

CUMBRIA POLICE AUTHORITY

**Minutes of a Meeting of Cumbria Police Authority held on Thursday 10
November 2005 at Police Headquarters,
Carleton Hall, Penrith commencing at 1.00pm.**

PRESENT

Mr R Watson (Chairman)

| | |
|-------------------|----------------|
| Mr M Ash | Ms J Lashmar |
| Mr A L Barry | Mr J Mallinson |
| Mr R S Cole | Mr C S Moth |
| Ms S E Donnelly | Mr J Nicholson |
| Mrs C A Egan | Mrs L L Shaw |
| Mrs P M Halfpenny | Mr W Smith |
| Mrs M Johnson | Mr J Woolley |

Also present:

Clerk & Chief Executive (Mr C.R. Alcock)
Treasurer (Mr D. Thomas)
Chief Constable (Mr M Baxter)
Assistant Chief Constable (Operations)(Mr G Sunderland)
Assistant Chief Constable (Organisational Development and Partnerships)
(Mr N Rhodes)
Constabulary Director of Finance and Resources (Mr M Thompson)
Constabulary Head of Marketing and Communications (Ms G Shearer)
Deputy Clerk (Mr S. Edwards)

**PART 1 – ITEMS CONSIDERED IN THE PRESENCE OF THE PRESS AND
PUBLIC**

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs L Slavin.

**90. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND
PUBLIC**

(a) Urgent Business

The Chairman advised the Authority that he intended to take the following item as an item of urgent business at the end of the meeting -

Premises Requirements of the Programme Management Unit – as additional accommodation was required urgently for the staff who would be working on the IMPACT project; if accommodation was not acquired the Constabulary might not be

able to meet the Nationally agreed timetable for the implementation of this project.

(b) Exclusion of the Press and Public

RESOLVED, that

(i) under Section 100A(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the meeting for consideration of the following items on the grounds that they involve the likely disclosure of exempt information as defined in the Paragraphs indicated of Part 1 of Schedule 12A to the Act –

| Item | Paragraph Number |
|--|------------------|
| Renewal of Insurances | 9 |
| Financial Implications of storm damage | 12 |
| Police Structure Outline Business Case | 11 & 14 |
| Premises requirements of the Programme Management Unit | 9 |

91. DISCLOSURE OF PERSONAL INTERESTS

Mrs C A Egan and Mr C S Moth declared personal and prejudicial interests in Agenda Item Nos 15 (Police Custody Provision in North Cumbria) and 19 (Rickergate Police Station, Carlisle) as Magistrates in North Cumbria.

The following Members declared personal but not prejudicial, interests in Agenda Item No 19 (Rickergate Police Station, Carlisle) for the reasons stated –

- Mr M Ash – Member of Cumbria County Council
- Mr A L Barry – Member of Cumbria County Council
- Mr R S Cole – Member of Cumbria County Council
- Mrs P M Halfpenny – Member of Cumbria County Council
- Mr J Mallinson – Member of Cumbria County Council
- Mr J Nicholson – Member of Cumbria County Council
- Mrs L L Shaw – As the wife of a Member of Cumbria County Council
- Mr W Smith – Member of Cumbria County Council
- Mr R Watson – Member of Cumbria County Council
- Mr J Woolley – Member of Cumbria County Council

Mr A L Barry and Mr J Mallinson declared personal, but not prejudicial, interests in Agenda Item No 10 (Budget 2006/07 and 2007/08) as Members of the Cumbria Pensions Committee.

Mr R S Cole declared a personal, but not prejudicial, interest in Agenda Item 10 (Budget 2006/07 and 2007/08) as he was in receipt of a police pension.

Mr J Mallinson and Mr R Watson declared personal, but not prejudicial interests in Agenda Item No 15 (Police Custody Provision in North Cumbria) as the local County Councillor for the area concerned and as a nearby resident respectively.

92. MEMBERSHIP

The Clerk and Chief Executive reported that he had received the resignation of Ms J Manners-Armstrong as an Independent Member of the Police Authority with effect from 28th October 2005. Arrangements would be put in hand to advertise the vacancy on the Police Authority arising as a result of her resignation.

RESOLVED, that the position be noted.

93. MINUTES

RESOLVED, that the Minutes of the meetings of the Authority held on 26 September and 27 October 2005 be confirmed as a correct record and signed by the Chairman.

