

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	JOINT POLICE & FIRE COLLABORATION COMMITTEE		
DATE:		REPORT NO:	CFO/019/16
PRESENTING OFFICER	CHIEF FIRE OFFICER CHIEF CONSTABLE		
RESPONSIBLE OFFICER:	CHIEF FIRE OFFICER CHIEF CONSTABLE	REPORT AUTHOR:	JOHN MCNEILL HELEN CORCORAN
OFFICERS CONSULTED:	STRATEGIC MANAGEMENT GROUP		
TITLE OF REPORT:	Enabling closer working between the Emergency Services		

APPENDICES:	APPENDIX A: LETTER FROM MIKE PENNING MP
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Purpose of Report

1. To provide an update on the current situation following the publishing of the Police and Crime Bill and Government's response to the consultation on 'Enabling closer working between the Emergency Services in England'.

Recommendation

2. That Members;
 - a. Note the Police and Crime Bill and Governments response to the national consultation on "Enabling closer working between the Emergency Services"
 - b. Consider what impact the Liverpool City Region Combined Authority, may have on planning for collaborative activity and governance.
 - c. Agree that following the meeting the Office of the Police and Crime Commissionaire (OPCC) and Merseyside Fire and Rescue Authority (MFRA), formally state their preferred governance model and provide direction for officers on how to proceed based on this preference.

Introduction and Background

3. Following the Government's manifesto commitment to "*enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners,*" on 11th September 2015 the Home Office, Department for Communities and Local Government and the Department or Health jointly launched a public consultation. The consultation sought views on how to implement a range of proposals to enable greater collaboration between the emergency services.
4. The consultation ran for six weeks, ending on 23rd October 2015 and received over 300 responses. At its meeting on 19th October 2015 the Police & Fire Collaboration Committee approved the MFRA response which had been submitted to the committee

for consideration, The PCC stated that the response from her was broadly similar and that it would be shared with MFRA prior to submission.

5. On 5th January 2016 it was announced that responsibility for Fire and Rescue policy would move from the Department for Communities and Local Government to the Home Office with immediate effect and Mike Penning MP would become the Minister of State for Policing, Fire, Criminal Justice and Victims,
6. The response to the 'Enabling Closer Working' consultation was published on 26th January 2016. This set out legislative proposals to:
 - Introduce a high level duty to collaborate on the three emergency services to improve efficiency and effectiveness.
 - Enable Police and Crime Commissioners (PCCs) to take over governance of their local Fire and Rescue Authority (FRA) where a local case is made – the 'governance' model.'
 - Where the PCC takes on the responsibilities of a FRA, enable him or her to create a single employer for police and fire staff, facilitating the sharing of back office functions and streamlining management – the 'single employer' model.
 - Enable PCCs to be represented on FRAs, with the agreement of the FRA, in areas where such authorities remain in place.
 - Bring the Fire and Rescue Service in London under the direct responsibility of the Mayor of London by abolishing the London Fire and Emergency Planning (LFEPA) and creating the London Fire Commissioner as a corporation sole.
7. On 10th February 2016 the Police and Crime Bill was introduced to the House of Commons. The Bill introduces an enabling power which would allow a PCC to assume responsibility for their local fire and rescue service where it would be in the interests of economy, efficiency and effectiveness or public safety and where a local case is made.
8. The Government is keen to emphasise that this does not mean a takeover of the fire and rescue service by police. The important distinction between operational policing and firefighting will be maintained, with Section 37 of the Fire and Rescue Services Act 2004 – which prevents a full time police officer from being a firefighter – remaining in place. Similarly there is no intention to give firefighter the power of arrest or any other core policing powers.
9. The measures in Part 1 of the Bill are:

Collaboration

10. The Bill places the three emergency services under a statutory duty to "*keep under consideration whether entering into a collaboration agreement with one or more other relevant emergency services in England could be in the interests of the efficiency or effectiveness of that service and those other services*".
11. The duty is broad to allow for local discretion in how it is implemented, so that the emergency services themselves can decide how best to collaborate for the benefit of their communities.

Changes to Governance

12. The measures include two different models for a PCC taking on responsibility for Fire and Rescue Services; the 'governance' model and the 'single employer' model. Where

the PCC has not taken on responsibility for Fire and Rescue Services but wishes to enhance collaboration opportunities the Bill enables them to seek representation on the Fire and Rescue Authority (FRA) under the 'representation' model.

