

Committee(s) Police Committee - For Decision	Date(s): 20 th September 2018
Subject: City of London Police and BTP Custody S22a Collaboration Agreement- Update	Public
Report of: Commissioner of Police Pol 73-18	For Decision
Report author: Supt Lee Presland, Uniformed Policing	

Summary

Members received a report at the May Police Committee outlining a need for a formal S22a Collaboration Agreement to effect a power under S30(3A) Police Act 1996 to enable British Transport Police (BTP) officers to operate in City of London Police (CoLP) custody suites. The reasons for this were outlined in the May report (Pol 38-18 refers) attached at Appendix 1.

This report is submitted to update Members as the scope of the terms of the agreement is somewhat broader to that outlined in the original report to your Committee and the Force was advised by the Comptroller and City Solicitor (City Sols) to update Members in this respect. The recommendation remains the same.

For reasons outlined in the Main Report, the terms of the S22a Collaboration agreement now to be negotiated will include a *mutual* arrangement whereby BTP Custody Officers and Dedicated Detention Officers (DDOs) can operate at Snow Hill and Bishopsgate Custody Suites and CoLP Custody Officers and DDOs can operate at BTP Brewery Road or other BTP London facility. It is further intended that officers and DDOs from one force would be authorised to process Detainees for the other force irrespective of which force's custody suite they were located in.

To enable this mutual assistance between the forces officers and DDOs would need to be under the direction and control of the chief officer of the force responsible for the arrest so that BTP officers and DDO would be under the direction and control of the Commissioner when processing CoLP detainees and CoLP officers and DDOs would be under the direction and control of Chief Constable of the BTP when processing BTP detainees. At all other times, both officers and DDOs would be under the direction and control of their home force chief officer.

Recommendation(s)

It is recommended that Members instruct the Comptroller and City solicitor to sign the agreement on behalf of the Police Authority subject to the negotiation of suitable terms.

Main Report

Background

1. At the May 2018 Police Committee, Members received a report (Pol 38-18 attached at Appendix 1) which outlined the proposal for City of London Police (CoLP) to enter into a S22a Collaboration agreement with the British Transport Police (BTP). This was to enable CoLP to use BTP Custody Sergeants to cover shifts on a needs basis in order to mitigate a risk in this area around a skills shortage at that time and also to ensure business continuity. This was in order to formalise an existing letter of understanding.
2. The Force was advised by the Comptroller and City Solicitor (City Sols), that the arrangement with the BTP was possible under S30(3A) Police Act 1996 which creates the power to enable BTP officers to operate in CoLP custody suites and to process offenders regardless of whether they have been arrested by BTP or CoLP officers. However, after clarification with the City Sols, it has become apparent that in order for CoLP to continue to use BTP resources under S30 (3A) of the Police Act 1996 a S22a Collaboration Agreement was required to effect that arrangement.
3. Members agreed to the recommendation presented to them at the May meeting, which was to “instruct the Comptroller and City solicitor to sign the agreement on behalf of the Police Authority subject to the negotiation of suitable terms”. As a result, the Force and City Sols commenced negotiating terms in order to draft the agreement.

Current Position

4. As part of the risk mitigation and business continuity work in custody it emerged that although CoLP’s fall back facility for custody business continuity has historically been Snow Hill Police Station custody suite, some issues emerged with this facility recently when CoLP was required to bring it into action owing to closure of the main custody suite at Bishopsgate Police station. Ultimately, it was not possible to use Snow Hill Police Station, owing to unforeseen health and safety issues including an impure water supply, which have since been resolved. Additionally, as part of the Accommodation Programme, which will eventually see the closure of Snow Hill Police Station, another venue needed to be identified to take CoLP prisoners in the event of any closure of Bishopsgate custody suite in the future. This fall back facility was identified as BTP custody suite at Brewery Road and owing to the closure of both the Bishopsgate and Snow Hill Custody Suites recently CoLP Custody Sergeants commenced shifts at Brewery Road.

Recommendation

5. The recommendation remains the same, however, the scope of the terms of the agreement is somewhat broader to that outlined in the original report to your Committee. The terms of the S22a Collaboration agreement to be negotiated will now include a *mutual* arrangement whereby BTP Custody Officers and DDOs can operate at Snow Hill and Bishopsgate Custody Suites and CoLP Custody Officers

and DDOs can operate at BTP Brewery Road or other BTP London facility and process detainees from either force.

6. It is recommended that Members instruct the Comptroller and City Solicitor to sign the Agreement on behalf of the Police Authority subject to the negotiation of suitable terms to cover the above.

Corporate & Strategic Implications

7. Signing up to the S22a under the terms outlined will mitigate risks around short term skill gaps and provide a resilient business continuity plan.
8. City Sols and Town Clerk's officers have been consulted in the preparation of this report and are supportive. Members should be aware that, there will need to be agreement as to which Chief Officer (the Commissioner and Chief Constable) will have direction and control over situations where officers and DDOs are processing detainees of the other force, and this will form part of the discussions around the liability risks with the City Solicitors and the City of London Corporation Insurance team.

Conclusion

9. The Force is aware that this is a priority and high risk area of business and the negotiation of suitable terms to allow all staff to provide services within relevant BTP and CoLP estates is a necessity.

Appendices

Non Public Appendix 1 – Pol 38-18 Police Committee Report- City of London Police and BTP- Custody- S22a Collaboration Agreement- May 2018

Contact:

Edelle Michaels, Chief Inspector Response and Custody
Uniformed Policing Directorate
T: 020 7601 2862
E: Edelle.michaels@cityoflondon.pnn.police.uk