

# **BRB (RESIDUARY) LIMITED**

## **Freedom of Information Act 2000**

### **Publication Scheme Guide to Information**

#### **1. Introduction**

- 1.1 Although not a public authority in the general sense of the term (it does not provide services of a public nature), it is clear that this Company is covered by the Freedom of Information Act (“FOIA”) and needs to have a Publication Scheme Guide to Information.
- 1.2 This document is intended to fulfil that requirement and adopts the headings provided in the Model Publication Scheme issued by the Information Commissioner’s Office.

#### **2. Requests for information**

- 2.1 General enquiries to this Company should be made via the [Contact Us](#) section of this web site.
- 2.2 All requests for information **specifically** under the FOIA, or under the related Environmental Information Regulations 2004, should be sent to:

Peter Trewin  
Director, Legal and Secretariat  
BRB (Residuary) Limited  
Whittles House  
14 Pentonville Road  
London N1 9HF

E-mail: [peter.trewin@brbr.gov.uk](mailto:peter.trewin@brbr.gov.uk)  
Telephone: 020 7904 5027

- 2.3 It will be seen below that a considerable amount of information is already available on the Company’s web site.

#### **3. Copyright**

- 3.1 The copyright of BRB (Residuary) Limited material listed in this document is owned by the Company. The supply of documents under the FOIA does not give the person or organisation who receives them an automatic right to re-use the documents in a way which would infringe copyright, for example by making multiple copies or publishing and issuing copies to the public.

- 3.2 Brief extracts of the material may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial, private study, criticism, review and news reporting purposes.
- 3.3 Requests for permission to exceed these requirements should be sent to Peter Trewin at the address shown above.

## **4. Who we are and what we do**

### *Status*

- 4.1 Since 21 August 2005, BRBR (our shorthand way of describing the full title of the Company) has been a wholly-owned subsidiary of the Department for Transport (“DfT”). It was owned previously by the Strategic Rail Authority (“SRA”), the transfer to the DfT being effected under the Railways Act 2005. It was originally owned by the British Railways Board (the Company having been formed on 28 January 2001, shortly before its transfer to the SRA).
- 4.2 BRBR is a limited liability company, the shares of which are wholly owned by the Secretary of State for Transport. It is classified for Government Accounting purposes as a Public Corporation.
- 4.3 The Company number is 4146505 and its Memorandum and Articles of Association were signed on 23 January 2001.

### *Functions*

- 4.4 Almost all of the functions of BRBR stem from the residuary activities of the British Railways Board (“BRB”). When BRB was privatised (between 1994 and 1997), a number of functions was left over, including liabilities and obligations.
- 4.5 In brief, BRBR is required to:
  - a) manage and dispose of a significant portfolio of non-operational (270 sites as at 31 March 2009) and a few operational properties;
  - b) manage and exit (when good financial opportunities arise) a portfolio of 34 freehold and 6 leasehold offices;
  - c) manage a ‘burdensome’ estate of approximately 3800 structures such as bridges, viaducts, culverts, retaining walls and tunnels associated with closed branch lines (74 of which are listed structures);

- d) manage a large number of historic employee injury, environmental, public liability and other claims; and
  - e) manage a number of smaller inherited functions, including intellectual property rights.
- 4.6 Items a), b) and e) are expected to be completed in the medium term. Items c) and d) will require attention for many decades.
- 4.7 Much of the work on the non-operational and offices portfolios is handled, under contract, by Lambert Smith Hampton and Sanderson Weatherall, respectively. Lambert Smith Hampton maintain a website giving details of the non-operational sites which BRBR has instructed them to sell (rights in the site are owned by BRBR). This can be found at:

[www.brbrlandsales.co.uk](http://www.brbrlandsales.co.uk)

- 4.8 In regard to the non-operational sites, the Government has required BRBR to assess, including through widespread consultation, sites that have rail or other sustainable transport potential, with a view to ensuring that such sites were not disposed of without due consideration of that potential.
- 4.9 The assessment of rail or other transport potential and the related consultations have been undertaken by a Property Review Group (“PRG”). The staff of PRG were employed by BRBR but operated at arm’s length from the rest of the organisation. A representative of the DfT was a member of PRG. The PRG has completed its work and is now effectively discontinued. However, its decisions remain in force and can be changed only by the DfT.
- 4.10 In regard to the ‘burdensome’ estate, strong links are maintained with Heritage Agencies (including the Railway Heritage Trust) to ensure that the activities of the Company do not adversely affect the national heritage of the United Kingdom.
- 4.11 Most of the Company’s functions are managed at Whittles House (see para 2.2 above). However, the functions relating to the burdensome estate are managed at the Company’s offices in:

Hudson House  
Toft Green  
York  
YO1 6HP

Telephone: 01904 524786

### ***Governance***

4.12 The Directors of the Company are all appointed by the Secretary of State. The current position is as follows:

Doug Sutherland	-	Chairman/Chief Executive
Peter Trewin	-	Director, Legal and Secretariat
Terence Jenner	-	Non Executive Director and Legal Adviser (Senior Non- Executive Director)
Cedric Pierce	-	Independent Non-Executive Director