94. POLICE COMMUNITY LIAISON FORUMS

The Chairs of the following Police Community Liaison Forums presented Minutes of meetings held as follows:

Copeland, 6 July 2005
Allerdale, 4 October 2005
Eden, 12 October 2005
Carlisle, 13 October 2005

RESOLVED, that the Minutes be received.

95. MEMBERS REPORT BACK

Mrs C A Egan reported on her recent attendance at a meeting of the APA Finance Group. The Minutes of the meeting were available for Members in the Police Authority office.

Ms J Lashmar reported on her attendance at the Partnership event organised jointly by Cumbria Constabulary and Cumbria Strategic Partnership on

28 October 2005. A notable feature of the day had been the amount of praise from Partners for the Local Policing Teams introduced by the Constabulary.

Mrs Shaw reported that on the first weekend in November she had attended the Independent Custody Visiting Association Conference in Belfast in the company of a representative from each of the four Custody Visiting Panels in Cumbria. This had been a most worthwhile Conference, particularly in the light of recent debates in Parliament. She would be producing a written note of the meeting for circulation to all Custody Visitors within Cumbria.

RESOLVED, that the report be received.

96. POLICE CUSTODY PROVISION IN NORTH CUMBRIA

Note: Mrs C A Egan and Mr C S Moth declared personal and prejudicial interests in this item and left the meeting during consideration of this item taking no part in the debate or vote thereon.

The Chief Constable reminded Members that in June the Authority had considered a comprehensive report concerning the policing Infrastructure of North Cumbria. As a result of the decisions made by the Authority at that time the Constabulary had submitted a planning application to site a modular cell complex at land in the Authority's ownership in Houghton. That application had been considered by Carlisle City Council's Planning Committee on 20 October when, despite being recommended for approval by officers, it had been refused by six votes to five.

He had a duty to offer the best advice available to the Police Authority. He was not in a position to do that at the current meeting. He acknowledged that this was a key issue to be addressed as the present circumstances regarding custody provision in North Cumbria were not tenable. He still required further time to fully assess the position and advised Members that he would bring a comprehensive report, which would contain some confidential matters, to the meeting of the Authority on 15 December.

Members acknowledged that insufficient information was available at the present time to come to a decision concerning the provision of Custody facilities in North Cumbria. However, they noted that the need for appropriate Custody facilities to be provided was now a pressing matter. They welcomed the Chief Constable's proposal to submit a comprehensive report to the next meeting of the Authority.

A Member referred to the need for both the Constabulary and the Police Authority to reflect on the position, in particular in the light of the democratic decision reached by the City Council's Planning Committee. It was also important to bear in mind the importance of public goodwill towards policing. In making these points he acknowledged that time was of the essence in the current circumstances and welcomed the Chief Constable's proposal to submit a report to the next meeting of the Authority.

RESOLVED, that the Chief Constable submit a full report to the December meeting of the Authority.

(Note: Mrs C A Egan and Mr C S Moth returned to the meeting at this point. Mr J Nicholson also joined the meeting.)

97. BUDGET PRIORITIES 2006/2007

The Chairman advised Members that Agenda Items 8 (Budget Growth Bids 2006/07) and 9 (Capital Programme 2006/07) were now covered in one report submitted by the Chief Constable.

The Chief Constable, in presenting his report, reminded Members that at the Budget meeting in February 2005 the Authority had agreed a number of key milestones as part of the 2006/07 Budget process including the earlier identification of longer term Budget and Capital priorities. This was part of a wider strategic plan to better integrate financial and service planning and to recognise proposals from Government for longer term financial settlements aimed at improving longer term planning.

Accordingly, schedules of proposed development, for both Capital and Revenue had been produced and were appended to his report. They had been prepared in the context of the poor financial prospects for 2006/07 and beyond, and also reflected the recent decision by the Home Secretary to create a smaller number of more strategic forces and authorities subsequent to the publication of the O'Connor Report in September 2005.

The proposals put forward by the Chief Constable were –

- Support for the PNC Bureau
- Upgrade of CJX to PNN3
- Neighbourhood Policing Analyst
- IMPACT - Full CRISP including Information Sharing
- IMPACT – Code of Practice for Information Sharing

The last two items on the list were capital proposals with an estimated total capital cost of £255,000. The first three schemes were Revenue schemes with a total value for 2006/07 of £90,000, and full year costs of £115,000.

On behalf of the Authority the Treasurer welcomed the paper which would enable a fuller, more rounded strategic view to be taken by the Authority when it gave further consideration to the budget process for 2006/07 in December.

RESOLVED, that the report be noted.

