

**Resources and Fire & Rescue Overview and Scrutiny Committee**

**18 May 2016**

**Transfer of Fire and Rescue Policy and Governance**

**Recommendation**

It is recommended that the Resources and Fire & Rescue Overview and Scrutiny Committee note the contents of this report.

**1.0 Background**

1.1 At its meeting on 21st January 2016, Resources and Fire & Rescue Overview and Scrutiny Committee requested further information regarding (1) the move of Fire and Rescue Service to the Home Office and (2) the proposals for Fire and Rescue to come under the strategic control of the Police and Crime Commissioner.

**2.0 The move of Fire and Rescue Service to the Home Office**

2.1 Prior to the 5th January 2016 the Fire and Rescue Service came under the control of the Department for Communities and Local Government.

2.2 On the 5th January 2016 National Fire Policy moved to the Home Office.

2.3 Immediately the new Fire Minister, Mike Penning MP, and the Home Secretary became active and highly visible in national fire policy areas.

2.4 On the 26th January 2016 the Government responded to the 2015 consultation on “Enabling Closer Collaboration between the Emergency Services” (further discussed in the next section).

2.5 The first reading of the Policing and Crime Bill took place on the 10th February 2016. This Bill includes the proposed duty for emergency services to collaborate, and, additionally, provides the legislative basis for Police and Crime Commissioners to take over the running of Fire and Rescue Services if a local case is made, or for a PCC to join a Fire Authority.

2.6 On the 26th April 2016 MPs considered the Bill at Report Stage, Legislative Grand Committee and Third Reading.

2.7 On the 17th February 2016, the Public Accounts Committee reported on the *Financial Sustainability of Fire and Rescue Services* following on from a similar report by the National Audit Office.

2.8 A number of positive discussions have taken place between the Home Office and the Chief Fire Officers' Association about future national functions and structures. Particularly around comparisons with the revised national Police functions such as:

- Inspection arrangements
- Procurement
- Staffing practices
- ICT

2.9 At a recent Local Government Association conference, the Fire Minister gave his view on the following:

- The need for more collaboration between Fire and Rescue Service and the Ambulance Service.
- There should be measurable outcomes when the Fire and Rescue Service delivers on behalf of health and social care.
- The Government would consider a duty on flooding.
- PCCs are well placed to provide the more joined up and accountable leadership that would encourage more collaboration.
- The decision on whether a PCC should take control of the Fire and Rescue Service will be part of a negotiation package in which PCCs will need to make a local case and canvass the views of local people including fire authorities. Only if an agreement cannot be made would the Home Secretary review it and seek an independent view.
- The legislation will retain separate funding streams for fire and the police.
- The Home Office will be re-evaluating the current Fire and Rescue peer review process and consider implementing an alternative inspection process.

2.10 At the moment any significant impact following the move to the Home Office is not yet visible; however the increased level of Government interest and an increasing amount of dialogue behind the scenes would indicate that something is likely to happen in the near future. With such significant change being discussed the publication of a formal "Fire Reform Programme" now appears highly likely; however at this time details of the reform programme are not yet available.

### 3.0 What are the proposals for Fire and Rescue to come under the strategic control of the Police and Crime Commissioner?

3.1 In 2015 the Government's manifesto commitment was clear that they will "enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners" and on 11th September 2015 the Prime Minister announced a joint public consultation on a range of proposals about how to achieve these aims.

3.2 The Government published a consultation paper seeking views on a range of proposals to increase joint working between the emergency services. The consultation ran for six weeks, ending on 23rd October 2015.

3.3 There are three models for the possible future involvement of PCCs set out in the Policing and Crime Bill:

- The **Governance** Model which enable Police and Crime Commissioners (PCCs) to take on the functions of fire and rescue authorities (FRAs) and to whom the Chief Constable and the Chief Fire Officer are directly accountable.
- The **Single Employer** Model where a PCC takes on the responsibilities of their local FRA but then appoints a Chief Officer who becomes the employer of both police and fire personnel.
- The **Representational** Model, in areas where a PCC has not become responsible for fire and rescue services, enabling the PCC to have representation on their local FRA with voting rights, provided the local FRA agrees.

