

## MERGER OF CUMBRIA AND LANCASHIRE POLICE AUTHORITIES

### Report by the Clerk and Chief Executive

#### SUMMARY

This report is revised and updated from my original of **26<sup>th</sup> April 2006**. It is an interim report for today's meeting, pending final decisions expected subsequently, intended :

- (i) to **recap** on where the Authority has got to in the process; and
- (ii) to **record in a public document** its reasoning for decisions to date; and
- (iii) to **update** members on **key developments** since, and their implications

#### **Recommendation:**

**Members are asked to note this report, agree actions and a special meeting date.**

#### BACKGROUND

April 2006 sees the 150th anniversary of the founding of the Cumberland & Westmorland Constabulary, under the County Police Act 1856. This became the Cumbria Constabulary in 1967. Since September 2005, all police forces in England & Wales, many founded under the same nineteenth century legislation, are looking at reform of their structural arrangements to meet modern expectations. By **February 2006**, Cumbria's and Lancashire's became (and remain) the first authorities to advance so far as asking the Secretary of State to approve a merger of forces as a result.

#### **The HMIC Report**

In September 2005, a report ("*Closing the Gap*") commissioned by the Home Secretary from Mr Dennis O'Connor of Her Majesty's Inspector of Constabulary (HMIC) said the current 43 force structure in England and Wales was not "*fit for purpose*" to deliver "*protective*" policing services in the 21<sup>st</sup> century. Bigger forces had more capabilities and capacity to confront the crime and types of policing covered under the "*protective*" term – i.e. organised crime, terrorism and major incidents. His HMIC report recommended '*strategic forces*' of at least 4,000 officers and 2,000 police staff and the then Home Secretary, The Home Secretary, Charles Clarke MP, states strongly agrees.

All Police Authorities have the legal duty to "*secure the maintenance of an efficient and effective police service in their area*" (section 6 Police Act 1996). As a matter of law, publication of the HMIC report immediately put them on notice their arrangements in the "protective policing services" field might not be sufficiently efficient and effective. This legally-obliged\* them to consider what they should do about it. (\*Home Office website [www.police.homeoffice.gov.uk/police-reform/Force-restructuring](http://www.police.homeoffice.gov.uk/police-reform/Force-restructuring) states they would have been "*irresponsible*" not to have done so). Cumbria was in the same position but, despite its large geographical size, it is amongst the smallest police forces in numerical terms, always making it vulnerable to any size-based review.

### **The Home Secretary and his powers**

On **22<sup>nd</sup> September 2005**, Home Secretary Charles Clarke required all police forces (in consultation with their stakeholders in local communities, police authorities, and criminal justice) to review their capacity and to present options for merger with forces adjoining them. Options to be considered by forces were pre-limited according to a regional pattern set by the Home Secretary, excluding such neighbours as Durham, Northumbria or North Yorkshire. However, under section 32 of the Police Act 1996, it is only a police authority which can request alteration in its police area, not a force. If not requested, it can be enforced.

By **31<sup>st</sup> October 2005**, some were submitting initial proposals to him for restructuring and, after the Home Secretary announced his view of options emerging, many forces and some authorities submitted finalised 'Business cases' for change by his **23 December 2005** deadline. Following the Association of Police Authorities (APA) position - and because certain key factors were still unclear - some did not endorse or make such submissions. One adopting the APA position and declining to submit was Cumbria Police Authority, whose Chief Constable, Mr Michael Baxter QPM, developed detailed Business Cases offering his professional opinion on the options available and their merits, which he submitted to the Home Office and reported on to the Police Authority (without their needing to be formally endorsed by the Authority). These were approved by the Home Secretary as legal basis for his published finding of **3<sup>rd</sup> March 2006** to the effect that, in the case of Cumbria Constabulary, the best, most efficient and effective policing option was for their amalgamation with the Lancashire Constabulary. (This finding of fact by the Secretary of State represents an important certification on his part, relevant to the framing by him of any Amalgamation Order – see later).

