

## **The Policing and Crime Bill and Fire Reform**

### **Purpose**

For discussion and direction.

### **Summary**

Since the last Committee meeting the Policing and Crime Bill has completed its passage through the House of Commons, and the Home Secretary has set out the government's proposals for fire reform, several of which are already in train. These cover increased accountability and the role of Police and Crime Commissioners, workforce reform and collaboration and efficiency. This paper provides an update on the LGA's lobbying around the Bill and sets out proposed steps by the LGA to respond to the issues identified in the Home Secretary's speech.

### **Recommendations**

The Committee are asked to:

- (1) Note the LGA's lobbying around the Policing and Crime Bill to date;
- (2) Note the programme of fire reform set out in the Home Secretary's speech on 24 May; and
- (3) Agree the steps set out in paragraph 21.

### **Action**

Officers to note members' comments and decisions and action accordingly.

**Contact Officer:** Charles Loft  
**Position:** Senior Adviser  
**Telephone No:** 020 7665 3874  
**Email:** charles.loft@local.gov.uk

## **The Policing and Crime Bill and Fire Reform**

### **Background**

1. At the Committee meeting in March, members discussed the Policing and Crime Bill and agreed a lobbying strategy for the LGA in relation to the Bill, and also agreed that the LGA should engage with a group established by the Association of Police and Crime Commissioners (APACE) to develop a model business case for Police and Crime Commissioners (PCCs).
2. During the discussion at the last Committee meeting members identified three areas where the LGA should seek to amend the Bill. Members wished to ensure that:
  - 2.1. any transfer of governance to a PCC would be a matter of local determination;
  - 2.2. the cost of preparing the business case for the transfer of governance to a PCC should be met by the PCC; and
  - 2.3. any independent assessment of a PCC's business case where this did not have full local support should be genuinely independent of government.
3. Officers then prepared a number of amendments to reflect members' views.

### **LGA activity around the Policing and Crime Bill**

4. The first opportunity to brief MPs about the Committee's concerns came with the Second Reading of the Bill. Following on from this the LGA arranged for amendments to the Bill to be tabled during Committee stage in March. These amendments reflected the priorities identified by FSMC and were discussed in detail by the Bill Committee. Ministers were not willing to accept the changes the LGA was seeking to make to the Bill.
5. However the LGA's lobbying has prompted a response from the Home Office. Following the Fire Commission meeting in May, the Interim Director of Fire and Resilience, Dan Greaves, has written to Cllr Hilton as the chair of the Committee on a number of issues related to the Bill and the government's fire reform agenda. One issue the Interim Director identified where it was felt it would be helpful to have further discussions between the Committee and the Home Office is around the independent assessment of a PCC's business case. The Interim Director would like to meet a group of members to discuss how the independent assessment process can be made sufficiently robust, as well as a number of other issues.
6. The Bill has now completed its passage through the House of Commons, and has been transferred to the House of Lords. Second Reading of the Bill in the Lords will take place on 5 July. A briefing will be circulated to peers ahead of the debate, and the LGA is already making contact with interested members of the Lords to discuss laying amendments along the same lines as those the LGA arranged to be tabled as the Bill was going through the Commons.

7. As part of the process of preparing for the changes made by the Bill, the Fire Minister Mike Penning MP wrote to the LGA on 7 June asking for our views on the proposal to change the name for PCCs that take on responsibility for fire and rescue to 'Police, Fire and Crime Commissioner' and to rename corresponding police and crime panel, the 'Police, Fire and Crime Panel'. This letter has been circulated to members for comment.

#### **PCC's business case**

8. As well as lobbying around the Bill, the LGA has also been involved in the group the APACE formed to develop a model business case. As members will recall the group has involved officers from PCCs' offices, the police and also from the fire and rescue service. During the development of the guidance on producing a business case the LGA has stressed the need for it to be comprehensive, evidence based and to fully explore the impact of the proposals. The work on the draft guidance case has been more extensive than APACE originally intended, and so a draft for stakeholders to comment on has only recently been produced. A copy of this guidance has been circulated to members for comment so that the Committee's views can be fed back to APACE.

#### **Fire Reform**

9. In addition to the proposals in the Bill, the Home Secretary set out the government's wider ambitions for reform of the fire and rescue service in a speech on 24 May. The Home Secretary praised the achievements of the fire service in recent years, especially around prevention, but went on to argue that further reform was necessary in order to promote efficiency and effectiveness.
10. The speech highlighted the three areas the reform agenda would concentrate on: transparency and accountability; workforce; and efficiency and collaboration. Further detail was provided by the Interim Director of Fire and Resilience at the Fire Commission meeting the following day. The full text of the speech is available here: <http://www.reform.uk/publication/what-next-for-fire-reform/>.

