers were given ample opportunity to set out criticisms of the BTP in this area. Far from doing so, both were highly complimentary. Mr Twigg said ‘I have to say we have not had any specific problems in terms of the British Transport Police...the response was very good on the day [7 July] and a lot of tremendous work was put in by the British Transport Police.’⁴⁶ Ms Blears supported this assessment,⁴⁷ and she was positively glowing in her praise of the Force. She told us that a review of the BTP following 7 July found that: ‘there is a commendable level of understanding of the counter-terrorism role at every level of the staff in the British Transport Police’.⁴⁸

36. We sought a week later, and in the context of our inquiry into transport security, ‘Travelling without fear’, to probe this issue further with the representative of the Metropolitan Police, on that occasion Commander Carter from the section led by Assistant Commissioner Hayman who is responsible for investigating terrorist matters.

37. What we heard from Commander Carter was reassuring. He stated that there was ‘no desire’ for the Metropolitan Police Service to take over the BTP and that the two Forces ‘work so closely together through the guardian process that that would undo something that works absolutely well’.⁴⁹ He assured us that his Force does ‘use the expertise of the British Transport Police’; and that it was ‘a very close relationship, particularly with the City of London and Ministry of Defence Police for London, with massive reassurance where we work together around intelligence.’⁵⁰ This sounds to us as if the BTP is fully integrated into the interlocking web of security and intelligence relationships in a satisfactory way.

38. We were concerned to hear such diametrically different evidence about the future of the BTP and the way it works with its partner police forces on successive weeks from different senior policemen from the Metropolitan Police. This suggests an absence of ‘strategic thinking’ in the higher echelons of that Force which we hope will be resolved speedily by the Metropolitan Police Commissioner, Sir Ian Blair. We would like to have questioned the Commissioner about this, but he was unfortunately unavailable.

39. So far as the counter terrorism role of the British Transport Police is concerned, it was hinted to us that intelligence gathering could be improved. What is lacking however is any shred of *evidence* that this is a problematic area for the BTP. On the contrary, from Commander Carter of the Metropolitan Police we have received an assurance in the firmest of terms on 3 May that cooperation between the British Transport Police and other forces is excellent. We also note that the Force has recently

46 Qq 197, 198

47 Q199

48 Q199

49 HC 1085-I, Q 93

50 Ibid, Q 163

established its own Special Branch.⁵¹ This is good evidence that the British Transport Police is taking intelligence gathering seriously and is intent on raising its game in this area.

40. In the light of this evidence, and particularly lack of evidence, the Department must consider very carefully indeed justifying the break up of the British Transport Police by reference to problems of counter terrorism. It is perfectly acceptable, indeed essential, for the Government to examine whether the present security and counter intelligence arrangements affecting the rail network are fully operational.⁵² But there must be no changes without the firmest evidence that improvements are in fact required. Veiled references to 'issues' and general statements about systemic improvements are insufficient. The policy for the future of the British Transport Police must encapsulate to the fullest extent possible the Government's own commitment to evidence based policy.

Funding of the British Transport Police

41. The funding of the Force continues to be a matter of concern and we took the opportunity of this short inquiry to revisit the subject.

42. The British Transport Police is funded mainly by the train operating companies under the 'user pays' principle.⁵³ The Government did however make an investment following the establishment of the British Transport Police Authority in July 2004, to address the underinvestment in the BTP's back-office systems and infrastructure. This was a timely and much needed cash injection which the BTP has used wisely. The Chief Constable of the BTP, Ian Johnson, explained how it had been used:

As soon as the new police authority was appointed it put in train a programme of investment to address these issues and it has been extremely bold and it has been extremely well led in addressing those issues. Since the authority came into existence we have had something like a 40 per cent increase in budget to the British Transport Police. We have spent that on totally stripping out all our old IT systems which were very slow to respond and which left people for 15 or 20 minutes trying to get into the system throughout the country. We have modernised our finance department to give us greater efficiency, we have modernised our HR department so our people get dealt with properly and we have been able to get a number of buildings which are much more fit for the purpose. We have been able to invest in Police Community Support Officers despite the lack of Government funding for those. That degree of investment has been very important in taking us forward.⁵⁴