### **The Authority's resolution**

By **3<sup>rd</sup> March**, this Authority had already complied with the Home Secretary's final deadline of **24<sup>th</sup> February 2006** for the 'first wave' police authorities identified by his office to volunteer for amalgamation under section 32(3)(a) Police Act 1996. Authority representatives called to London, were advised by Charles Clarke in person that, if they did not act of their own volition (as he'd hoped), then from early March 2006, his separate powers under section 32(3)(b) would be used to initiate a statutory process for their compulsory amalgamation, instead. No change was not an option.

As a result, a resolution for amalgamation was passed, on a recorded majority vote, at the Cumbria Police Authority's special meeting of **24 February 2006**, although still conditional on government satisfying the six factors set out in **Appendix 1**.

### **Sources of advice / opinion relied on for the decision**

1. Home Office: which advises larger, strategic forces will safeguard and strengthen policing at neighbourhood level without diverting local resources away because of their resilience and capacity, through size, to manage major incidents or handle major investigations. Local policing based upon the needs and concerns of local communities will be preserved and delivered through the BCU (Basic Command Unit) whilst, as the Authority becomes more strategic and remote, different arrangements for local accountability will be created under the Police & Justice Bill.

2. Policing professionals: not just for their meeting of **24<sup>th</sup> February 2006** but throughout this process, Authority members have received clear and unequivocal advice from their Chief Constable and the Deputy Chief Constable, Mrs Christine Twigg, identifying amalgamation with Lancashire as producing the best operational outcomes for policing in Cumbria. This advice, when taken together with matching assurances from Her Majesty's Inspector of Constabulary, Mr Kenneth Williams KCVO QPM (renewed in person at the Authority's last meeting on the subject – **26<sup>th</sup> April 2006**) and the stated requirements of Her Majesty's Secretary of State for Home Affairs, constitutes a level of guidance no conscientious Police Authority could easily ignore, even if it had a mind to.

3. Financial: your Treasurer, Mr Douglas Thomas, has consistently advised and drawn members' attention to the increasingly-unfavourable financial position of the Authority, year-on-year. This effect is product of the government's current funding formulae for policing whose criteria tend to penalise the rural rather than the urban, the shire rather than the metropolitan police force. This burden of fiscal support for policing increasingly devolves upon local taxpayers. It coincides with an era where centralised enforcement by inspection of standards of policing methods or organisation is increasingly-prone to require uniform, metropolitan levels of expenditure, even without metropolitan levels of population providing enough ratepayers to pay for it. This crisis in funding is no reflection of how well or efficiently policing is done in Cumbria (the Constabulary's history of meeting and beating efficiency-saving targets has just been underlined by a brace of 'Excellent's in national banding assessments for police performance published by the Home Office for the last quarter) but the product of impenetrable funding formulae whose well-known defects await reform.

In this context, the extra cost of providing 'protective policing services' within a stand-alone Cumbrian force to HMIC standards has been estimated at £8m per annum after set-up and, even if turning out less, still lacks any identifiable extra source of funding to meet it, unless the support environment is changed. Whatever these extra costs, Cumbria Police Authority's recent experience over the 2004/05 rate precept teaches it that no Authority will be allowed to raise them locally through the precept, for fear of 'rate-capping'. Yet, despite this funding *impasse*, HMIC will soon be duty-bound to inspect all police forces for their attainment of Dennis O'Connor, "Closing the Gap" standards of Protective policing services; funding gap or no funding gap

#### 4. Public and stakeholder opinion

From wide-spread public consultations carried out by both Authority and Constabulary, from **September 2005** onwards, and by keeping up to date with local reporting in the media, Members can legitimately claim to be well aware of the public's view in Cumbria of these proposals. When asked, individual respondents to consultation were generally opposed to amalgamation (some strongly); while professional stakeholders proved generally more supportive, subject to caveats about maintaining police numbers locally, or else the employment and economic effects on Cumbria of these changes\*. These public attitudes are typical and consistent with those reported elsewhere in the country. Of the potential amalgamations in view, most public and stakeholders responding to the consultation were generally less-strongly opposed to the Lancashire option than to any of the larger alternatives (which included other North West forces) but only a few self-generated letters of objection have been received from the public since then, with no indication public attitudes have changed significantly.

