

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

### **Purpose**

For information and discussion.

### **Summary**

The Government published its response to the autumn consultation on Enabling Closer Working between the Emergency Services at the end of January 2016 and this was followed some two weeks later by the publication of the Policing and Crime Bill providing the enabling legislation for the changes the Government is proposing following the consultation. This paper summarises the work the LGA has undertaken around the Bill. It also sets out the likely programme of reform of the Fire and Rescue Service the Home Secretary is expected to announce in her speech on 24 May.

### **Recommendations**

The Fire Commission are asked to:

1. Note the work the LGA has undertaken in relation to the Policing and Crime Bill;
2. Note the programme of reform of the Fire and Rescue Service set out in the Home Secretary's speech on 24 May; and
3. Provide initial reactions to the Home Office's package of reform measures to help shape the LGA's response to them.

### **Action**

Officers to note members' comments and take action accordingly.

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## **Fire Reform**

### **Background**

1. Following a commitment in the Conservative party manifesto to enable fire and police services to work more closely together and develop the role of Police and Crime Commissioners, the government undertook a consultation on *Enabling closer working between the Emergency Services*, which closed on 23 October 2015. [A summary of responses to the consultation and next steps](#) was published by the government on 26 January 2016. This was followed by publication of the [Policing and Crime Bill](#) in February and the subsequent consideration of the Bill by the House of Commons.

### **Responses to the Consultation**

2. There were 318 full or partial responses to the consultation from a wide range of national, regional and local organisations, police forces, police and crime commissioners (PCCs), fire and rescue authorities (FRAs), councils, ambulance trusts, practitioners, as well as interested groups and individuals.
3. There was significant support in these responses for the introduction of a new duty to collaborate. While some responses suggested there was no need for a duty given the range of collaboration arrangements already in place, other responses suggested the duty should be extended, for example to local authorities. There was also good support for enabling PCCs to take on fire governance, but there were a broad spectrum of views about how that might work. Having considered the consultations responses the government indicated it would be introducing legislation to implement its proposals.

### **Policing and Crime Bill**

4. The Bill carries forward the government's stated intention in the consultation response of legislating to implement their proposals. In broad terms the Bill:
  - 4.1. Requires an emergency service (for the purposes of the Bill emergency services are ambulance, police and fire) to collaborate, where the proposed collaboration would be in the interests of their own efficiency and effectiveness and one or more of the other services take the same view. If a collaboration agreement would improve efficiency but adversely impact effectiveness, or vice versa, the service would not be required to collaborate, although they may choose to. The Bill also allows for a service to withdraw from a collaboration agreement if it is no longer in the interests of efficiency and effectiveness.
  - 4.2. Makes provision for a PCC to take responsibility for the FRS in their area where a local case is made, as well as to take the additional step to create a single employer for police and fire.
  - 4.3. Sets out the process by which a PCC can make a proposal to take on responsibility for fire in their local area. A proposal can only be agreed by the Secretary of State where it is in the interests of economy, efficiency and effectiveness or in the interest of public safety for the order to be made. The Bill requires the relevant FRA to cooperate with the PCC in preparation of the proposal and provide any information

the PCC might reasonably require. The PCC will then be required to consult each relevant upper tier council, as well as seeking the views of the public in the PCC's area, before they submit it to the Secretary of State. If a combined authority is the FRA it also has to be consulted.

- 4.4. Stipulates that the Secretary of State must seek an independent assessment of the PCC's proposal where a relevant upper tier council does not agree with the PCC's proposal, and have regard to that assessment in making any decision whether or not to authorise the establishment of a PCC led FRA. The explanatory notes to the bill suggest that the independent assessment may be secured either from HM Inspector of Constabulary, the Chief Fire and Rescue Adviser or any other independent person that the Secretary of State deems appropriate.
- 4.5. Requires the boundaries of the PCC's police area to be coterminous with the boundaries of the proposed FRA to be created. As such the Bill provides for changes to the boundaries of existing FRAs to be made where they are necessary to achieve coterminous police and fire boundaries.
- 4.6. Enables a PCC to be represented on an FRA (outside London) with voting rights, where the FRA agrees. An appointing authority or committee must consider a request made by a PCC to be represented on a FRA, give reasons for either accepting or refusing and then publish their decision. If an FRA agrees to the request, the PCC may attend, speak and vote at FRA committee meetings. In the case of a county authority, the PCC, if invited to be represented, can only speak and vote on issues relating to the functions of the FRA. Where the FRA crosses the boundaries of two PCCs, then both can request to be represented on the FRA, and where the PCC's force covers more than one FRA they can have a place on each. The advice from the Home Office is that it will be up to local areas to resolve issues such as a PCC altering the balance of power on an FRA, or how county authorities can integrate a PCC into council structures.
- 4.7. Removes the requirement for a Chief Constable to have held the office of constable. This opens the door for fire officers with fire experience at a senior level to be appointed as Chief Constable (or Chief Officer) provided they have met the standards set for the role by the College of Policing. The onus on selecting and appointing the best person sits with the PCC.
- 4.8. Brings fire and rescue services in London under the direct responsibility of the Mayor of London by abolishing the London Fire and Emergency Planning Authority and transferring its functions to the London Fire Commissioner, to be appointed by the Mayor; providing for the appointment of a Deputy Mayor for Fire; and requiring the London Assembly to appoint a committee, to be known as the fire and emergency committee, to carry out a range of functions on its behalf. The role of the committee will be to support the effective exercise of the functions of the London Fire Commissioner.