51 BTP evidence. See also, *British Transport Police Annual Report 2004-2005*, page 4

52 Qq 197, 198

53 For a description of the Byzantine funding arrangements of the BTP see, Transport Select Committee, Twelfth Report of Session 2003-04, *British Transport Police* (HC 488), paragraphs 16 - 24

54 Q12

The Department also made a one-off payment of £3.6 million in November 2005 for the extra costs associated with the terrorist attack on London of July 7, 2005.⁵⁵

43. The ‘user pays’ funding principle is a good one. It is right that the train operating companies and Network Rail pay for a police service which disproportionately benefits their private land and holdings and enables passengers and staff to travel securely on the railways. It is clear however that the service provided by the BTP is also a public good. As such, it would normally be funded by central government directly.

44. In its 2004 review of the Force, the Department for Transport concluded that the BTP should continue to be largely funded by the rail industry and not by the Department.⁵⁶ It also acknowledged however that there was an issue to resolve about the source of future funding for counter-terrorist activity and how future ad hoc capital payments should be made. This question remains unresolved and is, in the words of the BTP Authority, a ‘source of tension’ between the BTP and the train operation companies.⁵⁷ **The Government’s review must not only address but establish a sensible and efficient system of funding for the BTP. The Government has allowed to run on for far too long a time consuming process in which the Chief Constable of the British Transport Police is forced to spend large parts of his working year negotiating with the train operating companies, some of whom have proved less than willing to make their payments to this essential service on time. The Government should seize the opportunity of the present review to put sensible arrangements in place without any more prevarication.**

45. A critical factor is to ensure that payments are made to the Force on a regular basis and in a reliable way. In 2004, our predecessor Committee heard that several train operating companies were in arrears of payment, and two companies (GNER and EWS) were withholding the increases that resulted from the settlement of 1999.⁵⁸ Although witnesses did not specify problems with individual companies on this occasion, it was clear from the comments of Sir Alistair Graham and Mr Robertson⁵⁹ that problems remain in ensuring that companies pay on time. **A cardinal part of devising a 21st century funding package for the British Transport Police is to ensure that it receives adequate funds on time and without undue delay. While we understand from ATOC that currently there are no outstanding payments to the BTP, it is not tolerable that some train operating companies can remain in arrears of payments to the Force, and that this can drag on for years at a time.**

46. The Government has ignored these unprofessional and inept arrangements for long enough. There may be a case for the Department acting as an intermediary, collecting the money from the train operating companies and passing it on to the BTP. Mr Ian Johnson, the BTP’s Chief Constable, was sympathetic to the idea of ‘top-slicing’ the subsidies the train operating companies receive from the Government.⁶⁰ **The Department should**

55 Written statement, 29 November 2005, c16W5

56 DfT, *Review of the BTP*, October 2004, para 17

57 Memorandum submitted by the British Transport Police Authority

58 HC 488, para 19

59 Qq 169, 125, 126

60 Q29

ensure that the users pay up where there is a duty incumbent on them to do so, and free the Chief Constable to lead his Force full time in the vital job he has of protecting the travelling public. A formal mechanism such as ‘top-slicing’ might be an efficient way of achieving this. Where the activities of the BTP clearly contribute to the wider policing of the country, for example its counter terrorist duties, the Government should recognise this by single payments, such as the £3.5 million it paid the BTP in November 2005.

47. Transport for London (TfL) proposed that it should assume responsibility for all transport funding allocations for London.⁶¹ TfL has a good track record of working with the BTP and has increased its funding for the Force at a higher rate than either the train operating companies or Network Rail.⁶² TfL’s idea is an interesting one, but the British Transport Police is a *national* Force and we consider that it should continue to be funded on a country wide basis.

