

27 January 2017

## **Policing and Crime Bill**

### **Purpose**

For discussion and direction.

### **Summary**

The Policing and Crime Bill has nearly completed its passage through Parliament. A number of amendments to the fire and rescue related provisions were made to the Bill by the government towards the end of the Bill's time in the House of Lords. Dan Greaves, the Director of Fire and Resilience at the Home Office will be attending the Committee to update members on the changes made to the Bill and the Home Office's plans for enacting the provisions in the Bill.

### **Recommendations**

Fire Services Management Committee members are asked to:

1. Note the latest amendments to the Policing and Crime Bill;
2. Discuss with the Director of Fire and Resilience the Home Office's plans for implementation of the legislation once it receives Royal Assent; and
3. Identify any areas where they believe the Home Office and the LGA should focus on to support fire and rescue authorities implement the legislation.

### **Action**

Officers to action as appropriate.

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## **Policing and Crime Bill**

### **Background**

1. The Policing and Crime Bill completed its passage through the House of Lords on 19 December, having already passed through the House of Commons in June. During the Committee and Report Stages of the Bill in the Lords the government made a number of amendments to the provisions related to fire and rescue authorities.
2. Dan Greaves, Director of Fire and Resilience at the Home Office, will be attending Fire Services Management Committee to update members on the amendments made to the Bill by the government and the Home Office's plans for implementation of the legislation.

### **Amendments to the Bill**

3. The amendments to the Bill from the government covered collaboration agreements, the arrangements related to a transfer of governance of the fire and rescue service to police and crime commissioners (PCCs), and joint fire and police and crime plans.
4. As a result of the amendment to the provisions in the Bill around collaboration agreements local partners now have the flexibility to vary a collaboration agreement where they all agree or alternatively replace it with a new collaboration agreement.
5. A number of changes were also made by the government to the clauses in the Bill relating to the transfer of governance of the fire and rescue service to a PCC. Some of these reflect amendments tabled by the LGA during the passage of the Bill through the Commons and the Lords, in particular at the Committee Stage in both Houses.
6. The original wording of the Bill required a PCC to make arrangements to seek the views of local residents about the proposed transfer of governance. Following discussion of the Bill at FSMC in March 2016 the LGA sought to strengthen this provision by requiring the PCC to comprehensively consult with local residents to ensure that local views were actively sought by the PCC. The government's amendments mean that before submitting proposals for a transfer of governance PCCs will now have to consult both local residents and any employees who would be affected by the transfer as well as the relevant local authorities.
7. An additional requirement of the government's amendments is that a summary of the views of the employees consulted will now have to be published by the PCC, and PCCs will also have to publish a response to the representations and views they have received on their proposals to transfer governance. The transparency around the independent assessment of the PCC's business case for the transfer of governance has also been increased as the Secretary of State will now have to publish the independent assessment as soon as reasonably practicable after making a decision based on the business case.

8. The grounds on which a transfer of governance occur have been amended by the government so a transfer cannot take place if it would adversely affect public safety. Other amendments provide for greater flexibility in the arrangements between the chief constable and the fire and rescue service when the PCC takes on governance of the fire and rescue service, and also around producing a joint fire and police and crime plan.
9. The final stage for the Bill is the consideration of amendments made in the Lords by the House of Commons, and Royal Assent for the Bill is expected imminently. After that the focus for the Home Office will shift to implementation. A timetable for implementation of the provisions in the legislation is not yet available, though we know from discussions with partners that 1 April 2017 features in a number of dates being talked about in relation to changes in the Bill.

