House of Commons
Transport Committee


Twelfth Special Report of Session 2005–06

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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.

Current membership

Mrs Gwyneth Dunwoody MP (Labour, Crewe) (Chairman)
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Mr Jeffrey M Donaldson MP (Democratic Unionist, Lagan Valley)
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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/transcom.

Committee staff

The current staff of the Committee are Mr Tom Healey (Clerk), Annette Toft (Second Clerk), Clare Maltby (Committee Specialist), Louise Butcher (Inquiry Manager), Tony Catinella (Committee Assistant), Ronnie Jefferson (Secretary), Henry Ayi-Hyde (Senior Office Clerk) and Laura Kibby (Media Officer).

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Twelfth Special Report

The Committee published its Fifth Report of Session 2005–06 on 16 May 2006. The response from the Department for Transport was received in the form of a memorandum dated 20 July 2006, and is published as an appendix to this report.

Appendix

Introduction

In October 2005 the previous Secretary of State for Transport announced a review of the British Transport Police (BTP). The Transport Committee's report has therefore provided a timely input into the Department for Transport’s review of the BTP. The Government’s response to the individual conclusions and recommendations of the Committee is set out below.

Response to the Committee’s conclusions and recommendations

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)

The Government welcomes the views of the Committee concerning the role and functions of the BTP. These views, along with those expressed direct to the Department for Transport by key stakeholders, including the rail industry, passenger representatives and policing bodies, have provided a much valued contribution to the review of the BTP.

The Secretary of State for Transport announced his conclusions on the BTP review in a statement to both Houses of Parliament on 20 July 2006.

In summary, the Government has concluded that there remains a strong case for retaining a national specialist police force for the railways. However, the review has identified a need for greater clarity of the detailed aspects of the operation of the BTP in relation to its responsibilities to the rail industry, the rail industry’s own duties and the role of local police forces. As an outcome of the review of the BTP the Secretary of State for Transport will be writing to the Chairman of the BTP Authority and the Chief Constable of the BTP asking them to ensure that the Force’s resources are focused on areas where the BTP can provide maximum added value to the fight against crime on the railway. The Secretary of State will also be asking them to develop a more structured partnership approach between the Force and the rail industry focused on agreed needs and priorities. This will require all stakeholders to interact more effectively at all levels, including more joint planning and performance monitoring specific to local needs.

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. 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)

The previous Secretary of State for Transport's decision to review the BTP was made in the context of the review of the 43 local police forces in England and Wales undertaken by the Home Secretary. The Home Secretary's review did not cover the BTP. In light of the proposals for major restructuring of policing in England and Wales, the Secretary of State considered it appropriate to undertake a review of the role of the BTP.

In addition, the BTP has had to focus on continuous change, especially in relation to security, as well as their more traditional duties. The tragic events in the USA on 9/11, in Madrid in 2004 and particularly and most recently in London last July demonstrate clearly that the environment in this country – and above all the environment in which the police must operate – has clearly changed. In addition, public expectations in relation to policing of the railways have risen.

The Secretary of State therefore decided to examine the functions of the BTP and consider whether some or all of these were best carried out by a national force, regional forces or, indeed, by the industry itself. This review was aimed at ensuring that policing of the railways is fit for the 21st century.

4. 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 nonexistent. (Paragraph 14)

BTP’s overall detection rate for serious crime has improved from 51% during 2004–05 to 68% in 2005–06 (the 2005–06 figure includes those offences recorded during the July London bombings).

The environment in which BTP conducts investigations is often very different to that facing Home Office forces. Crime on the rail transport system is generally transient in its nature and most of the crime committed on the railways is perpetrated by offenders who are strangers to their victims, which significantly increases the level of difficulty when it comes to investigation. Also, whilst some Home Office forces record high detection rates for serious assaults, many of these result from domestic violence, or local disputes where the offenders are known to the victims. For BTP there are very few cases where this obvious investigative lead is present. BTP instead has to rely on images of generally
unknown offenders being recorded on CCTV, and then make substantial efforts to identify them, or hope that identification can be made through forensic science. A further difficulty is that a victim may come from one end of the country and the offender another, their connection being a shared train journey.

Nevertheless, BTP aims in its three year strategic plan to improve the overall detection rate of the Force to a point where it at least equals the average level for Home Office forces. To achieve this aim it has adopted an action plan with a range of different measures for driving up the detection rate for all types of crime. These measures include improving investigative skills, increasing awareness, better use of forensic science, improving officer knowledge of detection methods, crime recording and clearance practices, specific investigative interview training, and the recruitment of a nationally recognised interview coordinator and trainer to the Force.

