

**WEST MIDLANDS POLICE  
AND CRIME  
COMMISSIONER**

NON-CONFIDENTIAL

**NOTICE OF DECISION**

**002/2013**

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Title: National Police Air Service

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**EXECUTIVE SUMMARY**

This decision paper proposes that the PCC make a decision to approve a national police collaboration agreement in relation to the National Police Air Service.

**DECISION**

That the national police collaboration agreement for a national police air service be entered into.

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**West Midlands Police and Crime Commissioner**

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the West Midlands Office for Policing and Crime. Any interests are indicated below.

Signature.....Bob Jones.....

Date.....16 January 2013.....

## **PART 1 NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER**

### **INTRODUCTION AND BACKGROUND**

1. The Secretary of State has made the Police (Collaboration: Specified Function) Order 2012, under Section 23FA of the Police Act 1996, specifying air support as a critical national function to be carried out through a single national collaboration agreement for England and Wales.
2. The agreement commenced in October 2012 and it is intended that West Midlands should become part of NPAS in October 2013.
3. The proposed arrangements for NPAS have been subject to consideration by the Police Authority before abolition and a number of concerns had been raised including the cost involved, the future of Birmingham Airport as a base and the service levels.
4. It was reported to the Police Authority meeting on 19 November that the Chief Constable was content with assurances received from West Yorkshire Police as the lead force. Those assurances have been incorporated into a letter of agreement which sets out the assurances as follows:-
  - i. There are no current plans to close the base at Birmingham Airport. The national model has been developed and the decision has been made to retain the base at the current facility at Birmingham Airport and WYPCC is unaware of any intentions to alter this decision in the near future but, if circumstances were to change, any suitable site would be identified and developed in close liaison and consultation between the NPAS management team, NPAS Strategic Board and representatives from West Midlands Police.
  - ii. In relation to the demand which exists at the Birmingham base during the early hours of each day it is understood and agreed by WYPCC that there will always be a minimal demand from outside the West Midlands Region within the aforementioned time of day.
  - iii. In relation to the financial cost WYPCC assure the Police and Crime Commissioner for the West Midlands that it is highly unlikely that an increase in cost to the Force will accrue due to attempting to manage the deficit which currently exists.
  - iv. In relation to the dispatch and control centre WYPCC will ensure that the National Police Air Support Unit will continuously work with and consult with Forces and Regions to ensure that any regional best practice procedures in relation to the deployment of units is as far as reasonably able built into the new envisaged model.
5. In terms of governance, there has been a change to the original proposals which are set out in a letter from ACPO dated August 2012. The NPAS Strategic Board consists of a local policing body and a chief police officer from each of the six of the NPAS air support regions. These are the voting members; the other members of the Board, including the Lead Local Policing Body and the Lead Local Chief Constable attend in an ex-officio

capacity.

6. The Chair of the Strategic Board shall be elected from one of the six Local Police Body members and shall be appointed by the other Local Police Body representatives at the first meeting of the Board. The Chair shall have a casting vote on all decisions made by the Strategic Board.
7. Decisions concerning notice of termination to the current Lead Local Policing Body and the appointment of a successor Lead Local Policing Body can only be made by the Local Police Body members of the Strategic Board.
8. Chief Police Officers (or their representatives) shall be able to vote on all NPAS business with the exception of the budget which shall remain exclusively the responsibility of the Local Police Body members.
9. Claims against local policing bodies are to be handled by the lead policing body (West Yorkshire PCC). Each policing body has an obligation to indemnify all other policing bodies in respect of their own failure to comply with the agreement. Other losses and liabilities are to be shared on a basis to be agreed.

#### **FINANCIAL IMPLICATIONS**

10. The aircraft will transfer to the lead force in October 2013 in accordance with the NPAS sequencing plan. Maintenance contracts will move across to the lead force under their current terms.
11. The current proposal from NPAS is that the capital grants will be top sliced by £1.15m over 3 years to make a provision for the purchase of future aircraft. The top slice will be £360,000 in 2012-13, £480,000 in 2013-14 and £310,000 in 2014-15. Following the aircraft transfer to NPAS West Midlands Police will receive credits totalling £2.04m for 13 years from the agreement up to March 2025. This credit aims to 'refund' the Authority for the net cost of the helicopter over its remaining life. The full year revenue costs from 2014/15 are anticipated to be £1.75m which is £0.2m less than the 2012/13 budget currently held.
12. All police staff involved in the delivery of the service will transfer to West Yorkshire Police via Transfer of Undertakings (Protection of Employment) Regulations 2006 in October 2013. West Midlands Police must engage in formal consultation with those staff affected by this proposal. The £383,000 budgeted cost of these staff will transfer to West Yorkshire Police.
13. All police officers involved in the delivery of the service will be seconded to West Yorkshire Police from October 2013 on the basis of full cost recovery at a budgeted cost of £607,000 in 2012-13.
14. The remaining revenue costs directly associated with running the helicopter will be met by NPAS as the aircraft is transferred to the new function. This will include maintenance, local contracts, facilities and equipment. A full schedule of actual costs for 2011-12 and budgeted costs for 2012-13 have recently been supplied to NPAS in order for operational budgets for the service to be established.

## **LEGAL IMPLICATIONS**

15. The national collaboration agreement is effectively mandated by the Police (Collaboration: Specified Function) Order 2012 which provides that an air service may only be provided through a collaboration agreement.

## **EQUALITY IMPLICATIONS**

16. There are no specific equality considerations.

## **Schedule of Background Papers**

NPAS agreement

Agreed letter of assurance

## **Public Access to Information**

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's web site.