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(\* E.g. the Cumbria Strategic Partnership, writing on **20<sup>th</sup> April 2006** to require reassurances about the new force's ability to respond to local needs and an approach to decision-making which took proper account of their sub-regional strategies and severe economic challenges facing Cumbria. They also wrote to our authority counterparts in Lancashire, whose reply included reminder of similar social issues in parts of Lancashire. Other agency partners and stakeholders express matching concerns: see similar Eden Local Strategic Partnership letter **5<sup>th</sup> May 2006**).

### **Update - events national and local**

**24<sup>th</sup> February 2006:** Cumbria and Lancashire Police Authorities' decisions provide only example in England and Wales of a grouping identified by the Home Secretary for amalgamation which volunteers by the time limit set for them. High profile as a result.

**11<sup>th</sup> April 2006:** Charles Clarke confirms further, "*Wave Two*", police force restructurings in East Anglia; East Midlands; South East; Yorkshire and the Humber regions, earmarked for compulsory merger. By this time, only Greater Manchester Police (8,100 officers) in the north west; Hampshire (3,600 officers), Kent (3,800) and Thames Valley (4,100) were told they would be allowed by the Home Secretary to continue standing alone and so reconfigure as '*Strategic forces*'.

(In "*Wave One*" groupings involving more forces, the refusal of one means all must go down the coercive, section 32 (3) (b) route, even if the majority willing. This begins four months period for objections, expiring at the beginning of either **July or August 2006**. (Hence, e.g. West Midlands, Staffordshire and Warwickshire were willing but did not volunteer due to the position of West Mercia, who have issued Judicial Review proceedings against the Secretary of State. Other "*Wave One*" authorities positively opposing the process included Cheshire and all Welsh forces, while Cleveland PA also resorts to Judicial Review over a proposed Northumbria and Durham merger).

**26<sup>th</sup> April 2006:** Full Authority meets to agree final form of Amalgamation Order for Lancashire and Cumbria, but technical problems leave Version 6 trapped in Home Office IT '*firewall*' and question is adjourned to 5<sup>th</sup> then to a **10<sup>th</sup> May** special meeting of CPA.

**27<sup>th</sup> April 2006:** representatives of both police authorities meet at the Home Office to discuss financial issues over set-up costs and tax harmonisation. CPA Treasurer provides Home Office with his recommended drafts for a workable mechanism to enable viable council tax harmonisation process, the key to the whole merger. At the same time, advice to the Authority is that the £14m in support costs for merger on offer from government could be applied so as to benefit the merged Authority by as much as £16m.

**5<sup>th</sup> May 2006:** Charles Clarke MP removed as Home Secretary in Cabinet 'reshuffle' and replaced by Dr John Reid MP. Likewise, Policing Minister, Hazel Blears MP replaced by Liam Byrne MP; then a few weeks later by Tony McNulty MP, who exchanges places with Mr Byrne at Immigration & Nationality.

**9<sup>th</sup> May 2006:** In view of national developments, Home Office request more time re Cumbria and Lancashire amalgamation.(10<sup>th</sup> May CPA meeting deferred for more work).

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**17th May 2006:** Home Secretary at Police Federation Conference: *"Still believe in need for Strategic forces.. status quo not an option.. from A to B on a slightly different pace.. different vehicles.. more people aboard the bus."*

**23rd May 2006:** Cumbria and Lancashire Chief Executives meet at Home Office to finalise most terms of Amalgamation Order (Version 9). Good progress but 'headline' conditions still outstanding: set-up costs; council tax; and senior police officers.