4.13 The Company also has four Non-Board Directors, viz:

Peter Hawthorne	-	Finance Director
Greg Beecroft	-	Director, Property Sales and Management (responsible for the functions relating to the non-operational and operational properties)
Philip O'Donnell	-	Director, Property Review (responsible for the functions relating to the offices portfolio)
John Clarke	-	Director, Structures (responsible for the functions relating to the 'burdensome estate')

4.14 All other functions listed in para 4.5 above are managed by Peter Trewin, Director, Legal and Secretariat.

4.15 In his role as Chief Executive, Doug Sutherland is the designated Accounting Officer of the Company.

### ***On-line access***

4.16 Both BRBR proper and PRG have web sites, each linked to the other. These are available at:

BRBR	-	<a href="http://www.brbr.gov.uk">www.brbr.gov.uk</a>
PRG	-	<a href="http://www.prg.gov.uk">www.prg.gov.uk</a>

### ***Subsidiary companies***

4.17 Some of the freeholds and one of the leaseholds for the offices referred to in para 4.5(b) above, are held in wholly owned subsidiary companies

4.18 The Company has two wholly-owned subsidiaries undertaking residual activities only, viz:

- South Eastern Trains Limited
- DOA Limited

4.19 Additionally, the Company has a number of dormant wholly-owned subsidiaries, most of which were previously owned by the British Railways Board.

## **5. What we spend and how we spend it**

5.1 Details of BRBR's annual expenditure can be found in the Company's Annual Report and accounts. As a result of property sales, the Company has been substantially self funding since its creation.

5.2 Investment expenditure is rigorously controlled and is subject to the delegations of authority referred to in para 7.5 below.

5.3 The cost of maintaining the 'burdensome' estate is approximately £8m per annum. The Company employs a structure ranking system to rank structures by their condition relative to each other and hence help direct the flow of funds.

5.4 Employee claims expenditure is running at approximately £14m per annum.

## **6. What our priorities are and how are we doing**

6.1 The medium term objectives of the Company are:

### **Corporate**

To ensure the safe and proper management of all residuary property and other assets, liabilities, rights and obligations inherited from the BRB and elsewhere, so as to protect the interests of the Secretary of State, achieve value for money and minimise any call on public expenditure.

To achieve the financial targets set by the DfT from time to time.

### **Non-Operational Property Portfolio**

To manage the remainder of the estate so as to secure best value for money for the taxpayer through a combination of:

- disposal of the remaining low value sites; and
- development of optimal disposal strategies for the high value sites.

### **Operational Estate**

To manage the estate so as to secure best value for the taxpayer through a combination of:

- efficient management of retained assets; and
- investigation/exploitation of the commercial development potential of the other operational assets

whilst at the same time supporting the continuation of or return to operational use of the assets as appropriate.

### **Offices**

To manage the estate so as to secure best value for money for the taxpayer, consistent with the general objective of exiting the portfolio at the earliest opportunity, and within that to:

- develop and agree with the DfT a site specific strategy for each office; and
- deliver a value for money solution for each office.

### **'Burdensome' Estate**

To maintain the estate so as to minimise the whole life cost of the maintenance programme, consistent with the Company's safety and legal obligations; and

To transfer structures to appropriate bodies, where appropriate, so as to relieve the Company of its statutory responsibilities.

### **Employee Claims**

To settle claims expeditiously and with sensitivity, once liability has been accepted, and in accordance with approved claims control procedures. For claims opened since 1 April 2006, the objective is to settle within 18 months from opening.

- 6.2 The financial results of the Company and a considerable amount of related information in regard to the above are recorded in the Annual Report and Accounts.

## **7. How we make decisions**

- 7.1 The Company and its Directors are obliged to conform to the requirements of the Companies Act. Its Accounts have been prepared and reported on under UK Generally Accepted Accounting Practice but, in due course, will be prepared and reported on in accordance with International Accounting Standards, to match the changes being made by the DfT.
- 7.2 The key aspects of the relationship between BRBR and the Secretary of State/DfT are set out in a Financial Framework dated June 2008 (updating an earlier version dated May 2006). The Financial Framework requires the Company, in pursuing its policies, functions and aims, to act:
- a) in accordance with its statutory obligations and any directions or guidance issued by Government;
  - b) in accordance with the Financial Framework; and
  - c) within the resources made available by Parliament and otherwise.
- 7.3. The now discontinued PRG (see para 4.9 above) has been required to operate within Guidance issued by the DfT on 7 October 2005 and within revised and expanded Guidance issued on 26 July 2007. Both documents are available on the Company's web site.
- 7.4 The latter document was accompanied by a DfT press release which made it clear that, in the case of surplus land which is not needed for future transport use, BRBR will be working closely with the Housing and Communities Agency to ensure that such sites can be released for housing development, a key Government priority.
- 7.5 The authority of the Board of the Company is restricted under the terms of the Financial Framework and significant matters have to be referred to the Secretary of State or the DfT for approval. Within these parameters, the Company has provided delegations of authority to its senior managers, reserving major decisions to the Board itself.
- 7.6 The Board meets monthly and, in regard to significant property related matters, is assisted by the services of two experienced non-executive advisers.