#### **LGA response to the Bill**

5. Both the Committee and Fire Commission were clear that they had significant concerns about the ability of PCCs to take over fire governance where this was not supported locally, which would be unpopular and undermine co-operation to date. Members were also clear that any transfer of governance responsibilities to PCCs should have the

support of local people. Although the Bill contains provisions that require the PCC to consult each relevant local authority and seek the views of people living in their force area about the proposal, none of the provisions would prevent the transfer of the fire service to the PCC as this is the decision of the Home Secretary. Fire Services Management Committee (FSMC) therefore agreed at its meeting in March that the LGA should seek to table amendments to the Bill that ensured:

- 5.1. any transfer of governance to a PCC would be a matter of local determination;
  - 5.2. the cost of preparing the business case for the transfer of governance to a PCC should be met by the PCC; and
  - 5.3. any independent assessment of a PCC's business case where this did not have full local support should be genuinely independent of government.
6. The LGA briefed MPs on this basis ahead of the Second Reading of the Bill, and arranged for amendments to the Bill to be tabled as it was considered in Committee in the House of Commons in March. These amendments reflected the priorities identified by FSMC and were discussed in detail at the Committee stage. The government was not willing to accept the changes the LGA was seeking to make to the Bill. The Bill has now reached the Report stage in the Commons, although the date for the second day of this stage has not been set but could take place within the next few weeks. After that we anticipate the Bill will transfer to the House of Lords, which will provide further opportunities to seek to amend the Bill's provisions.

### **The practical implementation of the legislation**

7. In addition to briefing parliamentarians and proposing amendments to the legislation, FSMC agreed it would also be prudent to shape the practical implementation of the Bill. The Association of Police and Crime Chief Executives (APACE) has formed a group consisting of senior officers from police forces, PCCs, and FRs to develop a model business case, acceptable to all parties, which PCCs can adapt for their own use when compiling a local business case. The fire and rescue service is equally represented and FSMC thought it important for the LGA to participate in the group.
8. FRAs would wish to ensure that any business case for the transfer of fire governance to PCCs is comprehensive, evidence based and well tested so the impacts of such a proposal are fully explored. As the work of the group progresses the views of FSMC will be sought through FSMC's Lead Members on what the business case should contain. If at any point it appeared that the business case being developed did not meet the criteria set out by FSMC, the LGA would withdraw its involvement with the group.

### **Wider governance changes**

9. The devolution agenda will also have an impact on fire governance. FRAs will undoubtedly be exploring with relevant combined authorities what opportunities there might be for fire and rescue from devolution deals and Greater Manchester provides a model for this. It may, in fact, make more sense for the police to be incorporated into these arrangements.

## **Fire Reform**

10. Changes to governance of the Fire and Rescue Service (FRS) is only one element of the Home Office's agenda for reform of the FRS. The day before Fire Commission meets the Home Secretary will be setting out what she believes are the crucial elements in the reform of the FRS in a speech given at the think tank Reform. FSMC members, Fire and Rescue Authority chairs and chief fire officers have been invited to attend the speech.
11. Media reports of the Home Secretary's priorities for the FRS in December and the Fire Minister's speech at the LGA's Fire Conference in March suggest the following elements are likely to feature in the Home Office's package of reform measures:
  - 11.1. Improving efficiency and cutting costs through sharing administrative systems and improving joint procurement;
  - 11.2. Providing better accountability and transparency including the introduction of an inspectorate for the FRS, and through the regular publishing of data on performance;
  - 11.3. Changes to the workforce to reflect the greater range of work firefighters and fire staff now undertake such as co-responding.
12. It is also possible given the government's indications that it will publish the Thomas Review as part of the Home Secretary's announcements in her speech on 24 May. Details of the measures in the speech will be circulated to Fire Commission members once they are available.
13. Whatever the exact package of measures and areas for reform announced by the Home Secretary there will be significant implications for FRAs and the LGA. It would be helpful to have Fire Commission members' initial views on the Home Office's proposals to reform the FRS to help shape the LGA's response.

## **Next steps**

14. Members will undoubtedly have talked to their newly elected PCCs, to explore what areas there are for further local collaboration and cooperation between fire and police, which of course do not necessarily require changes in governance. This is already suggesting a mixed model of governance across the country.
15. Members are asked to:
  - 15.1. Note the work the LGA has undertaken in relation to the Policing and Crime Bill;
  - 15.2. Note the programme of reform of the Fire and Rescue Service set out in the Home Secretary's speech on 24 May; and
  - 15.3. Provide initial reactions to the Home Office's package of reform measures to help shape the LGA's response to them.

## **Financial Implications**

16. Any work identified as a result of this paper will be met from existing resources.