**25th May 2006:** Cumbria and Lancashire Acting Chiefs and Chairs in 23-minute meeting with T. McNulty, to press Minister for progress, keen to progress, but point out 21st June 2006 is deadline for getting information in time for 28th June 2006 CPA meeting. Follow-up letter drafted by Lancashire PA: *"At several points in our discussion, you indicated that you would get back to us on the issues ..particularly those arising from the current Home Office position on precept harmonisation (which in its present form we regard as a "deal-breaker")"*. Similar public statements by Lancashire Chairman, Mr M. Doherty.

**1st June 2006:** (Start date for 'shadow' strategic authority postponed).

**13th June 2006:** Latest draft (12th) of Amalgamation Order received from Home Office.

**19th June 2006:** Home Secretary at 'Parliamentary Question Time' announces all police force mergers to be put 'on hold' pending further discussions, except for Cumbria and Lancashire, which he hopes will be able to continue towards signature of voluntary order before Summer Recess. July and August consultation deadlines extended indefinitely and earliest start dates for 'Wave One' merged authorities now 1st April 2008.

**21st June 2006:** Lords amendment to Police & Justice Bill, which would remove Home Secretary's power to compel force mergers, but only if amendment were to survive its Commons reading in the Autumn.

**22nd June 2006,** Chairs and Acting Chief Constables from Cumbria and Lancashire, together with both the Chief Executive and the Treasurer from Cumbria Police Authority, meet with Tony McNulty and senior Home Office officials, where Home Office announce increase in offer of restructuring grant from £14.0m to £17.8m.

**28th June 2006:** Cumbria Police Authority Annual General meeting.

*[20 – 28 July 2006?? Cumbria Police Authority 'Special meeting' to agree final terms?]*

**27<sup>th</sup> July 2006:** Special meeting of Lancashire Police Authority to agree terms.

**28th July 2006:** Deadline for signing Amalgamation Order - Parliament rises on 25th.

### Update - Amalgamation Order

The Amalgamation Order is a crucial element. As the legal engine for merger it is to be put before the Authority for final approval before signature by the Home Secretary. Cumbria has led for both authorities on negotiations with the Home Office, giving some opportunities to seek more favourable outcomes for Cumbria, its police officers and staff; including over what levels of accountable representation on the transitional authority the diverse communities of Cumbria will receive under the combined policing service. There has been regular consultation with principal stakeholders within both authorities and forces over it, and what form of Amalgamation Order is adopted for Cumbria and Lancashire attracts great national interest (including APA) because it is seen as providing a precedent or a template for those Authorities which might follow.

As delivery mechanism under law for amalgamation made under the Police Act, it specifies the key terms. Many - if not all - matters identified by the Authority as conditions for volunteering are meant to be resolved by the Order's contents. If members of this Authority find their conditions for volunteering sufficiently met, this will in due course include whether they are satisfied with the terms of the Amalgamation Order as

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an expression of that position. Since the conclusive wording of certain key sections, especially regarding Council Tax harmonisation, has not yet been established, it will be the special meeting of the Authority certain to be needed later in July which will provide the final chance for this Authority to shape these terms for its amalgamation.

Nearly all its terms have been adequately resolved in negotiations through the work of authority officers – subject to some APA concerns remaining. Main outstanding issues are council tax harmonisation; senior officer terms of engagement and severance; and a question about the Secretary of State certifying the merger as efficient and effective.

