

Police and Crime Commissioner Review

Purpose of report

For discussion.

Summary

The Minister for Building Safety & Communities, Lord Greenhalgh, will be attending the meeting to outline the Government's proposals following the conclusion of Part 1 of the Police and Crime Commissioner Review announced in July 2020. Following the Review, the Home Office have announced they will be consulting on proposals to strengthen the accountability of Fire and Rescue Services.

Is this report confidential? Yes No

Recommendation

Members are asked to discuss the conclusions from Part 1 of the Government's Police and Crime Commissioner Review.

Actions

The discussion at Fire Commission will be used to inform Fire Services Management Committee's consideration of next steps at their meeting in May.

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Police and Crime Commissioner Review

Background

1. The Government have now announced their findings from Part 1 of the Police and Crime Commissioner (PCC) Review. The review was initially announced in July 2020 when the Government said that they would be undertaking an internal review on the role of PCCs. The review was undertaken to fulfil the Government's manifesto commitment to "strengthen the accountability of elected Police and Crime Commissioners and expand their role".
2. The review is in two parts. Part 1 has looked at changes to the role which include strengthening accountability and resilience, identifying and sharing good practice and examining the relationship between PCCs and Chief Constables. The Government also set out that Part 1 of the review would enable them to set out their long-term ambitions on fire governance. Part 2 of the review will take place after the May PCC elections and will look at further ways to strengthen and expand the role of PCCs, focusing on longer-term reforms. The LGA fed into Part 1 of the review on behalf of the Fire Services Management Committee and the Safer and Stronger Communities Board.
3. On 16 March the Home Secretary announced the findings from Part 1 of the review. The full Written Ministerial Statement can be found on the Parliament website:
<https://questions-statements.parliament.uk/written-statements/detail/2021-03-16/hcws849>

Issues

4. There are a range of issues that Part 1 of the review touches on, including the role of PCCs, Police and Crime Panels and other organisations, fire governance, and mayoral devolution.

Police and Crime Commissioner proposals

5. The review concluded that further work was needed to explain the role of PCCs and be more transparent with the public on their record on crime to enhance their accountability. The government has announced:
 - 5.1. PCCs will be required to provide a narrative on their force's performance against Government's crime measures and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service's (HMICFRS) performance reports.
 - 5.2. They will change the voting system for PCCs to first past the post.
 - 5.3. The Home Office will undertake work in relation to the performance management of Chief Constables.
 - 5.4. The Home Office will consult on potential changes to the Policing Protocol Order 2011 to provide a "brighter-line" on the boundaries of operational independence and reflect the changes between the parties subject to the protocol (the Home

- Secretary, PCCs, Chief Constables and Police and Crime Panels) that have occurred since it was initially written.
- 5.5. That Section 38 of the Police Reform and Social Responsibility Act 2011 should be amended to make the Chief Constable dismissal process more rigorous and transparent.
 - 5.6. The recommendations from HMICFRS in their “Leading Lights” report on the senior recruitment process should be addressed.
 - 5.7. A good governance training package for Police and Crime Panels will be developed in partnership with the LGA.
 - 5.8. The role of the Independent Office of Police Complaints and their handling of complaints made about PCCs and their deputies will be looked at in Part 2 of the Review.
 - 5.9. The Association of Police and Crime Commissioners (APCC) should work with the College of Policing to build on the policing Knowledge Hub.
 - 5.10. The Home Office and APCC will develop non-statutory guidance on the core element of the PCC role and that the APCC should also develop an induction programme for PCCs.
 - 5.11. The Home Office will bring forward legislation to mandate each PCC to have a Deputy.
 - 5.12. The Home Office will consult on giving PCCs a General Power of Competence in Part 2 of the Review.

