

Decision maker:	Cabinet Member Corporate Strategy and Budget
Decision date:	11 September, 2017
Title of report:	Proposed response from Herefordshire Council to the Police and Crime Commissioner's proposals for fire governance in the West Mercia area.
Report by:	Cabinet member corporate strategy and budget

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

The West Mercia Police and Crime Commissioner (PCC) has put forward proposals and an initial business case to alter fire governance arrangements in the West Mercia area. At the request of the executive, Herefordshire Council's General Scrutiny Committee (GSC) was asked to review the PCCs proposals and initial business case. On 21 August, the GSC met at a specially convened meeting with the PCC and the Fire and Rescue Authorities (FRA) present. After taking evidence from the PCC and FRAs the GSC highlights a number of concerns with the PCC's fire governance proposals. These are submitted to the executive for consideration.

Recommendation(s)

That:

- (a) the PCC be advised that Herefordshire Council does not support the PCCs proposals and is particularly concerned that the detailed business case has not been provided the council as a statutory consultee; and**
- (b) the draft response (at appendix 1) to the questions within the consultation be approved; and**
- (c) discussions be held between the relevant upper tier council leaders with a view to identifying alternative options for local collaboration for further consideration.**

Alternative options

1. **Do nothing:** This is not recommended. The PCCs proposals have wide reaching implications; proposals include abolition of the Hereford and Worcester and Shropshire and Wrekin Fire Authorities. The Fire and Rescue Services would remain as separate entities each under their own Chief Officer, subject to the overall governance of the PCC. The PCC has not yet made a detailed business case available for review or consultation. Without seeing the detailed business case, Herefordshire Council cannot confidently commit to the proposals set out by the PCC, given the limited evidence presented.
2. **Do something different:** The GSC draws the executive's attention to the current working arrangements of Sussex's PCC. Sussex PCC has decided to maintain current governance structures without seeking to make changes to fire authority governance arrangements. This approach was proposed by an independent review making provision for review periods of current working arrangements. The proposed consultation response in Appendix 1 makes this recommendation to the PCC.

Key considerations

3. Ahead of the Policing and Crime Act 2017 legislation being introduced in the House of Commons, the Government held a public consultation which sought views on proposals to enable greater collaboration between the emergency services. The Government's submission emphasised that any changes in fire authority governance should only take place where there is local agreement, a strong business case and evidence that it would lead to a better service.
4. The Act makes provision for a PCC to assume responsibility for the fire and rescue service in their area where a local case is made (the 'governance' model), as well as to take the additional step to create a single employer for the police and fire (the 'single employer' model). Another provision is for a PCC to be represented on fire and rescue authorities (the 'representation' model).
5. The Home Secretary has the power to make an order making the PCC the FRA for the area covered by the order (a 'PCC-style FRA'). This ensures the Secretary of State can only make an order creating a PCC-style FRA if they are satisfied that the PCC's proposal would be in the interests of either:
 - economy, efficiency and effectiveness or,
 - public safety.
6. The West Mercia PCC has put forward proposals and an initial business case to alter fire governance arrangements in the West Mercia area. In brief, the PCCs proposals may be summarised as follows:
 - Maximise the potential benefits of integration between police and fire and rescue services to improve the effectiveness, efficiency and resilience of services;
 - Ensure services are financially sustainable over the short, medium and long term;
 - Establish a formal alliance between Shropshire & Wrekin and Hereford & Worcester Fire and Rescue Services, to retain local identities and services whilst realising the potential benefits of scale and service resilience;
 - Improve relevant sharing of data between police and fire and rescue services;
 - Ensure a collaborative approach to training between our police and fire and rescue services, integrating training wherever appropriate;
 - Integrate resources between police and fire and rescue services to provide better services in rural areas;
 - Ensure front line officers are supported by a world class back-office function;

- Ensure a geographic spread of skills and resources;
 - Implement new technology offering potential for extending collaboration and many of the initiatives already in course of delivery which will create the 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; and
 - 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.
7. At the request of the executive, Herefordshire Council's GSC was asked to assess the PCCs proposals and initial business case with a view to influencing and shaping a response to the current consultation. Herefordshire Council is a statutory consultee in relation to the PCCs proposed governance changes. On 21 August, the GSC met to discuss these proposals. In addition to the PCC consultation pack the GSC also had access to an independent report commissioned by the two fire authorities: Analysis of West Mercia PCC initial business case.
 8. Key witnesses included the West Mercia PCC, John Champion and chief executive officer, Andy Champness; the Chairman of Hereford and Worcester Fire Authority, Cllr Roger Phillips and the Chairman of Shropshire and Wrekin Fire Authority, Cllr Eric Carter.
 9. A proposed consultation response, as requested by the executive, based upon the evidence gathered at their meeting of 21 August is set out in Appendix A.

Community impact

10. 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.
11. 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 only to be produced following the consultation. Therefore, the proposed response reflects Herefordshire council's commitment to work with public sector partners to deliver services to the community in the most efficient and effective way whilst maintaining democratic accountability.

Equality duty

12. 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.
13. 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

14. This report has no financial impact on the council's budget.

Legal implications

15. 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 to be a fire and rescue authority.
16. 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 an executive decision which the leader can take.
17. In considering the response it may be helpful to know that the secretary of state may make the order 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.
18. 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

19.

Risk / opportunity	Mitigation
Failing to respond to the PCCs initial business case and consultation could be interpreted as Herefordshire Council's support for the PCCs governance reforms.	The executive review the response points in the proposed consultation as set out by the GSC and agree how they wish to respond.
The executive sees opportunity in supporting the PCCs proposals.	The executive rejects the proposed consultation response as set out by the GSC and responds, expressing the council's support for the PCCs proposals.

Consultees

20. 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 authority have also been consulted via a specially convened GSC meeting (21 August).

Appendices

Appendix 1: Draft response from Herefordshire Council to the Police and Crime Commissioner's consultation on fire governance in the West Mercia area

Background papers

- None identified