### **Update - the six conditions for volunteering**

Members' decisions about the preconditions and the form of Order are almost as significant as the ones made on **24<sup>th</sup> February 2006**. Assuring the legal integrity of the process is a key priority. Members specifically advised in February of their legal and moral obligations in 'Due Diligence' must satisfy themselves not just on finance but also a whole range of other matters where it is equally important they are satisfied (to the extent that they had either received appropriate reassurances about them or else would have a reliable solution to hand if not so satisfied). Towards their decision about what standards of satisfaction are sufficient, about the 6 criteria in their conditional resolution, members need updating on progress in each:

#### **(1) “Operational and Protective Policing services (for improving their efficiency and effectiveness of delivery, in the best interests of policing Cumbria)”**

Since Charles Clark cited Dennis O'Connor's report “*Closing the Gap*” in his findings of **22<sup>nd</sup> September 2005** and the formal “*Case for amalgamation*” issued by Home Office on **3<sup>rd</sup> March 2006**, the above imperatives provide main drivers for this major 'change programme'. It follows that members volunteering on that express basis must focus on pursuing this target as their primary outcome, provided it does not detract from levels of neighbourhood policing delivered as well. Members will want to be satisfied about how improvements in protective services will be brought about. They have professional advice to the effect that this will undoubtedly occur, once the forces have combined. Senior policing professionals have advised that merger is the best operational solution.

### **Joint working and the project office**

A huge amount of high quality work towards setting the framework for such an achievement has already been carried out by officers from both forces, based in the Joint Project Office at the Lancashire Constabulary headquarters at Hutton. One question fundamental to the successful operation of the combined force, but still outstanding, where members may still be looking for formal reassurances from their professional advisers, is the practicality of running a force over such a large geographical area. Part of the experience for Cumbrian officers and staff contributing to the project teams has been long periods of time spent in motorway travel, to and from meetings. To what extent their 150-mile round trip, from Carleton Hall, is a temporary arrangement will depend on organisational structures finally adopted. Members may therefore be looking for stronger reassurances about how that particular, practical reality will be handled in the new force, in view of long-term implications for officer/staff health and well-being, individual and team productivity, traffic density and the environment. Identification of location for force headquarters and where staff are allocated is the crux -

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a decision ideally to be resolved by the new Strategic Police Authority in consultation with their new chief constable for the combined force, once such a person has been appointed (**December '06** estimated).

**(2) "Finance (in Start-up and Transitional costs; Grant Funding formulae applied)" and (3) "Precept equalisation"**

Primarily for the Treasurer as its section 151 LGA officer to advise upon (see his previous, 26<sup>th</sup> April 2006 report to the Authority and accompanying agenda item today), it is fair to say that, since the original February offer of 'pathfinder' support monies from government, some uncertainty about precise figures persisted. Home Office advice dated **6<sup>th</sup> April 2006** stated that all authorities subject of Amalgamation Orders notified by the Home Secretary (whether voluntary or involuntary) will receive similar financial assistance, but advantage for Cumbria and Lancashire survived in (eg.) the £500k "lessons learnt" package offered in Hazel Blears' **25<sup>th</sup> April 2006** letter.

The original monetary offer made by the Home Office for financial assistance to support the estimated £19-22 million cost of the amalgamation process in Cumbria and Lancashire was crucial to the decision to volunteer. On Thursday, 22<sup>nd</sup> June 2006, the Chairs and Acting Chief Constables from both Cumbria and Lancashire, together with both the Chief Executive and Treasurer from Cumbria Police Authority, met with Tony McNulty MP and his senior Home Office officials. As a result of earlier discussions, the Home Office announced its willingness to increase its offer of restructuring grant from £14.0m to £17.8m.

**(3) Precept harmonisation/equalisation**

Council tax harmonisation is a critical issue for both authorities. Volunteering was based on acceptance of its agreed phasing over a period of time, the preference being for *up to* three years in three equal steps (equivalent to an increase of £4.55 each year for a Band D taxpayer in Lancashire and a reduction of £12.10 each year in Cumbria). Home Office legal opinion supports using the amalgamation order, rather than primary legislation, to phase this in.