Fire Governance

6. In their announcements on fire governance, the Government outlined that they would be undertaking further work after the May elections, including launching a consultative White Paper on fire reform. The White Paper is expected to outline their proposals around reform in more detail. It is anticipated that the key areas of People, Professionalism and Governance will be at the centre of future work. We await further detail of what the White Paper will contain. The key announcements from the Home Secretary related to fire were:
 - 6.1. The Government will be consulting on whether to mandate the transfer of fire governance to Police, Fire and Crime Commissioners (PFCC). They have outlined that this would be where boundaries are coterminous, unless there is an option to transfer governance to a directly elected Mayor.
 - 6.2. There will also be consultation on how to address coterminosity issues, particularly within the South West.
 - 6.3. The Government will be legislating to create operational independence for Chief Fire Officer and to ensure that there is clear separation between strategic and operational planning for fire and rescue.
 - 6.4. There will also be consideration to options to clarify the legal entities within the PFCC model.

7. Mayoral devolution is also a part of the Government's announcement. The Government outlined that the review has confirmed their view that the joining up of "public safety functions under a combined authority mayor has the potential to offer wider levers to prevent crime."

LGA Position

8. The LGA believes that local areas are best placed to determine how they should be governed, and we do not believe that there should be mandatory transfers of fire governance, either to PCCs or to Mayors. What works for a local area should be determined by that area, and locally supported change will help to ensure that the process is seen to be robust and less open to challenge. There is already legislation in place to allow PCCs to take on fire governance where there is a local case that it is in the interests of economy, efficiency and effectiveness or public safety. The LGA believes there is no pressing need to change this position.
9. We do not feel that further legislative change is needed to introduce operational independence for Chief Fire Officers, and believe the respective roles of the Chief Fire Officers and Fire and Rescue Authorities are clear. Fire and rescue authorities hold the legal responsibility for services, including the assets and budgets as well as being the employer. Chief Fire Officers provide their professional expertise to FRAs to ensure that FRA members can make strategic decisions, and then implement these decisions in the day to day management of the service, in a similar way to council Chief Executives.
10. Police and Crime Panel's (PCPs) role was also examined within the LGA's submission as the key scrutiny and accountability mechanism for the PCC. There was sometimes a lack of understanding of the breadth of the role of PCPs. The Home Office could do more to acknowledge the role of panels and strengthen them.

Questions for discussion

11. The Minister will be attending the meeting to outline his proposals. Issues members may wish to consider ahead of the Fire Commission meeting to help inform the discussion with the Minister could include:
 - 11.1. Whether members would only prefer to see locally agreed transfers of governance either to Mayors or PCCs (as is broadly the case now)?
 - 11.2. Should there be a requirement for a business case to be put forward to trigger any mandatory transfer of governance?
 - 11.3. If there should be, what would the business case for the transfer have to demonstrate? For example, would the tests of efficiency, effectiveness, economy or public safety meet all the issues you feel should be considered?
 - 11.4. The Government has particularly highlighted issues around coterminosity in their announcements, and has said it will consult on changing fire and rescue service boundaries in the South West so they match police boundaries. Will this cause

- difficulties for fire and rescue services if for example the Dorset and Wiltshire service were to be split into two?
- 11.5. A number of fire and rescue services are currently based in their county council. What impact would the transfer of fire and rescue services out of those county councils have on their services?
 - 11.6. Given the focus on governance in the government's proposals should HMICFRS's inspection regime consider governance and the role of Police, Fire and Crime Commissioners?
 - 11.7. The proposals set out the Government's support for operational independence. How does the current split between operational and strategic decision-making work within your FRA? How do schemes of delegation support this? Would there be a difference between the operational independence of Chief Constables and Chief Fire Officers (would the Policing Protocol be extended for example to cover fire)?
 - 11.8. What further training support do you feel Police and Crime Panels or Police, Fire and Crime Panels would benefit from?

Implications for Wales

12. Fire and rescue related policy is a devolved matter, and any changes in the role of Welsh PCCs would have to be agreed by the Welsh Government. The Welsh Local Government Association leads on lobbying around issues for Welsh Fire and Rescue Authorities.

Financial Implications

13. There are no financial implications for the LGA arising from this report.

Next steps

14. The discussion at Fire Commission will inform the work that the LGA undertakes after the White Paper is published. The FSMC will discuss next steps at their next meeting in May.