The ‘privatisation’ of the British Transport Police

48. One option the Department is considering is abolishing the BTP and allocating railways policing to the Strategic Forces across the country. Under this option where train operating companies require dedicated policing, or additional levels of support, they be would required to negotiate these with the relevant police force. This option would ‘fundamentally change’ the funding of railways policing:

Individual rail companies already pay business rates for office premises and Network Rail pay business rates on behalf of the rail industry for the rail network. If individual rail operators require a dedicated police presence or additional level of service on their premises that would not be provided under normal policing priorities the rail operator would negotiate that additional requirement with the relevant Strategic Force and the operator would pay for those dedicated services. If operators require additional services from time to time to carry out specific initiatives, for example policing of football trains, those services would also have to be paid for ... Under this option the users would become more informed buyers of services allowing a better spread and access to police services.⁶³

49. There was absolutely no support for the privatisation option from the BTP,⁶⁴ the Metropolitan Police Service,⁶⁵ or the British Transport Police Authority.⁶⁶ Chief Constable Ian Johnson made the key point that ‘The police service provides a public good. It is not a private security organisation for a train operator’.⁶⁷ He had the support of Sir Alistair Graham, Chairman of the British Transport Police Authority, who pointed out that, for all

61 from Assistant Commissioner Brown, from the MPS, Q99

62 Memorandum submitted by the British Transport Police

63 Memorandum submitted by the Department for Transport

64 Q16 and Q17

65 Q97

66 Q175

67 Q16

the difficulties with the train operating companies, they had expressed themselves 'unanimous...that we wanted to retain a national specialist police force for the railways.⁶⁸

50. The option of privatising the policing of the railways would be little short of a disaster. In place of a public police force, the British Transport Police, with deep experience of policing the railways and considerable public standing, applying the law throughout the national rail network in a consistent way, there would arise a hotch potch of ad hoc arrangements with each train operating company negotiating its own level of policing. Such a system would place the railways at risk of descending into policing chaos. The train operating companies find it difficult enough to navigate the present set of negotiations to finance the British Transport Police. Presented with more complex agreements to make on policing levels in their areas we doubt that some would manage at all. The result would be to the serious detriment of the travelling public and the overall security of the country.

51. We find it extraordinary at a time of heightened national threat, when the police forces throughout the length and breadth of the country need to be in a state of high morale and completely focussed on their primary job of protecting the public, that the Government could seriously entertain so bizarre a notion as to remove a dedicated and experienced police force from protecting the rail network which continues to be a primary terrorist target. We do not believe that any form of privatisation of the BTP is viable or desirable. Policing is fundamentally a public good. The commercialisation of the funding regime that this would entail has no support from the BTP or the train operating companies. The Government must not go down this path.

Conclusions and recommendations

Introduction

1. The outcome of the Department for Transport's latest BTP review is awaited as this short report is published. We understand that the review is due to finish later this month. We hope that our work will assist the Government in reaching a proper conclusion. (Paragraph 7)

Matters of concern

2. Throughout this short report, we have sought to identify a sound rationale for the review, a justification for the uncertainty created at a time – in the aftermath of the terrorist bombings of the London Underground in 2005 – when it is of particular importance that the Force should concentrate on protecting the travelling public, and when distractions should be avoided. (Paragraph 8)
3. The clear up rate of the British Transport Police for some serious crime is not inspiring; the Force is operating over a wide geographic area. We expect the Force to bend all its efforts to make improvements in this very important area. But this is true of many other police forces in England and Wales. In itself, we do not believe that the Force's clear up rate is a valid reason for destroying the British Transport Police as a serious force by removing from it the investigation of serious crime on the railways. In particular, it is not clear what would be gained by shifting responsibility for these crimes to the Metropolitan Police whose clear up rate is only a little better than that of the British Transport Police, and whose experience of railways policing is non-existent. (Paragraph 14)
4. The Metropolitan Police have proposed to take over the responsibilities of the British Transport Police in London. We have established that no detailed plan of the proposal has been put to the Government; and that no local representations in London have been made proposing such a move. (Paragraph 24)
5. The Metropolitan Police was unable to point to any specific problems of coordination between themselves and the British Transport Police, or give even one example of poor policing arising from the present arrangements. (Paragraph 25)
6. We were provided with no costing for the supposed 'value for money' benefits of the take over, and we have doubts that costings exist. The Metropolitan Police Authority has not raised any proposal to amalgamate the forces with the British Transport Police Authority. (Paragraph 26)
7. No thought appears to have been given by the Metropolitan Police to how the remaining parts of the British Transport Police would operate were a London amalgamation to take place. Finally, far from being critical of the British Transport Police's performance, the Home Office and the Department for Transport are highly complementary, in particular about the Force's counter terrorism effort. (Paragraph 27)

