

UPDATE ON POLICE FORCE AMALGAMATIONS

Report by the Clerk and Chief Executive

Summary

To update members on developments in relation to the restructuring of police forces occurring since the Authority's last meeting.

Recommendation

Members are recommended to note this report

Detail

Following the Authority's decision at its special meeting, held on 24 February 2006, to agree to volunteer under **s. 32 Police Act 1996** for merger of their police area with that of the Lancashire Constabulary, the Home Office have responded in the terms set out at **Appendix A**. This communication records their official welcome of the decision and also provides necessary justification for the record of the stated case for change which is relied on by the Home Secretary.

Similarly-stated cases have been constructed for other "first wave" authorities in the first set of 'non-voluntary' mergers signed off by the Home Secretary shortly after the last meeting (e.g. Cheshire and Merseyside) on 3rd March 2006. These mergers differ only by reason of the procedure followed, which is of course characterised by notices setting off the statutory, four-month consultation process that will apply to the imposed mergers, but not to Cumbria and Lancashire's.

It is worth confirming in this report for members to note that (after this Authority's meeting on 24th February 2006) the Home Secretary did fulfil his stated pledge to pursue the compulsory route, in the following week, for those authorities not volunteering for merger. Prior expectation of such action was significant amongst the list of factors demonstrably affecting members' decision-making on the 24th.

Home Office activity and the amalgamation order

The Home Secretary's "section 32" notice letter of 3rd March 2006 to Cheshire and Merseyside Police authorities is attached as **Appendix B** because it provides a useful checklist of points needing to be dealt with under the

amalgamation order eventually to be signed off by the Home Secretary at the beginning of May. This authority will be co-operating closely with senior civil servants in the preparation of a similar order for Cumbria and Lancashire, in this case to be signed off in early May 2006. This process could provide the authority with a key window of opportunity to assert best outcomes where justifiably beneficial to Cumbria.

Informal contact has already begun with the Home Office about this, a dialogue expected to increase in frequency and intensity over the coming weeks. They have issued a standard set of "FAQ's - *Frequently Asked Questions*" dealing with securing police authority governance and accountability under the restructuring process. These are attached for information only as **Appendix C** to provide insight into the role and membership of strategic authorities envisaged by government. They also illustrate the changed arrangements for local police accountability arising from the recent review of the Crime & Disorder Act and the new breed of police authorities likely to result from the Police & Justice Bill. (Please note that the APA has not yet been consulted on this document, nor does it endorse its content).

Other merger activity

On 15th March 2006, the Chairman of the Authority and the Chief Executive are attending a summit meeting in London of the Association of Police Authorities about restructuring, including its constitutional and legal implications.

The two Chief Executives have already met (10th March) for initial discussions about the processes for merger listed and described in the documents exhibited as appendices to this report. All these early discussions are expected to begin to produce initial conclusions at a liaison meeting scheduled for 17th March in Lancaster, verbal reports of whose outcome can be expected to supplement this report to the Authority on 22nd March.

On 21st March, a meeting has been convened at a hotel in Penrith between the respective Chairs; Committee chairs; and Chief Executives of the two authorities.

Constabulary activity

Similarly, there has already been contact between the two forces and their authorities, concentrating at this stage upon designing the outline structures that need to be put in place to implement the merger, including specific issues like the name of the newly-merged force.

Both Chief Constables and their teams have been looking at designing a project board approach to effecting operational amalgamation, in which the Authority will play some part. The Chief Constable of Cumbria is understood to be reporting separately and in more detail about that suggested method to this meeting.

(Agenda item 22) .He will also be reporting on a proposed name for the new force (Agenda item 18), although the final decision about that could be expected to be a matter for the transitional police authority to take forward conclusively, not their two precursor authorities.

Governance and new police authority structures

The future shape of the new police authority and its associated governance arrangements is one field where both the existing police authorities, subject to Home Office guidance, should naturally lead.

The Clerk & Chief Executive of this authority has made enquiry of the Association of Police Authorities (APA) about obtaining their independent assistance for this task on a consultancy basis. Their independence potentially offers an external stamp of assurance for the integrity of processes followed in setting up new governance arrangements. The APA could for instance perform a valuable role in helping specify ethical new structures and arrangements appropriate to the transitional or 'shadow' police authority needing to be in operation from 1st June 2006. This body will in turn give on to the Strategic Police Authority effective from 1st April 2007. Arrangements it adopts for standing orders, delegation, staffing establishment, member appointment, and membership remuneration must be resolved according to accountable, auditable methods which its membership has decided on for best framing their specification.