#### *Accountability and transparency*

11. At the heart of the Home Office's proposals around accountability are giving PCCs a greater role in fire governance. The Home Secretary's speech confirmed that the Government will proceed as anticipated with the proposals in the Policing and Crime Bill to allow Police and Crime Commissioners to take responsibility on responsibility from Fire and Rescue Authorities (FRAs) for governance of the fire and rescue service, but she did provide some important clarifications:
  - 11.1. Funding streams for police and fire will not be merged and PCCs will raise a separate fire precept;
  - 11.2. PCCs will not be forced to take on fire responsibilities but they all (and by implication all FRAs) should consider it;
  - 11.3. Where metro mayors are in place or under discussion, both fire and police should be part of the discussion over devolution of powers; and

- 11.4. Where a PCC wants to take on responsibility for fire governance without the agreement of the FRA, the business case will be subject to independent scrutiny.
12. As part of the package of reforms the Home Secretary also went on to set out how the transparency of the fire and rescue service would be strengthened. At the heart of the proposals is a plan to reintroduce an inspection regime to help FRAs and PCCs hold the service to account. Amendments were tabled by Ministers at the Report Stage of the Policing and Crime Bill to expand on the inspection provisions in the Fire and Rescue Services Act 2004. These amendments allow for the appointment of a chief inspector of the fire and rescue service, the appointment of inspectors and assistant inspectors, and give these inspectors powers to enter premises and access information in carrying out their role. These provisions will have an impact on the Fire Peer Challenge developed by the LGA and the Chief Fire Officers Association, and this is another area that the Interim Director of Fire and Resilience has indicated he would like to discuss further with members. The implications of the changes on Fire Peer Challenge are explored in a separate paper on the Committee's agenda.
13. To support greater transparency the Home Secretary announced the Home Office will also be publishing performance information on the fire and rescue service, which will then be made available for the public so they can compare individual services. The information to be published will cover for example information on value for money and diversity. The Home Office is currently developing proposals on how to achieve this and will be conducting a survey to seek views. Details of the survey and how to respond will be circulated to the LGA shortly and we will then send that out to Committee and Fire Commission members. A response from the Committee to the survey will be drafted, which will be agreed by Lead Members.

#### *Workforce*

14. With around 80 per cent of fire service budgets spent on personnel, but the risks and demands on the service changing considerably over the last decade, the Home Secretary identified reforms to the workforce as a key area of work for the future.
15. Although the government is not yet ready to publish the Thomas review, it intends to do so as soon as possible. The Home Secretary said that FRAs should not wait for publication to reform the workforce. She wants to see:
- 15.1. greater flexibility in the deployment and use of resources with the new shift patterns some FRAs have already introduced being more widely adopted, and with increased use of retained firefighters in urban as well as rural areas;
  - 15.2. the recruitment of dedicated fire prevention staff to conduct prevention work in communities and businesses and free up firefighters for specialist tasks;
  - 15.3. an end to the rehiring of Chief Fire Officers immediately upon their retirement;
  - 15.4. an end to 'the culture of bullying and harassment we have seen in some fire and rescue authorities';
  - 15.5. a change to the overwhelmingly white male demographic of the front-line service ('96% white and 95% male'). The Home Office believes that the age profile of the

service means there will be an opportunity to recruit a more representative workforce in the next few years, and although it does not intend to set targets it will be challenging the sector's performance in this area.

16. The Home Secretary suggested that some might regard the National Joint Council (NJC) as a block to carrying out these reforms. She pointed out that the NJC is a local government body, not a government one, and challenged FRAs to deliver the reforms through it or withdraw from it.
17. Noting the appetite in the discussions at Fire Commission to deliver change in one aspect of the fire reform agenda by making the service more representative of the communities it serves, the Interim Director of Fire and Resilience wishes to discuss with members how the challenges in this area can best be tackled. These issues are discussed in more detail in the paper on the Twenty-First Century firefighter.

#### *Efficiency and collaboration*

18. After significant reductions in funding, and a 1.6 per cent reduction in spending power over the current Spending Review period, the Home Secretary argued that further savings could be made, principally through collaboration schemes with the other emergency services, and she highlighted a number of projects that had already transformed service delivery. The duty to collaborate in the Policing and Crime Bill is designed to ensure that collaboration between the emergency services becomes deeper.
19. The Home Office also wants Fire and Rescue Services to work together better, for example on research and development and procurement and to end small differences between services.
20. To encourage more joint procurement the Fire Minister has recently written to all FRA chairs requesting procurement information, and will use this to publish a table showing how much each authority has paid for 25 standard items of equipment.
21. To help FRAs make the savings they need to, the government is offering a four year funding settlement in exchange for robust improvement plans from authorities. The LGA is already providing assistance to councils in producing their improvement plans and discussions are being held on how the LGA could assist FRAs with producing their improvement plans.

#### **Next steps**

22. It is proposed that:
  - 22.1. the LGA continue to seek to amend the Policing and Crime Bill in the way set out in paragraph 2;
  - 22.2. the LGA continues to engage with APACE group working on the design of a model business case;
  - 22.3. the Committee nominate six members (2 Conservative, 2 Labour, 1 Liberal Democrat and 1 Independent) to engage with the Home Office around the issues set out in paragraphs 4, 11 and 16; and

22.4. the LGA explores with CFOA and fire finance officers how it could assist FRAs in producing improvement plans.

23. Members are asked to:

- 23.1. Note the LGA's lobbying around the Policing and Crime Bill to date;
- 23.2. Note the programme of fire reform set out in the Home Secretary's speech on 24 May; and
- 23.3. Agree the steps set out in paragraph 22.

**Financial Implications**

24. The work identified in the paper will be undertaken with existing resources.