There are concerns within the rail industry that the BTP’s investigative mandate is too wide, and that it should concentrate more on railway crime and low level disorder. BTP’s priorities for 2006–07 would seem to contradict these concerns – staff assaults, route crime, fatality management, anti-social behaviour, low level disorder, theft of passenger property, graffiti, terrorism and violent assaults. The Secretary of State for Transport will therefore be writing to the Chairman of the BTP Authority and the Chief Constable of the BTP asking them to ensure that the Force’s resources are focused on areas where the BTP can provide maximum added value to the fight against crime on the railway.

5. 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)

6. 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)

7. 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)

8. 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)

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)

The Government notes the views expressed by the Committee and the Secretary of State for Transport has taken these views into account in reaching his conclusions on the BTP Review.

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)

The Government notes the views expressed by the Committee and the Secretary of State for Transport has taken these views into account in reaching his conclusions on the BTP Review.

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)

The Government remains committed to the principle that the costs of the BTP should remain largely funded by the rail industry. The Government also considers that the current arrangements for raising and collecting funds are satisfactory and should continue.

These arrangements include the BTP Authority’s statutory responsibility, under the Railways and Transport Safety Act 2003, to set the BTP’s annual budget and to raise charges on BTP’s rail industry customers sufficient to meet that budget. The Authority is also required to put in place a system for allocating costs between the rail companies. It collects the appropriate charges through a series of contracts – “Police Services Agreements” – which rail operators are obliged to enter into. The Authority is therefore able to enforce payment of charges, with recourse to the Courts, if necessary.

Given the number of individual users and their different policing requirements, the process of allocating BTP costs to all users of BTP services is inevitably complex. The current funding formula was put in place following a review of the allocation system in 1999. The formula is designed to reflect core policing services provided. It is based on a disaggregation of Force HQ and Area HQ costs, activity analysis of BTP policing costs linked to crimes assigned to individual users, and an allocation of costs of non-crime activity based on a series of surveys.

Most of BTP's users accepted this method of allocation and subsequently have paid their invoiced charges within the normal period acceptable to the Authority. However, four rail companies disputed the increased charges which resulted from the re-allocation of costs following the 1999 review, and a proportion of charges owed to the BTP Authority were withheld pending the outcome of the disputes. Resolution of the disputes has been an extended process involving the appointment by the Department of an arbitrator to make recommendations for the resolution of these disputes, detailed analysis of the arbitrator’s recommendations, and a complicated reconciliation of figures. However, the disputed sums are being held on the Authority's accounts as outstanding debts covered by grant-in-aid by the Department. The outstanding debts do not therefore impact on the BTP's day to day operational budget.

The Authority is currently reviewing the charging mechanism, in consultation with the rail industry, leading to possible changes in 2007.

The BTP Authority is therefore ultimately responsible for setting BTP’s budget, for calculating the appropriate charges from individual rail operators, and for collecting the money it is owed. The Government does not consider it would be practical, efficient or effective for the Department for Transport to take over this role.

The Chief Constable’s role is to formulate a bid for resources which must be substantiated by robust business cases which he will then be expected to defend and justify, with the
support of his BTP Finance Team. This process is inevitably time consuming for BTP, but nevertheless essential. It is the Government’s view that the Chief Constable, particularly in his role as Accounting Officer for the BTP Authority, must continue to be responsible for fully justifying his resource bid, to defend it under close scrutiny by Authority members and the rail operators, in order to convince the funders of the Force that it represents good value for money.

The Government accepts that there may be on occasion a case to justify some central funding for the BTP where the Force contributes to specific national initiatives or where wider public benefits are available. The Government has already provided such funding, some £8 million in total for Airwave – the new national police radio system, for the BTP’s participation in the Street Crime Initiative in London, and for the purchase of anti-terrorist vehicles and equipment. Most recently, the Government provided £3.6 million towards the additional costs arising from BTP’s response to the London terrorist attacks last July.

The Government will continue to fund BTP’s capital expenditure. It will also continue to consider providing additional central funding for specific projects and initiatives undertaken by BTP which provide benefits beyond the railway environment, depending on the merits of each case. However, the Government does not intend to provide an ongoing contribution to the resource costs of BTP’s counter terrorism activities. Funding of these costs will continue to be provided by the rail industry in line with the Secretary of State’s decision that BTP will remain largely funded by the industry.

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 hotchpotch 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)

The Government notes the views expressed by the Committee. The Secretary of State for Transport has taken these views into account in reaching his conclusions on the BTP Review.