

COUNCIL
14 SEPTEMBER 2017**CONSULTATION BY THE POLICE AND CRIME**
COMMISSIONER - FIRE AND RESCUE FUNCTIONS

Recommendation

1. The Head of Legal and Democratic Services recommends that the Council:
 - (a) considers the proposals by the Police and Crime Commissioner (PCC) for West Mercia for the governance of Fire and Rescue services, having regard to comments from the Overview and Scrutiny Performance Board; and
 - (b) decides what, if any, response or comment it wishes to make on whether the Council supports those proposals.
2. The Council is being consulted by the PCC for West Mercia, Mr John Campion, upon his proposals and draft business case to establish a Joint Commissioner for West Mercia Police and Fire and Rescue services to undertake the joint governance of both services. As a constituent member of one of the affected fire authorities, the Council is a statutory consultee in this process, while the Secretary of State is the decision-maker on any proposals submitted.
3. The enclosed documents at Appendix 1 from the PCC for West Mercia set 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. The documents are:
 - Letter to the Leader of the Council
 - Summary of the proposals
 - Business case prepared by Beckford Consulting
 - Frequently Asked Questions
 - Questionnaire proforma for responses.
4. Also enclosed at Appendix 2 is a report commissioned on behalf of Hereford and Worcester and Shropshire and Wrekin Fire Authorities to review the draft business case.
5. This report to Council sets out the background to the proposals and includes comments from the Overview and Scrutiny Performance Board which debated the matter at its meeting on 18 July 2017. Council is asked for its response to the PCC's consultation in order to allow the Leader to reply formally on behalf of the Council.

Policing and Crime Act 2017

6. 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. The Secretary of State can make an Order to this effect if a PCC has submitted a proposal and it is in the interests of economy, efficiency and effectiveness, or in the interests of public safety for such an Order to be made. The PCC's proposal must contain an assessment of why the above grounds are made out. The PCC must consult various persons before submitting a proposal.

7. The Act 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.

8. Guidance on the duty to collaborate is expected this year but has not yet been produced.

9. In summary, 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 to do so and must consult with the defined relevant local authorities (in effect the constituent councils of the 2 fire authorities in West Mercia) and others
- The Secretary of State decides on proposals
- If a constituent local authority does not support the proposal, the Secretary of State must arrange for an independent review of the proposals before making a decision
- The Government say they will only 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

10. 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" - where the Police and Crime Commissioner delegates fire and rescue functions to a Chief Constable or "Chief Officer" who would employ both police and fire personnel.

11. 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.

12. 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.

Preparing a business case and consultation

13. The process to be followed by a PCC in preparing a business case is set out in the Act. The PCC must consult with people in the West Mercia area, each constituent authority 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.

14. 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.

15. 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, there are 2 FRAs and if the proposal were to be successful, both FRAs would be abolished and transferred into the PCC-style FRA.

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

Overview and Scrutiny Performance Board

17. Overview and Scrutiny Performance Board considered the proposals at its meeting on 18 July 2017 when the Deputy PCC attended to respond to questions. The comments made by the Board are set out in Appendix 3 attached.

Supporting Information

Appendix 1 – letter and consultation pack from the Police and Crime Commissioner

Appendix 2 – analysis of West Mercia PCC Initial Business Case produced by Ameo/Alendi Consulting

Appendix 3 – comments on the PCC Draft Business Case from the Overview and Scrutiny Performance Board

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In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.