98. BUDGET 2006/07 AND 2007/08

The Treasurer presented a paper which updated the Authority on the position with regard to Local Government Financial Settlements, and in particular the

Provisional Settlements for 2006/07 and 2007/08 and amending reports for 2004/05 and 2005/06.

The Office of the Deputy Prime Minister (ODPM) had issued a paper outlining the likely timetable for the publication of the provisional and final Financial Settlement and the Treasurer informed Members that whilst the preferred date for the announcement was late in November there was a possibility that it could be as late as 8 December in the current year for a number of complicating factors.

Amending reports had been issued for 2004/05 and 2005/06 as a result of difficulties arising following the publication of the 2001 Census data, when a number of authorities had challenged the Government on the Census data and the Government had commissioned additional work to establish the accuracy of that data. This in turn had led to delays in the publication of mid year populations for 2003 which would normally have informed the Local Government Financial Settlements later that year. The 2004/05 amending report used the updated population data which meant that authorities that had gained from an increased population were entitled to additional grant support. Unfortunately, Cumbria's population had declined by 747 and therefore Cumbria Police Authority would see a reduction in grant for 2004/05 by £226,000. For 2005/06 there were only minor variations to the original data sets relating to police pensions for two police authorities. On its own this would have reduced Cumbria's grant by approximately £20,000, however the impact of the £226,000 reduction in Grant under the 2004/05 amending report was to reduce the grant floor from which grant protection for 2005/06 was calculated and so the loss of grant in 2005/06 increased to £253,000. Taking both Amending Reports the amount of grant to be repaid in 2006/07 would be £479,000. In addition the grant floor for 2005/06, from which grant protection would be provided in 2006/07 had also been reduced from £61.883 million to £61.630 million. This should ensure some protection against the amount to be repaid in 2006/07 but confirmation of this was still awaited and would not be known until the Provisional Settlement was announced at the end of November or in early December. The Treasurer advised that he would provide further information for Members at the December meeting.

RESOLVED, that the potential impact of the two Amending Reports be noted.

99. BASELINE ASSESSMENT REPORT 2005

The Chief Constable presented the Annual HMIC Baseline Assessment report, which had been published on 27 October 2005. The report was the HMIC's assessment of the Constabulary's performance in 2004/05.

Baseline Assessment had been developed by HMIC and it made considerable use of Self Assessment and Grading Criteria to produce one of four delivery grades, either excellent, good, fair or poor, across a broad range of policing

activities. It was a diagnostic assessment that generated a tailored programme of inspection activity for each force.

The Chief Constable advised Members that for a Constabulary the size of Cumbria this represented a good report and one with which he was pleased. He believed that it demonstrated that the people of Cumbria were receiving a good police service from the Constabulary.

RESOLVED, that the report be noted.

100. POLICE PERFORMANCE ASSESSMENT 2004/05

The Chief Constable presented a report which presented to Members the results of the joint Performance Report for 2004/05 published in October by the Home Office and Her Majesty's Inspectorate of Constabulary (HMIC). This report, together with the Baseline Assessment report considered under the previous item (Minute No.99 refers) and the quantitative Police Performance Assessment Framework (PPAF) gave one overall performance assessment for each of the forty three English and Welsh Forces.

The Chief Constable drew particular attention to the fact that Cumbria was the only one of the forty three Forces in England and Wales to receive an "excellent" grading in respect of Citizen Focus. Overall Cumbria was not assessed at less than fair in any of the performance areas and in each case the direction of travel was either stable or improving.

Members congratulated the Chief Constable and all the Constabulary's Officers and Staff for the results that they had achieved.

RESOLVED, that the report be noted.

101. CONSTABULARY EFFICIENCY PLANNING 2006/08

The Chief Constable submitted a report which set out for Members the work being undertaken to finalise the Constabulary's three year Efficiency Plan and to deliver some options for reducing the current budget shortfall of £336,000 against the Medium Term Financial Forecast for 2006/07.

RESOLVED, that the report be noted.

102. POLICE FORCE RESTRUCTURING

The Clerk and Chief Executive presented a report that set out for Members the current position, including the results of consultation undertaken by the Authority, and asked the Authority to consider what position and response it now wished to make.

He reminded Members that at their meeting on 27 October they had reserved their position with regard to the options identified by the Constabulary, but had specifically asked that a stand alone option for Cumbria be considered. On

the previous day a letter had been received from the Home Secretary which identified two options as being considered worthy of further consideration –

- A merger with Lancashire and Merseyside.
- A merger with Lancashire.

