

CUMBRIA POLICE AUTHORITY

**Minutes of a Special Meeting of Cumbria Police Authority held on
Thursday 27 October 2005 at Police Headquarters,
Carleton Hall, Penrith commencing at 12.45pm.**

PRESENT

Mr R Watson (Chairman)

Mr M Ash
Mr A L Barry
Mr R S Cole
Mrs M Johnson
Ms J Lashmar
Mr C S Moth

Mr J Nicholson
Mrs L L Shaw
Mrs L Slavin
Mr W Smith
Mr J Woolley

Also present:

Clerk & Chief Executive, Mr C.R. Alcock
Treasurer, Mr D. Thomas
Deputy Chief Constable, Mrs C. Twigg
Constabulary Director of Finance and Resources, Mr M Thompson
Constabulary Director of Strategic Development, Ms J. Davies
Chief Superintendent R Smith
Constabulary Head of Marketing and Communications, Ms G. Shearer
Constabulary Business Support Manager, Mrs S. George
Deputy Clerk, Mr S. Edwards

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

81. APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms S Donnelly, Mrs C A Egan,
Mrs P M Halfpenny and Mr J Mallinson.

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

(a) Urgent Business

The Chairman indicated his intention to take the following items
as items of urgent business –

- (i) RMS Project – To enable a decision on the future of the
Project to be made at the earliest possible date;
- (ii) Rickergate Briefing – To enable Members to be briefed
on developments with regard to Rickergate at the earliest
possible opportunity

(b) Exclusion of the Press and Public

Members gave consideration to whether the nature of the information to be discussed in relation to Agenda item 4, "Police Structure Outline Business Case" necessitated the item being taken in the absence of the press and public and concluded that, if at all possible, the item should be taken in the public part of the meeting. However they acknowledged the sensitive nature of some of the information contained in the Outline Business Case circulated by the Chief Constable. They considered that this document should not be released at this stage, but believed that the debate could be conducted in such a way as not to necessitate the exclusion of the press and public. The Chair indicated that if he felt Members were straying into areas best considered in private for operational policing reasons then he would ask Members to reconsider the position.

The Deputy Chief Constable acknowledged the views expressed by Members and emphasised that the Chief Constable's report did address operational policing issues which should not be discussed as part of a public debate. She also had some concern with regard to the possible impact on staff of the Authority debating the matter in the presence of the press and public.

The Clerk & Chief Executive advised that his advice would be to consider the item in the absence of the press and public on the grounds that it could involve a disclosure of information prejudicial both to labour relations and the prevention of crime, but that if Members were minded to hold the debate in public the Outline Business Case (OBC) itself should not be released to public inspection as it contained exempt information.

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 of the Act –

Item	Paragraph Number
RMS Project	9 and 14
Rickergate Briefing	12

(ii) The Outline Business Case and supporting papers be not released for public inspection on the grounds that

they contain exempt information as defined in Paragraphs 11 (Industrial Relations) and 14 (Prevention, Investigation and Prosecution of Crime) of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

83. DISCLOSURE OF PERSONAL INTERESTS

The following Members declared personal, but not prejudicial, interests in the “Rickergate Briefing” Item, 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
Mr C S Moth – Member of the Carlisle Bench
Mr J Nicholson – Member of Cumbria County Council
Mrs L L Shaw – Married to a Member of Cumbria County Council
Mr W Smith – Member of Cumbria County Council
Mr R Watson – Member of Cumbria County Council and Carlisle City Council
Mr J Woolley – Member of Cumbria County Council

84. POLICE STRUCTURE OUTLINE BUSINESS CASE

The Deputy Chief Constable reminded Members of the background to this matter, which had started with the publication of the “Closing the Gap” report on 17th September and the subsequent announcement by the Home Secretary on 19th September that he wished to see a review of Police Force Structures in England and Wales. The Constabulary had reviewed the options available for structural change in the North West of England against the ‘tool kit’ for doing so issued by the Home Office in mid October. Ten options initially identified had been reduced to three for consideration by the Authority. Each of those three options had then been rigorously appraised against the Home Office ‘tool kit’ and criteria set by the Home Secretary in his initiating letter of 22nd September 2005.

The Deputy Chief Constable reminded Members that the “Closing the Gap” report was not a criticism of current policing within England and Wales, but was concerned with addressing the capacity of existing Forces to deal with Level 2 crime. Indeed, Cumbria Constabulary had just been awarded an “Excellent” for its work in relation to citizen focus, the only Force to achieve this in England and Wales. It was important to remember that the review was not about Cumbria Constabulary but about policing in general in England and Wales.