### **Transfers of governance and PCC's Business case**

10. There are a number of PCCs who have already expressed an interest in taking on governance of the fire and rescue service in their areas. We understand that nine PCCs (including Cambridgeshire, Essex, Hertfordshire, Staffordshire and Sussex) are actively developing proposals to take on governance of the fire and rescue service, though not all these have support from the fire and rescue authority (FRA).
11. In some of these areas work is already considerably advanced in preparing the business case for the transfer of governance, but the PCC is unable to start consulting the public, fire service employees, police officers and staff, and relevant local authorities until the Bill has Royal Assent. From an accounting perspective it would be easiest to transfer governance from the start of the financial year, which will leave a tight timetable for those PCCs working with their FRAs to be in a position to take on governance of the fire and rescue service from 1 April if the Home Office's plans for implementation allow that.  
**Members may therefore wish to ask the Director of Fire and Resilience if he can outline when the measures affecting the fire and rescue service in the Bill will come into effect.**
12. Where a relevant local authority objects to the transfer of governance to the PCC, there will have to be an independent assessment of the PCC's business case. As has been previously reported to the Committee the LGA submitted amendments to the Policing and Crime Bill to ensure that the assessment process is genuinely independent. This resulted in discussions with the Home Office of the best method of securing independent scrutiny of any business case submitted by a PCC, and a letter from the four Lead Members of the Committee to the Fire Minister set out a suggestion for a panel of experts to review the business case against the key criteria of efficiency, effectiveness, economy and public safety.
13. There have been subsequent discussions at an official level with the Home Office, with Home Office officials initially feeling that a fixed panel approach was too inflexible. However this position has shifted and the latest model under consideration would see a panel of four members bringing together expertise in local government, policing, fire and finance, which could be drawn together from a pool, with the flexibility to bring in expertise on particular issues where that is needed. If agreed by ministers any

independent business case would be assessed through this process. **Members may want to seek clarification from the Director of Fire and Resilience about when a decision will be made on the process to be adopted in the independent assessment of PCCs' business cases.**

### **Fire Inspectorate**

14. The Bill includes provisions to allow the appointment of inspectors of fire and rescue authorities. At the last Committee meeting Her Majesty's Inspector of Constabulary, Zoe Billingham, set out the proposals for a fire inspectorate and inspection regime that Her Majesty's Inspectorate of Constabulary (HMIC) had submitted to the Home Office. Under the three options that HMIC had developed the piloting of the inspection regime would start in April 2017 and last until October 2017 when full inspections would start.
15. We had understood that the announcement on who had been appointed as the inspectorate would be made in January, and the Home Office had originally talked about consulting on the inspection framework, but it seems that decision on who will conduct the inspections has been put back until February. If the intention is still to pilot the inspection regime from April this will leave less time for discussions about the inspection framework before the pilots start. **Again members may wish to explore with the Director of Fire and Resilience what the next steps are in introducing the inspectorate and the key dates for doing that.**

### **London**

16. The Policing and Crime Bill will abolish the London Fire and Emergency Planning Authority and transfer its functions to the London Fire Commissioner. Like a chief constable the London Fire Commissioner will become a corporation sole and will therefore be the employer and own the assets of London Fire Brigade. The Commissioner will be appointed by the Mayor, who must hold the Commissioner to account and can issue them with directions.
17. Alongside the Commissioner the Mayor will be able to appoint a Deputy Mayor for Fire to take on any function of the Mayor relating to fire and rescue, and the London Assembly will have to appoint a fire and emergency committee to review the exercise of the Commissioner's functions, as well as investigate and prepare reports about the decisions and actions of the Deputy Mayor for Fire.
18. These changes will have implications for the membership of Fire Commission once introduced, and LGA officers will be working with London Fire Brigade to consider what changes will mean and when they will affect Fire Commission.

### **Implications for Wales**

19. The fire and rescue service is a devolved responsibility and though the provisions in the Bill about emergency services collaboration extend to Wales they will only apply in England.

### **Financial Implications**

20. There are no financial implications arising from this report.

### **Next steps**

21. Implementation of the provisions of the Policing and Crime Bill will have implications for all fire and rescue authorities (FRAs). Usual government department practice once a Bill becomes law is to involve those organisations and bodies affected by the legislation in the implementation programme. Our expectation is that the Home Office will want to engage the sector in a similar way. It would undoubtedly assist the Home Office in planning this work if members were able to identify priority areas in terms of importance or timing that they should focus on as part of their implementation work. It would also be helpful in steering future LGA work if members could also identify areas where the LGA could assist FRAs in implementing the legislation.

22. Members are asked to:

- 22.1. Note the latest amendments to the Policing and Crime Bill;
- 22.2. Discuss with the Director of Fire and Resilience the Home Office's plans for implementation of the legislation once it receives Royal Assent; and
- 22.3. Identify any areas where they believe the Home Office and the LGA should focus on to support fire and rescue authorities implement the legislation.