

**CUMBRIA POLICE AUTHORITY**

**Minutes of a Special Meeting of Cumbria Police Authority held on Friday  
24 February 2006 at Police Headquarters,  
Carleton Hall, Penrith commencing at 2.15pm.**

**PRESENT**

Mr R Watson (Chairman)

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

**Also present:**

Clerk & Chief Executive (Mr C. Alcock)  
Treasurer (Mr D. Thomas)  
Performance Management & Policy Adviser (Miss M. Saunders)  
Chief Constable (Mr M. Baxter)  
Deputy Chief Constable (Mrs C. Twigg)  
Assistant Chief Constable (Mr N. Rhodes)  
Assistant Chief Constable (Mr G. Sunderland)  
Constabulary Director of Finance & Resources (Mr M. Thompson)  
Chief Superintendent R. Smith  
Constabulary Director of Strategic Development (Ms J. Davies)  
Constabulary Head of Marketing & Communications (Ms G. Shearer)  
Sergeant M. Stamper  
Secretary to the Deputy Chief Constable (Mrs R. Stephens)  
Deputy Clerk (Mr S. Edwards)  
Representatives of UNISON and the Police Federation.

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

**166. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr J Mallinson.

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

**(a) Urgent Business**

The Chairman indicated that it was his intention to take as Urgent Business a late item by the Chief Constable on Custody Facilities in North Cumbria. This

was an important item that required consideration at the meeting to ensure that Members were fully aware of the current position and to provide reassurance to the planning authorities about future proposals for the site.

The item would be taken after consideration of the Police Force Restructuring Proposals.

**(b) Exclusion of the Press and Public**

There were no items on the agenda for which the press and public were to be excluded.

**168. DISCLOSURE OF PERSONAL INTERESTS**

Mr R Watson declared a personal, but not prejudicial, interest in the item of Urgent Business, "Custody Facilities – North Cumbria BCU", as a Member of Carlisle City Council.

Mrs C A Egan and Mr C S Moth declared personal and prejudicial interests in the item of Urgent Business as North Cumbria Magistrates. Mrs Egan declared a further personal and prejudicial interest in the item as her husband was an officer of Carlisle City Council.

The Clerk & Chief Executive reminded Members that the Authority's Standards Committee had granted all Members a dispensation to consider items related to Police Force Structures.

**169. POLICE FORCE STRUCTURES**

Reports by the Clerk & Chief Executive, Chief Constable, and Treasurer had been circulated to all Members. A second, updating report by the Treasurer had been tabled at the meeting. In addition, immediately prior to the meeting, the Chief Constable had circulated a further chronology of events; which he relied on at the meeting to supplement those appended to both his own and the Chief Executive's reports.

The Clerk & Chief Executive reminded Members that, on 6 February 2006, the Home Secretary, following analysis of the Business Cases submitted by Constabularies, concluded that merger with Lancashire was the best option for Cumbria. This was part of a configuration of three Forces in the North West of England, namely Cumbria and Lancashire, Merseyside and Cheshire and Greater Manchester as a stand-alone Force. He had set a new deadline of 24 February for Police Authorities to volunteer for merger in four Government regions of England and Wales; namely the North West, North East, West Midlands and Wales.

Section 32 of the Police Act 1996 set out two, alternative means of changing Police Force Areas – either as a result of police authorities for the police areas concerned volunteering, by making a request of the Home Secretary to exercise powers for police area alteration vested in him under the Act; or, in

certain circumstances, through his deciding to use his powers under the Act of his own motion. At the present time the Home Secretary was asking police authorities to volunteer for merger. However, he had made it clear that, if authorities did not volunteer, he would use his powers to create strategic forces by means of merger. Orders to do so would be signed on 1<sup>st</sup> March.

The Clerk & Chief Executive advised the Authority on decisions made by those Authorities which had already met to consider the Home Secretary's request for voluntary mergers. To date, none had volunteered and therefore Cumbria and Lancashire, who were each meeting this afternoon, were subject of nationwide interest.

He drew Members' attention to that section of his report setting out details of the impact of the Police and Justice Bill on the future role of Police Authorities. These changes would be introduced regardless of whether or not the proposed mergers went ahead, but gave an idea of the landscape in which the new Strategic Police Authorities would be likely to operate.

Over recent weeks, following a series of meetings with both representatives of the Home Office, HMIC, and Lancashire's Police Authority and Constabulary, there had been key developments in the level of offer made by the Home Office for finance to support merger. These were detailed in the reports by the Treasurer, to which the Treasurer would himself speak later.

He advised Members that they had legal and moral obligations to satisfy themselves not just on finance but a range of matters set out in section 4 to his report, namely the APA position; Cumbrian opinion; governance; accountability; human resources; and the timetable for merger. It was important that Members were content in relation to all of these matters and were satisfied that they had received appropriate reassurances about them, or else had a remedy to hand if they were not satisfied.