The Review team assembled by the Constabulary had worked extremely hard to produce the Outline Business Case (OBC) within the timescale prescribed by the Home Secretary. In doing so they had used the ‘tool kit’ produced by the Home Office to assess both Cumbria and also other Forces throughout the North West. This had enabled the identification of both potential benefits and disadvantages to amalgamation with some or all of the other Forces in

the North West region. The 'Executive Panel' of stakeholders created under the 'toolkit' to give critical review of the draft OBC had only met some 48 hours previously. As a result of all this work, the Chief Constable had been able to present some favoured options to the Authority in the OBC document provided and also to identify a 'Preferred Option' amongst them.

The Clerk and Chief Executive provided advice to the Members about what approach they might adopt at this early stage of the process, in the light of the Home Secretary's deadline for an initial set of outline proposals to be identified to him by Authorities by noon tomorrow, 28th October 2005.

He set out the legal background and reminded Members of formal powers available to the Home Secretary over police force structures, which were found in the 1996 Police Act. On 22nd September, the Home Secretary had invited police authorities to make requests for amalgamation that he could consider. The Act made it clear such requests had to be made by the relevant police authorities under Section 32 (3)(a). Alternatively, the Act also provided the Home Secretary with a power to amend police authority areas "in the interests of efficiency and effectiveness"; with Section 32(3)(b) setting out the separate process and time scales (Section 32(4)) the Home Secretary would follow if amending of his own motion on that basis. This latter process included a four-month public consultation period, but Authorities were being encouraged towards the voluntary method set out in the former subsection.

This represented the first significant review of police force structures in England and Wales for over 30 years and, as a first step, the Authority was now being asked whether it wished to support and adopt options identified by the Chief Constable in the OBC. Quite separately to any response made by the Authority, the Chief Constable was himself required to submit his OBC proposals to the Home Secretary by tomorrow's deadline in any event.

The Police Authority's overriding obligation under the Act to the people of Cumbria was to secure the maintenance of an efficient and effective Police service in their force area. They also had a legal duty to consult with the public about policing in their area. Currently, their first consultation exercise with the public and stakeholders about different policing structures was still in train and had not yet been completed. It was not therefore possible to reach a clear view about current public opinion or attitudes to these proposals without sufficient indications being received yet of what those actually were.

Members had worked hard to understand all the issues involved in the restructuring debate. However, through no fault of the Constabulary or its Review team (who were working very hard through complex comparators under a tight timescale), the final form of OBC created from the 'Executive Panel' stage of the 'tool kit' review could not be circulated any earlier than the evening before the meeting. This meant the time available to digest its important recommendations had been limited. In some respects, the information available or understanding of Members for issues was still not complete. This made it difficult for Members to form a definitive view today.

The Clerk & Chief Executive's advice about not needlessly limiting the options adopted at this very early stage was based on matching Association of Police Authorities' advice being given nationally. This was because of the stated rule that any option not mentioned to the Home Secretary now could not be relied on later in the process. This rule would apply equally to the set of three proposals identified in the OBC document and also to any other option (e.g. a 'stand-alone' option). Members could therefore reserve judgement at this stage by offering a qualified or conditional acceptance to the three, if change was required, but at the same time also mention as a separate option other preferences: e.g. for Cumbria Constabulary to continue. This was a specific and qualified approach understood to have been adopted by several other police authorities at this stage of the process, including one adjoining, who had similarly mentioned their own retention, notwithstanding

Members congratulated the Review team for the considerable amount of work already carried out within a very short time. They noted how fundamental to the future provision of policing in Cumbria the changes sought by the Home Secretary would be. As such, a Member therefore suggested the Home Secretary could be asked to delay this process for six months, so further detailed work could be undertaken and other options for structural change, in addition to those proposed by the Home Secretary, be considered.

Other Members stated their feeling that they had insufficient information today to enable them, by the deadline, to form any conclusive endorsement or otherwise of options listed by the Chief Constable in the OBC. (Specific areas where additional information was identified as outstanding and required included: Costings or Financial implications; Governance; and establishing the views of the public within Cumbria). Neither were Members at this stage willing to say that any one option could be identified as the "Preferred Option".

Members therefore stated their present inability to offer unconditional endorsement of the set of options submitted by the Chief Constable and their consequent wish to follow the advice given by their Clerk for a qualified response which could reserve the Authority's position.