8. We were anxious to ascertain a justification for the review of the British Transport Police at a time when the terrorist threat to the UK and to London is exceptionally high, and where police concentration needs to be tightly focussed on the job in hand. Unfortunately, we did not find that justification. (Paragraph 29)
9. The facts speak for themselves: no case for changing the status quo, much less justifying the 'take over' of the British Transport Police by the Metropolitan Police Service, has been made in the areas examined so far. (Paragraph 30)
10. We were concerned to hear such diametrically different evidence about the future of the BTP and the way it works with its partner police forces on successive weeks from different senior policemen from the Metropolitan Police. This suggests an absence of 'strategic thinking' in the higher echelons of that Force which we hope will be resolved speedily by the Metropolitan Police Commissioner, Sir Ian Blair. We would like to have questioned the Commissioner about this, but he was unfortunately unavailable. (Paragraph 38)
11. So far as the counter terrorism role of the British Transport Police is concerned, it was hinted to us that intelligence gathering could be improved. What is lacking however is any shred of evidence that this is a problematic area for the BTP. On the contrary, from Commander Carter of the Metropolitan Police we have received an assurance in the firmest of terms on 3 May that cooperation between the British Transport Police and other forces is excellent. We also note that the Force has recently established its own Special Branch. This is good evidence that the British Transport Police is taking intelligence gathering seriously and is intent on raising its game in this area. (Paragraph 39)
12. In the light of this evidence, and particularly lack of evidence, the Department must consider very carefully indeed justifying the break up of the British Transport Police by reference to problems of counter terrorism. It is perfectly acceptable, indeed essential, for the Government to examine whether the present security and counter intelligence arrangements affecting the rail network are fully operational. But there must be no changes without the firmest evidence that improvements are in fact required. Veiled references to 'issues' and general statements about systemic improvements are insufficient. The policy for the future of the British Transport Police must encapsulate to the fullest extent possible the Government's own commitment to evidence based policy. (Paragraph 40)
13. The Government's review must not only address but establish a sensible and efficient system of funding for the BTP. The Government has allowed to run on for far too long a time consuming process in which the Chief Constable of the British Transport Police is forced to spend large parts of his working year negotiating with the train operating companies, some of whom have proved less than willing to make their payments to this essential service on time. The Government should seize the opportunity of the present review to put sensible arrangements in place without any more prevarication. (Paragraph 44)
14. A cardinal part of devising a 21st century funding package for the British Transport Police is to ensure that it receives adequate funds on time and without undue delay.

While we understand from ATOC that currently there are no outstanding payments to the BTP, it is not tolerable that some train operating companies can remain in arrears of payments to the Force, and that this can drag on for years at a time. (Paragraph 45)