With reference to the information provided by the Clerk & Chief Executive about decisions made by other Authorities, the Chair informed Members that the Chief Constable had, since the start of the meeting, advised him that Durham and Northumbria Police Authorities had, that morning, voted to merge voluntarily.

The Treasurer advised Members that the position with regard to finance had been constantly changing.

An analysis by the Home Office of the Business Cases submitted by Cumbria and Lancashire Constabularies had led the Home Office to believe that a merger could be achieved with set up costs of £19.6 million, compared to the figures of £21.4 million in Cumbria's Business Case and £19 million contained within the Business Case submitted by Lancashire. The Home Office also estimated a higher level of ongoing annual savings at £7.3 million per annum than either of the two Authorities.

Initially, the Home Office had offered grant support of £10.9 million for a voluntary merger between Cumbria and Lancashire.

Following a further approach to the Home Office on 22 February, the Home Office made two further alternative offers, one of £10.9 million and one of £14 million. The difference between the two sums lay in the breakdown between Revenue and Capital Grants. Following urgent analysis by both Police Authorities, it had become clear that it would be possible for Cumbria and Lancashire to accept the higher offer (£14 million), as they would be able to use the additional Capital Funding to support existing Capital Programmes, thereby releasing Revenue Funding to address the set-up costs. His updating report contained all the necessary detail, together with a copy of the offer letter received from the Home Office. The additional funding was to be provided only on the basis that the merger between the two Forces would be a “pathfinder” on a voluntary basis.

The Treasurer advised Members that he understood that a three-year phasing period was being considered for council tax harmonisation, which could see real reductions in Council Tax for Cumbrian council tax payers.

The Chief Constable then presented his report, which set out his professional advice on the proposal to volunteer to amalgamate with Lancashire Constabulary. His report was based on a detailed consideration of the risks, opportunities, and benefits for policing services in Cumbria. In presenting the report he advised Members that he considered the issue of amalgamation was the most important matter on which he would give his professional advice during the whole of his police service. He was extremely proud to be Chief Constable of Cumbria, which was itself a Constabulary which could be proud of its own achievements.

Over recent months, he and the other members of the Chief Officer Team had weighed the issues to be considered carefully. Some of his concerns predated the “Closing the Gap” report by HMIC and dated back to 1998/99, with the amalgamation of the (then) Regional Crime Squads, which left a void for which most police forces had difficulty in providing an effective response. Further to that, in the autumn of 2002, when he had been considering the Business Case for Local Policing Teams in Cumbria – now part of what was known as ‘Neighbourhood Policing’ – he realised that he faced a clear choice between improving ‘Neighbourhood Policing’ or addressing the issue of Level 2 crime and what was now known as the protective services environment. He had decided to take forward the proposals in relation to Neighbourhood Policing, as that would address everyday concerns faced by the people of Cumbria. Since then, he had had to consider carefully whether it would be appropriate to bring the issue of Level 2 criminality and protective services to the Police Authority, and it was clear that one option for addressing the matter was amalgamation with another Constabulary.

His recommendation was that amalgamation with Lancashire, and the creation of a new Constabulary, represented the best interests of policing in Cumbria. The whole Chief Officer Team fully supported this position.

The Home Secretary had made it clear that, where he had recommended a Force for merger, it was not a reflection upon the performance of that Force. However, despite the Constabulary's strong performance, it did face difficult financial prospects and, though it met and exceeded the efficiency targets set year-on-year, it had a higher than average policing precept. As previously reported to the Authority his considered opinion was that no change was not an option, if policing services within Cumbria were to be maintained and improved.

The Chief Constable then took Members through the report he had submitted. In particular he drew attention to the risks and benefits of amalgamation as set out in section 3.5 of his report, and the improvements in protective services that an amalgamation with Lancashire could be expected to produce. He concluded by advising Members that his professional advice was that an amalgamation with Lancashire to create a new Constabulary was the best option for the future of policing in Cumbria.

The Chairman advised that he had dealt with Government for many years but the current process represented the most productive and cooperative he had ever experienced. As a founder Member of the Authority, he had never anticipated that he would find himself proposing the end of the Authority and the Constabulary; and he certainly did not do so lightly. However, in essence, the Authority faced a simple choice. It could either volunteer for amalgamation and accept pathfinder status, and the associated funding that went with it, or it could say 'no' and leave it for the Home Secretary to make the same amalgamation under his compulsory powers. It was clear that the Home Secretary wished to see a merger between Cumbria and Lancashire, and it was also clear that he had the authority to make that amalgamation himself if he so wished.