Both Authorities' Treasurers have been in regular negotiation with officials with a view to persuading them to adopt wording consistent with this. On 22<sup>nd</sup> June 2006, your representatives were advised of draft wording for the Amalgamation Order which could provide this, subject to acceptance by all stakeholder government departments. Previously, such proposals put forward had foundered on the retention of Ministerial control under Article 16(4) and the risks of 'double-capping' potentially invoked for authorities. The litigation risk of legal challenge to any harmonisation made on this basis (including costs) would also still fall on the new authority, as well as on the Home Office. Negotiations continue and it would be wrong for Cumbria unilaterally to agree to a mechanism that caused Lancashire any difficulties or set a questionable precedent.

Clauses re tax harmonisation in the latest draft Order are currently left blank pending their resolution in consultation with HM Treasury and the Department of Communities and Local Government (nee ODPM). A version 13 will arrive this week, but Home Office officials assure both police authorities will receive sight of the very final draft order 10 clear days before the date of their July special meetings – whenever held.

***(4) “Governance of police authorities (in Transitional; Strategic and sub-strategic accountability, including precept & membership arrangements)”;***

**Accountability**

Existing police authorities take their responsibilities for providing local accountability to the public and taxpayers, under s.96 Police Act, very seriously. Whatever success they may have achieved in that role, from **1<sup>st</sup> April 2007** it will be taking place at a much higher level, through the new strategic authority for the combined area and whatever arrangements involving CDRPs and local authority scrutiny committees are brought in through the Police & Justice Bill to fill the vacuum of contact inevitably created .

**Membership**

An important arrangement is the membership of the 27–member ‘shadow’ or transitional authority and 10 have been appointed directly from Cumbria’s existing membership. After two years, the Home Office has stated its expectation that membership of the new strategic authority will revert to 23, of whom 6 will be from Cumbria. Whether this prevails will depend on circumstances at the time and the **25<sup>th</sup> April letter** from Hazel Blears MP implied there might be room for discussion.

***(5) “Human Resources (assuring fair treatment for police officers & police staff to build an organisation fit to deliver)”***

As a matter of law, this Authority is the employer of 870 police staff serving Cumbria Constabulary, although legally under the direction and control of the Chief Constable by section 15(3) Police Act 1996. (Only the 4 full time and 5 part-time staff working directly in support of the Police Authority itself are not). Cumbria Police Authority takes its obligations towards its employees seriously, which is why this issue was explicitly set out as a condition for satisfaction before merger

Terms and conditions of police staff vary locally but are negotiated nationally with the Police Staff Council (PSC), then subjected to local conditions. The work of the PSC towards establishing a national framework for staff issues arising from amalgamations was expected to have been delivered by the end of **April 2006**. It appears that one effect of the announcement by John Reid on **19<sup>th</sup> June 2006** will be that no national scheme will be available to inform the Cumbria / Lancashire situation at the time of final agreement to merger. The latest Home Office position (**22<sup>nd</sup> June 2006**) is that staff terms and conditions - including severance - were and are matters for local agreement, since there is no national agreement, and must be resolved locally. The only national statement emanating from the PSC (**May 2006**) is to the effect that minimum statutory rights on transfer and/or redundancy, including under TUPE regulations, will apply to all police staff. Exactly how those statutory rights are actually applied in individual cases inevitably remains uncertain, until key factors governing the new combined authority and force are resolved; including their geographic locations. No additional protections are on offer for police staff and there is no additional information to put before the Authority today. (As far as the Police Authority’s own staff are concerned, it was reported to the APA HR Group meeting on **22<sup>nd</sup> June 2006** that no work has yet been done but that the APA will be expected to lead nationally on any proposals).

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There are 1266 police officers in Cumbria. Successfully transferring them to the new combined force is an important purpose of the Amalgamation Order and discussion with Federation representatives has continued throughout. So far as the 4 chief police officers are concerned, they, like other police officers, are not employees. Unlike other officers, the chief officers are appointed by the Authority itself, which is the body agreeing their terms. That is why the draft amalgamation order must also deal effectively with their transfer and/or severance terms. As a result, the Chief Police Officers Staff Association (CPOSA) met with government and the APA at the Police Negotiating Board (PNB) Chief Officer's Committee on **16<sup>th</sup> June 2006**, to produce an package for agreement now out for consultation with the CPOSA membership.