15. The Department should ensure that the users pay up where there is a duty incumbent on them to do so, and free the Chief Constable to lead his Force full time in the vital job he has of protecting the travelling public. A formal mechanism such as 'top-slicing' might be an efficient way of achieving this. Where the activities of the BTP clearly contribute to the wider policing of the country, for example its counter terrorist duties, the Government should recognise this by single payments, such as the £3.5 million it paid the BTP in November 2005. (Paragraph 46)
16. The option of privatising the policing of the railways would be little short of a disaster. In place of a public police force, the British Transport Police, with deep experience of policing the railways and considerable public standing, applying the law throughout the national rail network in a consistent way, there would arise a hotch potch of ad hoc arrangements with each train operating company negotiating its own level of policing. Such a system would place the railways at risk of descending into policing chaos. The train operating companies find it difficult enough to navigate the present set of negotiations to finance the British Transport Police. Presented with more complex agreements to make on policing levels in their areas we doubt that some would manage at all. The result would be to the serious detriment of the travelling public and the overall security of the country. (Paragraph 50)
17. We find it extraordinary at a time of heightened national threat, when the police forces throughout the length and breadth of the country need to be in a state of high morale and completely focussed on their primary job of protecting the public, that the Government could seriously entertain so bizarre a notion as to remove a dedicated and experienced police force from protecting the rail network which continues to be a primary terrorist target. We do not believe that any form of privatisation of the BTP is viable or desirable. Policing is fundamentally a public good. The commercialisation of the funding regime that this would entail has no support from the BTP or the train operating companies. The Government must not go down this path. (Paragraph 51)

Formal minutes

Monday 15 May 2006

Members present:

Mrs Gwyneth Dunwoody , in the Chair

Clive Efford

Mrs Louise Ellman

Mr Robert Goodwill

Mr Lee Scott

The Committee deliberated.

Draft Report (*Future of the British Transport Police*), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 51 read and agreed to.

Resolved, That the report be the Fifth Report from the Committee to the House.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committee (reports)) be applied to the Report.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Wednesday 17 May at half past two o'clock.

Witnesses

Wednesday 26 April 2006

Chief Constable Ian Johnson CBE QPM, British Transport Police

Assistant Commissioner Alan Brown, Metropolitan Police

Mr Alex Robertson, Chairman, British Transport Police Federation

Sir Alistair Graham, Chairman and **Mr Richard Hemming**, Chief Executive and Clerk, British Transport Police Authority

Derek Twigg MP, Under Secretary of State, Department for Transport, and **Hazel Blears MP**, Minister of State, Home Office

List of written evidence

- | | |
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| 01 | British Transport Police |
| 02 | British Transport Police Federation |
| 03 | British Transport Police Authority |
| 04 | Department for Transport |
| 05 | Association of Train Operating Companies |
| 06 | Merseytravel |
| 07 | Transport for London |
| 08 | Rail Freight Group |
| 09 | Guide Dogs for the Blind Association |
| 10 | Office of Rail Regulation |
| 11 | Association of Train Operating Companies, supplementary memorandum |
| 12 | Mr Bryan Pickles |

Reports from the Transport Committee since 2005

Session 2005–06

First Special Report	The Performance of the London Underground: Government Response to the Committee's 6 th Report of Session 2004-05	HC 431
Second Special Report	The Departmental Annual Report 2004: Government Response to the Committee's 4 th Report of Session 2004-05	HC 432
Third Special Report	Integrated Transport: the future of light rail and modern trams in the UK: Government Response to the Committee's 10 th Report of session 2004-05	HC 526
Fourth Special Report	Search and Rescue: Government Response to the Committee's 8 th Report of Session 2004-05	HC 586
Fifth Special Report	Rural Railways: Government Response to the Committee's 5 th Report of Session 2004-05	HC 587
Sixth Special Report	Tonnage Tax: Government Response to the Committee's 2 nd Report of Session 2004-05	HC 611
Seventh Special Report	Financial Protection for Air Travellers: Government and Civil Aviation Authority Responses to the Committee's 15 th Report of Session 2003-04	HC 639
First Report	UK Transport Security – preliminary report	HC 637
Second Report	Financial Protection for Air Travellers: Second Report Abandoning Effective Protection	HC 636
Eighth Special Report	European Community Competence and Transport: Government Response to the Committee's Ninth Report of Session 2004–05	HC 976
Third Report	Going for Gold: Transport for London's 2012 Olympic Games	HC 588
Ninth Special Report	Financial Protection for Air Travellers: Abandoning Effective Protection: Government and Civil Aviation Authority Responses to the Committee's Second Report of Session 2005–06	HC 996
Fourth Report	Departmental Annual Report 2005	HC 684