The option of Cumbria as a stand alone Force was one of several options put forward by police authorities in the North West which were not deemed to be worthy of further work.

The Clerk and Chief Executive advised Members that the timescale set by the Home Secretary now required authorities to identify a preferred option by 30 November, prior to making any request for merger by 23 December.

The Chief Constable then presented a report which set out a way forward for the following six week period up to 23 December. It specifically proposed a way in which Forces within the region, including Cumbria, could successfully meet the demanding timescale. The report set out what needed to be done at regional level, how the Constabulary aimed to meet the key date of 23 December and a suggestion of a possible governance structure for implementing the changes in the New Year.

By the end of November the Authority had to inform the Home Secretary of its views on the two options put forward for further consideration by the Home Secretary and to select a preferred option. He suggested that the Authority might wish to consider meeting on 28 November to finalise its response.

He then outlined the proposed regional approach to take forward this area of activity.

Members indicated their support for the proposal of a meeting of the Authority on 28 November, and it was agreed that it would be held at 4pm in the afternoon. In doing so they noted that papers to enable them to make their final decision on this matter would be referred to the Authority meeting diaried for 15 December.

Members expressed their disappointment at the fact that the Home Secretary had not allowed a stand alone option for Cumbria to be further considered. The view was expressed that the resources which would be required to take forward the restructuring of forces in the North West might better have been directed to increasing the capacity of existing forces to deal with level two crime.

Members also expressed strong concerns at the timescale within which they were being asked to take forward the restructuring proposals. However, they agreed that the two options put forward by the Home Secretary should be further progressed and they indicated their support in principal for the creation of a Regional Programme Board and the potential programme management approach to the process. In expressing concerns about timescales Members

were particularly concerned that it would not be possible to undertake the necessary financial checks with sufficient rigour in the time available.

RESOLVED,

that

- (1) The reports and other papers submitted by the Clerk & Chief Executive and Chief Constable be noted:
- (2) The Chief Constable be requested to progress work on the two options identified as suitable for further work by the Home Secretary, as follows –
 - Cumbria and Lancashire
 - Cumbria, Lancashire and Merseyside
- (3) The Authority's in principal support for the creation of a Regional Programme Board and the adoption of a programme management approach be noted:
- (4) The Clerk and Chief Executive write to the Home Secretary informing him of the decisions made at the meeting:
- (5) A special meeting of the Police Authority be held on 28 November 2005 commencing at 4pm to consider the adoption of a preferred option.

103. POLICE AUTHORITY SELF ASSESSMENT AND IMPROVEMENT FRAMEWORK (PASAIF)

The Clerk and Chief Executive presented a report which brought to the Authority's attention the recommendations made by the Policing Plan and Best Value Committee concerning the PASAIF process on 18 October 2005.

Members noted that the Committee were recommending some changes to the action plan agreed at the away day on 7 September in the light of the Police Force Structures debate.

RESOLVED,

that

- (1) The action plan produced as a result of the Action Planning Day on 7 September 2005 be amended as follows:
 - (i) Actions to be continued:
 - Police Authority vision and values - remains a priority and should be continued:

- Risk management – has become a higher priority since early September and should be continued with the establishment of a Police Authority Member working group to take forward this area of activity:

- Review of Budget and Planning process – this will occur as part of the current Budget process and should be continued:

(ii) Actions to be deferred until the outcome of the review of Force Structures is known:

- Committee Structure Review
- Revised Best Value/Strategy Handbook
- Review of Partnership involvement
- Consultation, Publicity and Profile
- Member's communication needs

(2) The following vision statement be adopted -

“Our vision is to help Cumbria Constabulary to be one of the Country's leading Police Forces, inspiring trust and confidence so that the people of Cumbria feel safe, satisfied and reassured”;

(3) The roles of Authority Member and Lead Member, as agreed by the Authority in March 2004, be re-endorsed:

(4) The Police Authority Risk Management working group as agreed at (1(i)) above be composed of Mrs C A Egan, Mr J Mallinson, Mrs L L Shaw and Mr R Watson.

104. MEMBERS ALLOWANCES AND REMUNERATION SCHEME - ANNUAL REVIEW

The Treasurer presented his annual review of the Members Allowances and Remuneration Scheme to the Authority.

There were no changes proposed in the wording of the scheme compared to that approved from 1 September 2004. Indexation of the scheme for 2005, in line with the policy previously agreed by the Authority, would add an

estimated £5,500 to the cost of the scheme in a full year, and approximately £3,200 in the current year. This was fully provided for within the Budget.