According to guidance, the role of the new Strategic Police Authority will be to focus on the *"...critical strategic issues, namely, setting the overarching priorities for the force; appointing the Chief Officer (and other ACPO Ranks) and holding him/her to account..."* This needs agreement on priorities; on a preferred approach (vision/values/culture); and a set of goals for the authority to inform the role and specification it sets when appointing a new Chief Constable. One of the reasons for volunteering for merger was to gain the opportunity of giving an early lead to the new force by appointing its new ACPO team in the earliest possible timescale. However, a Home Office timetable which envisaged appointment in mid-July of a Chief Constable for the combined force was obviously unachievable and the Amalgamation Order must be laid before Parliament by the end of **July 2006** if the successful appointment of a new Chief Constable - in time to make the crucial decisions needed for a **1<sup>st</sup> April 2007** start date - is to be achieved.

### **(6) "Timetabling (establishing certain timing and a smooth change-process)"**

The programme of work needed to establish a combined Strategic Police Authority for the two areas under a scheduled Work-Plan, in conjunction with the two Constabularies' own Workstreams, and under the oversight of a Joint Programme Board, is proceeding well. Whilst basic amalgamation can probably be achieved by **1<sup>st</sup> April 2007**, the Constabularies have said that it will take up to **2011** to complete the full task.

Members must keep focus on the Constabulary's original Business Case of **28<sup>th</sup> November 2005**; presented to the Home Secretary on **23<sup>rd</sup> December 2005** and approved by him as basis for this restructuring. Legally, it means that any restructured police force, anywhere in the country, departing from their outline Business Case in the arrangements actually adopted for dealing with Level 2 crime is potentially adrift from the legal requirements of *'efficiency and effectiveness'* leading the Home Secretary and police authorities to agree amalgamation in the first place. Members must be satisfied that new arrangements for which they are volunteering are likely to deliver the *'step-change'* improvement in protective services which is whole basis for restructuring. Expert professional policing advice from the Chief Constable and HMIC provides your main assurances (as on **26<sup>th</sup> April 2006**), subject to necessary savings being achieved.

On **25<sup>th</sup> July 2006**, Parliament rises. Whilst, until the 19<sup>th</sup> June 2006, this event had been important for the *'Wave One'* authorities (because their orders would be *'affirmative'*) in order to ensure sufficient Parliamentary time was available in which to debate and agree their orders, this is not necessary in the case of the CPA/LPA order,

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because it is 'negative' in nature. This means all its procedures can occur during the Parliamentary Recess, which means there is still enough time to effect the merger. If Cumbria Police Authority were to meet on or before **28<sup>th</sup> July 2006**, at the very latest, government officials can present it to the Minister for signature and lay it before the House on **31st July 2006**. On that timetable, the Home Office therefore agree that **1<sup>st</sup> September 2006** is the best start date for the new combined authority and that will therefore be specified in a new draft (13<sup>th</sup> version, but NB not final) of the Amalgamation Order likely to be received from government lawyers early this week.

This date would probably still leave enough time to set up the new authority and to appoint a new Chief Constable in time for **1<sup>st</sup> April 2007**, although any further delay would clearly take us beyond that being practically achievable and require its deferment until **1<sup>st</sup> April 2008**, along with the other "Wave One" authorities. Subject to contrary advice, your officers are therefore now working towards a **1st September 2006** start date for the new, 'shadow', combined police authority.

**Recommended that:**

Members note this report; approve the courses of action identified; and agree the required date for a special meeting of the Authority in July.

**Clive Alcock**  
**Clerk & Chief Executive**

**25th June 2006**

**Background Documents**

Home Office statements, correspondence, and representations of stakeholders

**Race and Diversity Implications:**

As specifically-identified nationally in the Home Office impact assessment.

**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 is promulgated on that primary basis.

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