

<b>Meeting:</b>	<b>General scrutiny committee</b>
<b>Meeting date:</b>	<b>Monday 21 August 2017</b>
<b>Title of report:</b>	<b>WEST MERCIA POLICE AND CRIME COMMISSIONER CONSULTATION ON FIRE GOVERNANCE</b>
<b>Report by:</b>	<b>Statutory scrutiny officer</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose and summary**

To seek the committee's views on recommendations to Cabinet in response to the Police and Crime Commissioner's (PCC) consultation on fire governance.

## **Recommendation(s)**

**That: the committee considers what recommendations it would wish to make to cabinet.**

## **Alternative options**

1. The committee can support the PCC proposal, reject it or make other suggestions.

## Key considerations

2. The PCC for West Mercia is currently responsible for securing the maintenance of an efficient and effective police force, and holding the Chief Constable to account for the exercise of his functions. Police and Crime Commissioners replaced Police Authorities. The PCC is consulting on proposals to assume the role of the two fire authorities in the West Mercia area: Hereford and Worcester fire authority and Shropshire and Wrekin fire and rescue authority. He considers that this will significantly improve local police and fire services whilst saving the taxpayer £4m per year. A copy of the consultation paper, which includes a consultation question and answer section is attached at appendix 1.
3. The consultation ends on 11 September 2017. This committee agreed at its meeting on 11 July to accept the Leader's request to submit comment to the executive on the response to the consultation on West Mercia Fire and Rescue Governance. The committee is invited to make recommendations for consideration by cabinet on 14 September. It is understood that the PCC will accept a response made following that meeting.
4. Provisions in the Policing and Crime Act 2017 enable PCCs to take on responsibility for the governance of local fire and rescue services where a local case is made. Minister for Policing and the Fire Service Brandon Lewis has awarded £1 million from the Police Transformation Fund to 9 police and crime commissioners (PCCs) for their work in developing proposals to take on the additional responsibility for the governance of fire and rescue in their area. The proposals are expected to bring about a fundamental shift to the way police and fire services work together, including sharing estates or back office functions. It follows a police-led process which saw funding recommendations made by the Police Reform and Transformation Board. The PCCs who will receive funds are Sussex, West Mercia, Essex, Cambridgeshire, Northamptonshire, Hertfordshire, Gloucestershire, Staffordshire and North Yorkshire.
5. The Act also places a statutory duty on the police, fire and rescue and emergency ambulance services to keep collaboration opportunities under review and to collaborate where it is agreed that this would be in the interests of their efficiency and effectiveness.
6. The Act sets out two options for how the change in governance can be achieved:
  - (a) The "governance" model – where the Fire and Rescue and Police services remain as distinct organisations, with a Chief Fire Officer and a Chief Constable continuing to have operational responsibility for their services. The existing Fire and Rescue Authorities would be abolished.
  - (b) The "single employer model" – where the Police and Crime Commissioner is allowed to delegate fire and rescue functions to a Chief Constable or "Chief Officer" who would employ both police and fire personnel.
7. In order to make a proposal, a PCC must prepare a business case for submission to the Secretary of State. The PCC must consult each relevant local authority about the proposal, people in the West Mercia area and personnel affected locally by the proposals.
8. If a relevant local authority does not support the PCC's proposal, the business case may still be submitted to the Secretary of State but the Secretary of State must then arrange for an independent review of the proposals.