He urged Members not to take account of decisions made by other authorities, but to consider what was best and right for Cumbria itself. He then moved a motion for Members consideration, as follows –

**“We, the members of the Cumbria Police Authority, on the basis of:**

**(1) having satisfied ourselves, according to proper requirements of due diligence, either (i) that the following heads or criteria of efficient and effective policing are reliably met, or else (ii) that sufficient advice or reassurances are in place to assure their delivery in due course; namely in matters of :**

- **Operational and Protective Policing services** (for improving their efficiency and effectiveness of delivery, in the best interests of policing Cumbria);

- **Finance** (in Start-up and Transitional costs; Grant Funding formulae applied);

- **Precept equalisation** (equitable arrangements for Council tax payers);
- **Governance of police authorities** (in Transitional; Strategic and sub-strategic accountability, including precept & membership arrangements);
- **Human Resources** (assuring fair treatment for police officers & police staff to build an organisation fit to deliver);
- **Timetabling** (in establishing certain timing and a smooth change process);

**And:**

**(2)** In accordance with **Section 32(3) (a) of the Police Act 1996;**

**And:**

**(3)** Conditional upon those outstanding issues falling within Para 1 (ii) above being resolved in negotiations under the draft Order procedure to our conclusive satisfaction by no later than 1<sup>st</sup> May 2006

**Therefore resolve to request** the **Home Secretary**, the Rt. Honourable Charles Clarke M.P., to exercise his statutory **power to make an order** altering police areas under **section 32(1)** of the Police Act 1996; so as to amalgamate the **Cumbria Constabulary** with the **Lancashire Constabulary** police areas.”

The motion was seconded by Mr Barry.

Various Members then spoke in favour of the proposal to amalgamate with Lancashire Constabulary. In doing so, many expressed their regret that an amalgamation would see the end of Cumbria Constabulary, but they considered that - in terms of finance and the provision of high quality policing services within Cumbria – an amalgamation was inevitable. In reaching that conclusion, they were of the view that the decision made by the Authority in December not to volunteer had been the correct decision at the time. However, the situation had now changed and the benefits of being a ‘pathfinder’ Strategic Authority outweighed any considerations from declining to amalgamate.

They acknowledged that this represented a momentous decision for the Authority. Some Members sought reassurances: on whether it was inevitable that amalgamation would occur if Cumbria and Lancashire did not volunteer; that there would be no reduction in services for Cumbrians; and that adequate resources were being made available to the new Authority. Questions were also raised concerning the issues of governance and accountability.

Some Members expressed concern at the size of the new Force; the democratic imbalance within the new Strategic Police Authority; the likely loss of jobs within Cumbria; and the fact that consultation indicated the people of

Cumbria did not want an amalgamation. They acknowledged that the 'protective services gap' had to be addressed, but considered that Cumbria Constabulary had recently demonstrated, with the floods in Carlisle, that it could deal successfully with major incidents and such members did not see how things would be better handled from a more remote location.

All Members thanked both the Officers of the Authority and of the Constabulary for the way in which they have presented information to Members throughout the course of the process.

Reference was made to the chronology document recently circulated by the Chief Constable; and to a 'letter' from a senior civil servant, the Director of Policing Policy at the Home Office, dated 22 February 2006, mentioned there. Officers clarified that this 'letter' was in fact just an email; one which had not been circulated to Members or the meeting but represented part of the incremental, negotiating process leading to the final position set out in the papers submitted to Members. Members expressed themselves particularly interested in hearing of certain assurances apparently included in the 22<sup>nd</sup> February email, which made it clear that, should the Authority be dissatisfied with the resolution of any outstanding issues prior to the finalisation of the amalgamation order in May, then it would be free to withdraw its offer of voluntary amalgamation. The Clerk and Chief Executive therefore read out the relevant extract, as follows –

“I can confirm that, in the event that the Authorities decide to request a merger between Lancashire and Cumbria, it would be open to the respective Authorities to make it clear that they would want any outstanding issues as regards funding, precept and HR to be resolved before the amalgamation order was made. We would expect to make the amalgamation order for a Police Authority initiated merger around w/c 8 May. We will consult closely with the two Police Authorities and Chief Constables over the terms of the amalgamation order from early March. In the unlikely event that we are unable to arrive at satisfactory resolution on remaining issues, I confirm that the process allows for you to indicate this and the HO could revert back to the process of the Home Secretary initiated merger. But the spirit of cooperation in which we have been working recently suggests to me that this would not be necessary.”

Members indicated that they wished to vote upon the motion put forward by the Chairman. On being put to the vote it was –

**RESOLVED,** that

“**We**, the members of the **Cumbria Police Authority**, on the basis of:

**(1) having satisfied ourselves**, according to proper requirements of **due diligence**, *either* (i) that the following heads or criteria of **efficient and effective policing** are reliably **met**, *or else* (ii) that sufficient **advice**

or **reassurances** are in place to assure their delivery in due course; namely in matters of :

- **Operational and Protective Policing services** (for improving their efficiency and effectiveness of delivery, in the best interests of policing Cumbria);
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## **170. CUSTODY FACILITIES – NORTH CUMBRIA BCU**

The Chief Constable presented a report concerning the provision of Custody Facilities for the North Cumbria BCU, and in particular the proposals for the former Rathbones bakery site at Durranhill in Carlisle.

**RESOLVED,** that the identification of the proposed site, the result of the evaluation and the commitment of the Chief Constable to a modular solution be noted.

The meeting ended at 3.40 p.m.