They noted that the next meeting of the Authority was not far off, on 10 November 2005. By then, Members would have had more time to consider the OBC. More complete levels of public and stakeholder feedback to the questionnaires distributed by the Authority as its part of the initial consultation process should also have been received and collated for report to the Authority, to inform its assessments. It was also likely that other, further guidance and information would be available to them by then; most importantly the stated view of the Home Secretary on the initial options as submitted to him by the Chief Constable and from elsewhere in the region, which could together enable a more conclusive decision from this Authority.

The view was expressed by Members (in the light of the exclusionary rule described above; certain views currently being expressed within the County; and the lack of public feedback in the short time to date) that any "stand-alone" option for Cumbria should not be rejected so prematurely. In making

this request for its inclusion within their interim response, Members nevertheless acknowledged with realism what prospects Cumbria Constabulary probably had of standing alone, given the Home Secretary's clearly-stated criteria for 'Strategic' forces of 4,000 officers or more; and whatever levels of support might exist within the County for its retention.

As such, Members considered that, in order to comply with tomorrow's lunchtime deadline, their approach would be to instruct the Clerk & Chief Executive to write to the Home Secretary on the conditional and qualified basis set out in his advice; explaining how they were unable to form a conclusive view on any of the three options in the OBC by the deadline set, a list they could only acknowledge on a qualified basis. Members also required mention in the response of the 'stand-alone' option notwithstanding, and to affirm their intention to respond more positively to the options presented by the Chief Constable in their forthcoming meeting on 10 November 2005.

RESOLVED, that the Clerk & Chief Executive be authorised to write to the Home Secretary on the basis set out above; advising that the Authority was currently unable to form an unqualified view on the three options submitted by the Chief Constable or to state a preference; but notifying their wish to preserve reference to the stand-alone option and their intention to respond more conclusively to him in any event after their meeting on 10 November 2005.

(Note: Mr M Ash left the meeting at this point)

85. DATES OF FUTURE MEETINGS

The Clerk & Chief Executive reminded Members that at their last meeting they had indicated that they would like to see additional meetings of the Authority during October, November and December in order to enable full consideration of the force structure review. He advised that Members would be contacted with dates in the near future.

RESOLVED, that the position be noted.

86. INDEPENDENT CUSTODY VISITING SCHEME – APPEAL PROCESS.

The Clerk & Chief Executive presented a report, the purposes of which were: (i) to seek the agreement of the Authority to the establishment of a panel to hear appeals from Independent Custody Visitors, where cases had already been considered by the Personnel Committee, and (ii) to rectify a minor drafting mistake within the Scheme Handbook (referring in error to the Audit & Performance Committee).

RESOLVED, that,

- (1) the Professional Standards Committee acts as an appeal panel where cases involving Independent Custody Visitors have previously been considered by the Personnel Committee;
- (2) where Members have already considered a matter as members of the Personnel Committee, they do not reconsider the matter as members of the Professional Standards Committee; and
- (3) The amendment of Paragraph 2 of the “Independent Custody Visitor Appointments, Conformations, Disciplinary and Appeals Procedures” be amended to read as follows –

“All appointments are subject to a probationary period of six months and appointments will only be confirmed on the successful completion of the probationary period. The assessment will be made by the Custody Visitor Panel, subject to confirmation by the Authority’s Personnel Committee. In deciding what is successful the panel will take into account the following: -

- (a) Number of visits undertaken to comply with previously advised rotas;
- (b) Feedback from fellow visitors;
- (c) Any feedback from others involved agencies, for example custody staff, police staff;
- (d) Views from the scheme and panel administrators.”

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

87. RMS PROJECT

The Deputy Chief Constable reminded Members that on 22 August the Authority had sanctioned RMS and IMPACT; in the context of an overall information management programme together with additional financial resources to enable implementation in the current financial year. Work had progressed in line with the proposed plans and the programme was now at the point where contractual terms could be agreed with a supplier.

However, in the context of the force structures review, an impact assessment had been conducted on all aspects of the information management programme to ensure that any short term financial or strategic commitments remained prudent and in line with Best Value. As a result of this work it was proposed that the decision to progress with RMS be deferred until such time as the outcome of the force structure review was known

RESOLVED, that the report by the Chief Constable be noted and the current strategy for RMS endorsed.

88. RICKERGATE, CARLISLE

The Treasurer briefed Members with regard to the current position in relation to the insurance claim for Rickergate, on which a more detailed report would be presented to the Authority at its meeting on 10 November.

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RESOLVED, that the Treasurer's briefing be noted.

The meeting ended at 2.00 p.m.