RESOLVED, that

- (1) The increased rates of allowance payable from 1 September 2005 in line with the indexation provided for within the scheme be noted:
- (2) The revised scheme attached as appendix 2 to the report be approved for the period commencing 1 September 2005:
- (3) It be noted that the updated scheme will be advertised in accordance with the Regulations in order to allow public inspection.

PART II – ITEMS CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

105. RENEWAL OF INSURANCES 1 NOVEMBER 2005 – 31 OCTOBER 2006

The Treasurer presented a report on the renewal of insurances for the period 1 November 2005 to 31 October 2006. He reported that there was a small reduction in the overall premium resulting from the 2005/06 renewal process.

The events of January 2005 had led to consideration of whether cover for “flooding” should be added to that already carried for “storm” peril. The officers had made enquiries with the insurer and the options before Members were whether to take out cover subject to conditions and limitations quoted by the insurers or to keep the level of risk under review while applying the saving in the premium against future risks, following the conducting of an initial flood impact survey on the Authority’s major properties. The issue was addressed in the report by the County Council’s Investment, Insurance and Risk Management Officer appended to the report by the Treasurer.

A separate report on the Agenda considered the insurer’s response to the Authority’s claim for the storm damage experienced in Carlisle in January 2005 (Minute No.106 refers).

RESOLVED, that

- (1) It be noted that the terms reported in the report attached to the Treasurer’s report had been accepted by the Treasurer and Chief Constable in accordance with the terms of the long term agreement approved in 2004;

- (2) It be noted that the small changes in premium being reported would be reflected in the 2006/07 Budget:
- (3) The report of the actuary on the amount to be contributed to the retained liabilities fund for the next insurance period will be reported to the Authority: any revision recommended by the actuary to the amount to be contributed in the current year will also be reported and reflected in the next budget monitoring report: and
- (4) The flood risk be kept under review pending any future decision to re-instate or dispose of Rickergate, or to acquire alternative property in the area, but in the mean time the annual saving in insurance premium of £85,000 be applied initially to carry out a flood impact survey of the Authority's major properties; the balance, and future premium savings whilst cover is not taken, to be set aside and applied to works on a risk prioritised basis designed to minimise the future impact of any flooding which occurs before the improvements to be put in place by the Environment Agency are completed.

106. RICKERGATE POLICE STATION, CARLISLE

(a) Financial implications of storm damage January 2005.

The Treasurer presented a report advising Members that the Authority's insurers had recently refuted liability on the buildings policy, except from relatively minor damage sustained at Police Headquarters. By implication they had also rejected the Authority's claim for business continuity costs arising out of property damage. As a result, while the Authority considered the option of challenging the insurers findings it was prudent to consider the potential financial impact of the Constabulary having to meet the storm damage costs from its own resources as a satisfactory financial outcome to this process could not now be assured.

The purpose of the report submitted by the Treasurer was to detail the Authority's potential liability associated with the storm damage. To this end the report outlined all storm related costs incurred during 2004/05 and a projection for 2005/06 along with an indication of those costs which the insurers had agreed to meet. An assessment of the additional cost of maintaining current accommodation and custody arrangements in North Cumbria in 2006/07 was also provided. The potential capital costs of providing permanent custody and staff accommodation facilities in Carlisle were outside the scope of the report and were excluded from the financial analysis. Members were advised as to the impact on the Authority's balances.

RESOLVED, that the report be noted.

(b) Property Ownership

The Clerk and Chief Executive briefed Members on the current position with regard to the formal transfer of the property from the County Council, and the Department of Constitutional Affairs Property Transfer Scheme under the Courts Act 2003.

RESOLVED, that the position be noted.

107. POLICE FORCE STRUCTURES – OUTLINE BUSINESS CASE

A revised copy of the Outline Business Case, as amended following the last meeting of the Authority, had been circulated with the Agenda for the meeting.

RESOLVED, that the report be noted.

**108. PREMISES REQUIREMENTS OF THE PROGRAMME
MANAGEMENT UNIT**

The Chief Constable presented a report which sought the Authority's urgent approval for the provision of rented accommodation for the staff necessary to take forward the Information Management Programme to enable the Constabulary to meet the requirements of IMPACT/Bichard.

RESOLVED, that approval be granted to the renting of accommodation on the Althams Estate, Ullswater Road, Penrith, as set out in the report submitted by the Chief Constable.

The meeting ended at 3.15 p.m.