9. The PCC is proposing the “governance model”. The executive summary of the initial business case identifies the following benefits of this model:
- Gains in Efficiency arising from joint governance will enable the three organisations to deliver and sustain their services at a lower Economic cost than is currently the case;
  - Effectiveness and Resilience in ensuring Public Safety by all three organisations can be most readily enhanced across these three rural counties through shared governance and maximizing joint working and collaboration;
  - Maintenance and promotion of established brand identities within the context of a Fire and Rescue Service (FRS) alliance;
  - Greater synergies delivered through simpler, aligned decision making;
  - Gains in efficiency of processes and structures across the three organisations can be realised through a substantial increase in both the volume and nature of collaborative working, particularly in the areas of Prevention, Public Safety and Community Resilience. This can be further supported by consolidation of back office and enabling services provision. In each case a strong focus on enhancing value for money and rapid delivery of benefits will be important;
  - Greater and accelerated collaboration;
  - Geographically distributed, integrated and tailored shared services;
  - New technology will offer potential for extending collaboration and many of the initiatives already in course of delivery will create potential for Police and Fire to function more flexibly and cohesively;
  - Initial financial implications are potential savings in a full year of £4m. Implementation costs will be driven by the delivery strategy adopted by the PCC and the Chief Officers;
  - Actions and decisions of the Police and Fire Crime Commissioner would be subject to public scrutiny by the local authorities’ combined Police and Crime Panel.
10. Explanatory notes to the Act state that the government will only enable police and fire functions to be brought together under a PCC "where there is a strong local case to do so". The Secretary of State can only make an order creating a PCC-style Fire and Rescue Authority (FRA) if it appears to them that the PCC’s proposal would be in the interests of either a) economy, efficiency and effectiveness, or b) public safety. This process follows the existing legislative provisions for the merger of FRAs. The same tests of efficiency, effectiveness and economy or public safety apply to a PCC’s business case for the single employer model as apply to a business case for the governance model.
11. The two fire authorities have commissioned an independent report: Analysis of West Mercia PCC initial business case. This is attached at appendix 2. Amongst other things this refers to the “representation model”. The explanatory note to the 2017 Act states that the provisions of section 7 of the 2017 Act "provides for PCCs to be represented on fire and rescue authorities. Under these provisions a PCC may request to be represented on a committee, joint committee or sub-committee that is exercising (whether wholly or partly) functions of a non-metropolitan FRA. The appointing authority or committee must then consider the request and give their reasons for agreeing or refusing the request. In the interest of transparency, the authority or committee must also publish those reasons in such manner as they think appropriate. Where a PCC’s request is agreed, the

appointing authority or committee will make arrangements for the PCC's appointment to committees to attend, speak at and vote at meetings to ensure that the PCC's participation is meaningful."

- 12 Currently the West Mercia PCC sits on both FRAs as a participating but non-voting member.

## **Community impact**

- 13 The PCC claims that gains in efficiency arising from joint governance will enable the three organisations to deliver and sustain their services at a lower economic cost than is currently the case with potential savings in a full year of £4m. He also states that the change in governance will not directly impact frontline services and will help protect frontline officers.
14. It has been questioned whether the risks in making the proposed change including service disruption have been fully assessed and whether the financial assumptions are sound, noting that a full business case is to be produced following the consultation.

## **Equality duty**

15. Note: Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

## **Resource implications**

17. This report has no financial impact on the council's budget, however the implementation of the actions referred to in the report, if progressed, could have impact in future years.

## **Legal implications**

18. The Fire and Rescue Services Act 2004 as amended by the Policing and Crime Act 2017 requires the police and crime commissioner ("PCC") to consult each relevant local authority about any proposal for the PCC be fire and rescue authority.

19. In accordance with s9D of the Local Government Act 2000, any function of the local authority which is not specified otherwise in legislation, is to be the responsibility of the executive. Neither of the two acts referred to above specify that the consultee is not the executive and therefore the response to the consultation is a decision of cabinet.20.
20. It might assist the committee in considering their response that an order may be made only if it appears to the Secretary of State that—
  - (a) it is in the interests of economy, efficiency and effectiveness for the order to be made, or
  - (b) it is in the interests of public safety for the order to be made.
21. The Secretary of State may not make an order as proposed if they think that the order would have an adverse effect on public safety.

## **Risk management**

22. The purpose of the meeting is in part to explore and seek clarification on the risks associated with the proposal. Identified risks include:
  - The consultation is being undertaken on the basis of an initial business case.
  - There is no detailed implementation plan.
  - It is questioned whether the risks in making the proposed change including service disruption have been fully assessed.

## **Consultees**

23. The council is itself a consultee in this case as one of the constituent authorities. The Police and Crime Commissioner and the Chairmen of Hereford and Worcester fire authority and Shropshire and Wrekin fire and authority.

## **Appendices**

Appendix 1 – West Mercia Fire and Rescue Governance – consultation pack

Appendix 2 – Analysis of West Mercia PCC initial business case by ameo/alendi consulting

## **Background papers**

- None