

## **WEST MERCIA POLICE AND CRIME PANEL**

### **19 June 2017**

## **POLICE AND CRIME COMMISSIONERS: FIRE AND RESCUE FUNCTIONS**

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### **Recommendation**

- 1. That the Panel consider the report and recommendations from the Police and Crime Commissioner and comment as appropriate.**

### **Background**

2. The enclosed report from the Police and Crime Commissioner (PCC) sets out a draft initial business case for the joint governance of Police and Fire and Rescue services in Hereford and Worcester and Shropshire and Telford and Wrekin.
3. The Panel is being asked by the PCC to respond to the draft business case in advance of the final business case being prepared.
4. This report sets out the legal background to the issue for members of the Panel.

### **Legal implications**

#### **Policing and Crime Act 2017**

5. The Policing and Crime Act 2017 introduces a process where the governance of the Fire and Rescue Authority can be taken over by the Police and Crime Commissioner.
6. It also places a statutory duty on the police, fire and rescue and emergency ambulance services to keep collaboration opportunities under review and to collaborate where it is agreed that this would be in the interests of their efficiency and effectiveness.
7. Guidance on the duty to collaborate is expected this year but has not yet been produced.
8. In short, the Act enables the following:
  - Police and Crime Commissioners (PCCs) can make proposals to take over fire authority responsibilities within their police area;
  - PCCs prepare a business case and must consult with constituent fire authorities;
  - The Secretary of State decides on proposals;

- If a local authority does not support the proposal, the Secretary of State must arrange for an independent review of the proposals;
- The Government say they will only be enable police and fire functions to be brought together under a PCC where there is a strong local case to do so.

### **Options for Changes in Governance**

9. The Act sets out two options for how the change in governance can be achieved:

- (a) The "governance" model – where the Fire and Rescue and Police services remain as distinct organisations, with a Chief Fire Officer and a Chief Constable continuing to have operational responsibility for their services. The existing Fire and Rescue Authority would be abolished.
- (b) The "single employer model" allows the Police and Crime Commissioner to delegate fire and rescue functions to a Chief Constable or "Chief Officer" who would employ both police and fire personnel.

10. Explanatory notes to the Act state that the Government will only enable police and fire functions to be brought together under a Police and Crime Commissioner "where there is a strong local case to do so". The Secretary of State decides on proposals and has the power to make an order to make the PCC the Fire and Rescue Authority for the area the order covers, creating a PCC-style FRA. This preserves the legal identity of the fire and rescue service.

### **Preparing a business case and consultation**

11. The process to be followed by a PCC in preparing a business case is set out in the Act and a diagram of this is attached at appendix 1. The PCC must consult with people in the West Mercia area, each County Council whose area contains all or part of the Fire and Rescue Authority affected or proposed to be created by the order and personnel affected locally by the proposals.

12. The business case must show why it is in the interests of the economy, efficiency and effectiveness or in the interests of public safety for the PCC to take on the responsibilities of the fire and rescue authorities. A business case for the "single employer" model should meet the same tests.

13. The business case must relate to a police area which matches the fire and rescue authority (FRA) area and can involve more than one FRA. A PCC cannot be in charge of only some of the existing FRAs in their area. In West Mercia's case, if the business case was successful, all the FRAs would be abolished and transferred into the PCC-style FRA.

14. If a relevant local authority does not support the PCC's proposal, the business case can still be submitted to the Secretary of State, but must include copies of the consultation material and be accompanied by representations made by local authorities. The Secretary of State then obtains an independent assessment of the proposal.

## **Role of the Police and Crime Panel**

15. The consultation process for the business case is the responsibility of the Police and Crime Commissioner.

16. There is a potential impact on the Police and Crime Panel if a business case is successful. Duties of Police and Crime Panels would be extended to scrutinise the exercise of PCC fire and rescue functions, the appointment of a chief finance officer, the PCC's fire and rescue statement and the fire precept set by the PCC. This is set out in paragraph 11 of the PCC's summary report enclosed.

17. If PCCs do not become Police, Fire and Crime Commissioners the Act allows for PCCs to be represented on their local Fire and Rescue Authorities (FRA) or the FRA committees with full voting rights, subject to the consent of the FRA.

## **Appendices**

Appendix 1 – Business case process map

Appendix 2 – Police and Crime Commissioner report;

Appendix 3 – appendices to the Police and Crime Commissioner's report relating to fire and rescue proposals:

- (a) Consultation pack introduction;
- (b) Police and Crime Commissioner Commitments relating to Fire and Rescue;
- (c) Draft Business case;
- (d) Consultation Q & A
- (e) Consultation questionnaire

## **Contact Points**

### County Council Contact Points

County Council: 01905 763763

### Specific Contact Points for this report

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## **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

The Policing and Crime Act 2017