Membership

An important arrangement needing early resolution is about what formal process is adopted to provide the membership of the 27-member 'shadow' or transitional authority starting from c.1st June - 1st September 2006. (This numerical level of membership will prevail for 2 years before government expects the membership of the Strategic Police Authority to reduce to 23).

The two precursor authorities need to agree, in advance, which members will be appointed to the new strategic authority. (This will be subject to what the amalgamation order says about the balance of councillor, magistrate and independent members; the need to ensure that each higher-tier local authority has at least one councillor member; and the need to ensure councillor members reflect the political balance on the higher-tier councils in the whole area).

Informal agreement has already been reached that, for the purpose of the transitional authority of 27 members, 17 should be from Lancashire (i.e. the whole membership of their existing authority) and 10 from Cumbria; which by 1st April 2006 will only have a membership of 15* since 1 Independent member has resigned and 1 magistrate member's term expired. (*Subject to no Home Office requirement to fill these vacancies, just for a few months).

NOT PROTECTIVELY MARKED.

Each contributing group from each County area, should be assembled pro rata according to Police Act-prescribed proportions. When they come together as one, the total group should still comprise that same pro rata allocation as a collective.

Applying the **Police Act 1996** formula under current rules, the Cumbria 10 would be made up of 5 elected members (reflecting the political balance of the appointing County Council – i.e. 2 Labour, 2 Conservative, and 1 Liberal Democrat; with 3 Independent members and 2 magistrate members).

Guidance is currently sparse. The sample, Home Office s.32 letter (**Appendix B**) only states that “*the Home Secretary proposes to include the following provisions in.. (the Amalgamation) .. order :*

- *establishment of the new strategic authority before the date of amalgamation;*
- *supplementary and transitional provision regarding the appointment of members of that authority ...”.*

Their FAQ’s simply state that “*How many members will be appointed to the new strategic authority from each of the precursor authorities... will be a matter for the precursor authorities to determine, guided by the relative population of each of the precursor force areas”.*

Produced as **Appendix D** is a calculation of how the membership could be apportioned between the categories of member; and in order to maintain the prevailing political proportions. This document has been prepared in joint consultation by the secretariat of the two authorities.

Since whoever is appointed to the transitional body is likely to be a member of the new Strategic body in turn, for the first 2 years at least, it follows that these are significant appointments with long-term implications which should therefore follow an auditable and transparent path. It is recommended that those current, serving members of Cumbria Police Authority who would like to put themselves forward for membership of the new authority (in its transitional form) should identify themselves formally by writing to the Clerk & Chief Executive to lodge their interest.

Such interest would proceed to actual appointment by the individual being subject of formal nomination at a meeting of the Cumbria Police Authority, according to Standing Order 16 (Appointments to Outside bodies) of the **Standing Orders for the Regulation of the Police Authority**. In the event of the number of applicants in a category exceeding the number of vacancies in a category (to an overall total of 10), this would be resolved in the normal way by a secret ballot conducted by the Clerk under Standing Order 16.

Finance

Early pursuit of a proper financial planning process for the new authority is a key area for success of the merger, where the Treasurer is anticipated to make a key contribution towards this work being carried out in time for the transitional authority to have set a budget for its Strategic successor.

Cumbria is amongst the '1st wave' of police authorities prepared to volunteer as 'pathfinders' who are receiving revenue grant on the basis of that status, which monies (up to £14m) have been clarified as not being part of police grant. Since the original offer, there has been some uncertainty about the precise figure emerging, which is being clarified with the Home Office. The Home Office has stated that, on the basis of a legal opinion received, it will use the transitional orders made to phase-in the harmonisation of precept rates in areas over a period of years, rather than needing primary legislation as previously thought.

Timetable

The programme of events and work needed for a merger establishing a strategic police authority for the two areas combined is becoming clearer. A suggested timeline for this process is attached as **Appendix E**, where the two authorities agreeing on a joint communication strategy is identified as one early priority.

Feedback to consultation

Having volunteered for merger, Cumbria is not undergoing the additional, four month consultation which must precede the Home Secretary's 'non-voluntary' mergers. However, the Authority has already carried out a considerable level of written consultation with stakeholders and members of the public. It is intended to provide all those consultees individually with feedback and an explanation of the Authority's eventual decision. Those packages are currently being prepared.

Decision

The Authority is asked to note this update and the further reports mentioned with any additional decisions appearing necessary as a result.

Clive Alcock
Clerk & Chief Executive

10th March 2006

Background Documents

See Appendices

Race and Diversity Implications:

None specifically identified to date.

NOT PROTECTIVELY MARKED.

Human Rights Act Implications:

Under the right to life, members of the public are entitled to the assurance of Protective (and other) Policing services designed and delivered to a reasonable standard adequate to protect that right. The restructuring process has been promulgated on that primary basis.