Before an Order can be made creating either the 'Governance' or 'Single Employer' Models (see Appendix 1) the following requirements must be met:

- The PCC must have consulted each relevant local authority and sought the views of local people.
- The PCC must have submitted a proposal to the Secretary of State.
- The Secretary of State must be satisfied that it is in the interests of economy, efficiency and effectiveness or public safety for the order to be made.

An order can only be made if the boundaries of the PCC's area align with the FRA area (or areas). Local areas would have to decide how boundaries should be changed before the PCC could take responsibility for fire and rescue services. Both types of order would be subject to negative resolution procedure in Parliament.

- 3.4 The Government has clearly set out its views on the potential for Police and Crime Commissioners to take over the running of Fire and Rescue Services and the Policing and Crime Bill provides the legislative basis for how this could be achieved. Whilst this is heavily caveated with phrases such as “where a local case is made”, the draft legislation envisages that the power to trigger discussions will lie with the PCC and the Home Secretary rather than with the Fire Authority.
- 3.5 Across the country there are mixed emerging positions, with some clear moves being developed by some to see the responsibility for Fire and Rescue to pass to the PCC and in others strong cases for continuation of the present arrangements.
- 3.6 As the emerging national policy direction for fire and rescue continues to develop, Warwickshire Fire and Rescue Service continues to pursue collaboration opportunities with Blue Light Partners including both Fire/Fire and Fire/Police options. The Service already works closely with the Police in areas such as Arson Reduction and will look for any future opportunities that would clearly support the national government agenda and enhance a number of working arrangements.

**Background Papers:** None

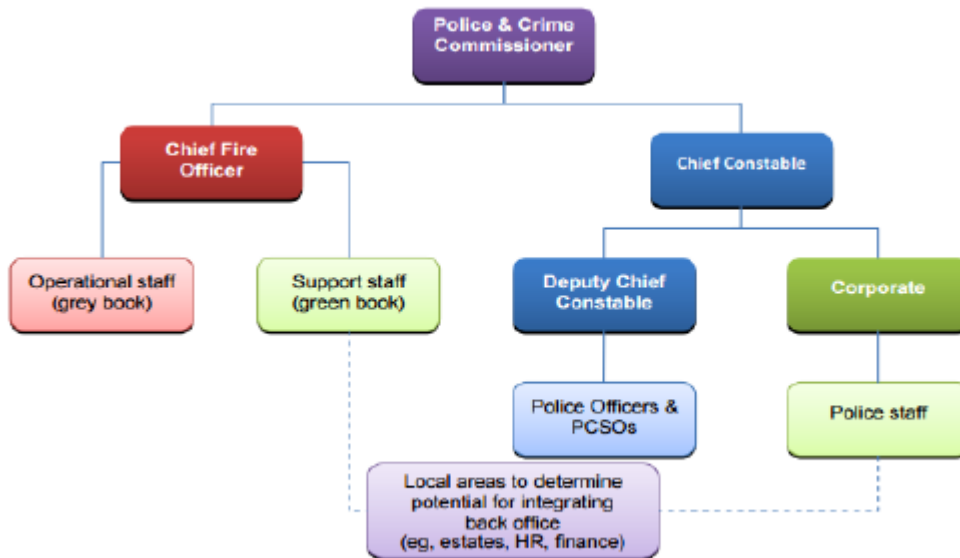
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This report was circulated to the following members prior to publication

**Other Members:** Councillor John Horner, Councillor Neil Dirveiks, Councillor Peter Fowler, Councillor Nicola Davies, Councillor Matt Western, Councillor Kam Kaur, Councillor John Appleton

**Local Members:** None

**Governance Model**



**Single Employer Model**

The chief officer would be appointed by and be accountable to the PCC for both fire and policing. Both senior police officers and senior fire officers would be eligible for applying for the post, so the requirement to have held the position of constable will be removed for senior fire officer applicants.