7.7 The Board is also assisted by four Board Committees: These are:

- Audit Committee – responsible for reviewing and advising on the Company’s internal and external financial statements, internal control systems and other matters relating to the conduct of the Company’s financial affairs;
- Remuneration Committee – responsible for determining (in agreement with the Board and DfT, as appropriate) remuneration policy for the Company’s Directors and staff;
- Safety Committee – responsible for reviewing and ensuring BRBR’s compliance with safety legislation and regulations; and
- Management Committee – responsible for facilitating the day-to-day management of the Company’s functions and assisting the Board/Non-Board Directors in making decisions within their delegated authorities.

## **8. Our policies and procedures**

8.1 BRBR aims to operate in an effective, efficient and structured manner, paying due regard to all relevant legislation and regulations.

8.2 The Company is registered with the Information Commissioner’s Office in regard to its Data Protection responsibilities and its Register entry is available on the Information Commissioner’s web site (registration number Z5267860).

8.3 BRBR also has arrangements in place to facilitate secure data handling and storage, in keeping with the Cabinet Office report entitled Data Handling Procedures in Government.

8.4 The Company has a substantial record storage and archiving responsibility in respect of its own activities and its inherited assets, obligations and liabilities. Unless records are required for the ongoing management of the Company or, following review, qualify to be retained for the public record, the Company’s policy is to destroy them after seven years.

8.5 A substantial amount of former British Railways Board records has been deposited with the National Archives at Kew, the National Archives of Scotland, local records offices or the National Railway Museum at York.

8.6 In keeping with its status as a Public Corporation, BRBR conducts its affairs with probity at all levels and ensures regularity and propriety in the handling of public funds.

- 8.7 The Board of the Company has adopted the Cabinet Office's Guidance on Code of Practice for Board Members of Public Bodies insofar as it is proportionate to the Company's functions and consistent with the requirements of the Companies Act.
- 8.8 The Company maintains a comprehensive register of Board Directors' interests which is available at Whittles House for inspection.
- 8.9 Internal policies are in place covering such matters as:
- Equality and Diversity;
  - Conduct;
  - Grievance;
  - Harassment and Bullying;
  - Information Technology Security; and
  - Fraud

## **9. Lists and registers**

- 9.1 To facilitate the undertaking of its functions, the Company maintains lists/registers of:
- a) past and present sites within its non-operational property portfolio, recording the widespread consultation and decisions made by PRG in regard to potential transport use;
  - b) the small number of properties within its operational property portfolio;
  - c) the properties within its offices portfolio, including information concerning leases, tenanted occupation and available space;
  - d) the structures contained within its 'burdensome' estate;
  - e) the listed structures
  - f) known industrial injury claims and progress thereon;
  - g) known environmental, public liability, non-operational property and other claims, and progress thereon; and
  - h) intellectual property rights.
- 9.2 Lists/registers are also maintained in respect of:
- i) fixed assets not covered above;
  - j) delegated authorities;
  - k) organisation charts;

- l) employees;
- m) the remits of the Committees listed in para 7.8 above;
- n) the duties of Board/Non-Board Directors and senior staff (in the form of job descriptions);
- o) key risks in respect of each of the Company's functions, the probability of occurrence, the likely impact/consequences, proposed management action and manager responsible; and
- p) stored and archived files, showing their locations.

## **10. The services we offer**

10.1 BRBR does not offer services to the public.

## **11. Available Documents**

11.1 BRBR is able to provide the following documents:

### **Financial Framework**

- This is available on the Company's web site but paper copies are available on request.

### **Guidance from DfT**

- These are available on both the Company's web site and the PRG web site but paper copies are available on request.

### **Non-Operational Property**

- List of non-operational sites available for sale and those sold in recent years. This is available on the Company's web site but a paper copy may be obtained on request.
- List of PRG decisions (with related consultation information) in respect of currently owned non-operational sites and others considered by PRG since mid 2006. This is available on the PRG web site but a paper copy may be obtained on request.

NB: Each site has a unique reference number to facilitate tracking between the two web sites.

### **Offices Portfolio**

- List of towns in which there is empty space to let. This is available on the Company's web site but a paper copy may be obtained on request.

### **'Burdensome' Estate**

- List of structures. This is not available on the Company's web site but a paper copy is available on request.
- Biennial Conservation Report on listed structures. This is available on the Company's web site but a paper copy is available on request.

### **Annual Report and Accounts**

- The latest accounts are available on the Company's web site. Paper copies (including for earlier years from 2005/06) are available on request.

### **Publication Scheme Guide to Information**

- This is available on the Company's web site but a paper copy is available on request.

11.2 Generally speaking, paper copies of the above documents will be provided free of charge. However, the Company reserves the right to recover the cost of providing multiple copies or to decline to do so.