The 'Governance' Model

13. The governance model enables the PCC to take on the responsibilities of the FRA in their area to provide more direct accountability to the public and accelerate local collaboration. The Fire and Rescue Service and Police Force would remain two distinct organisations. The PCC in its capacity as the replacement to the FRA would become the employer of all Fire and Rescue employees, but the Chief Fire Officer would, under arrangements made by the PCC, continue to have operational responsibility. The Chief Constable will employ police staff and have direction and control over police officers.
14. Where a PCC is interested in taking on the governance of the Fire and Rescue Service, they would work with the FRA (which will be under a duty to cooperate) to prepare and publish a business case. The PCC would be required to consult locally and seek views on whether the transfer should take place in the interests of economy, efficiency and effectiveness or public safety.
15. Subject to the outcome of the public consultation and where the PCC and all the relevant constituent Local Authorities for the area are in agreement that the Fire and Rescue Service should transfer to the PCC, the PCC would request that the Government introduces secondary legislation to give effect to the transfer. If the Home Secretary agrees that the governance change is in the interests of economy, efficiency and effectiveness or public safety they will be able to make an Order to give effect to the transfer.
16. If agreement between all parties is not forthcoming, the PCC would still be able to submit the business case to the Home Office. The Home Secretary would then decide whether the governance change is in the interests of economy, efficiency and effectiveness or public safety. To inform their view, the Home Secretary will be required to seek an independent assessment (for instance, from Her Majesty's Inspectorate of Constabulary or the Chief Fire and Rescue Advisor) and would take into account the results from the local consultation.

The 'Single Employer' Model

17. The single employer model enables a PCC to take responsibility for Fire and Rescue Services and put in place a single employer for fire and policing, following the same process as the governance model.
18. Under the single employer model, the PCC will appoint a chief officer who – as chief constable and the single head of the organisation – would employ both police and fire personnel. The chief officer could appoint a senior fire officer to lead fire operations and a deputy chief constable to lead police operations, under their command.
19. The chief officer would be appointed by and be accountable to the PCC for both fire and policing. Both senior police officers and senior fire officers would be eligible for applying for the post, so the requirement to have held the position of constable will be removed from senior fire officer applicants. The Government will work to ensure that senior fire and police officers have access to the necessary training that would allow them to apply for chief officer posts and all applicants would have to meet the standards set out by the College of Policing.

The 'Representation' Model

20. Where a PCC has not taken on responsibility for fire but wishes to enhance collaboration opportunities, the PCC would, at their request and with the agreement of the FRA, be able to sit on the FRA (or its committees) and the political balance of the FRA will be adjusted to remain the same. The PCC would have full voting rights to ensure they can take part in discussions and decisions in a meaningful way whilst fostering closer relationships between Police and Fire.

London Fire and Emergency Planning Authority.

21. The Bill abolishes the London Fire and Emergency Planning Authority (LFEPA) with the Mayor taking responsibilities for Fire and Rescue Services. The functions will sit within Greater London Authority structures, creating a deputy mayor for fire, a statutory "London Fire Commissioner" and a new Committee of the London Assembly which will provide scrutiny and oversight.
22. Whilst the intention to abolish LFEPA has no direct relevance to Merseyside, the Cities and Local Government Devolution Act 2016 has now received Royal Assent, consequently the creation of the Liverpool City Region Combined Authority may have a bearing on planning for collaborative governance structures.

Liverpool City Region Devolution Implications

23. Additional consideration needs to be given to the Liverpool City Region governance arrangements and the introduction of a City Region Mayor who could equally assume responsibility for Policing and Fire & Rescue provision across the combined Authority area. This would however require agreement to be reached with the Cheshire FRA and PCC over the transfer of Halton from Cheshire into what would be an expanded Merseyside service delivery area.

Equality and Diversity Implications

24. The Response document highlights that that the proposals consulted upon are enabling, meaning that the details will be developed at a local level. PCCs and Fire and Rescue Authorities are subject to the Equality Act 2010 and the obligations under that Act will apply in relation to specific proposals being developed within Merseyside.

Staff Implications

25. Implementation of the chosen governance model may have an impact on employees within the Police and Fire and Rescue Service. That said it is not possible to fully understand what any impact will be at this stage., The Committee should be assured that full consultation will take place with staff and representative bodies as soon as the implications become clear..

Legal Implications

26. The Government have made clear the intention to legislate to enable PCC's and FRA's to collaborate.
27. The Police and Crime Bill 2015 has passed its first reading in the House of Commons and will have its second reading at the House of Commons on 7th March 2016. Further

amendments may be made before it obtains Royal Assent. Therefore no definitive judgments can be made at this stage.

Financial Implications & Value for Money

28. This report provides information only, however, all business cases developed as a result of on-going collaboration will be based upon the need to demonstrate Value for Money and efficiency.

Risk Management, Health & Safety, and Environmental Implications

29. None identified as a result of this report.

Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters*

‘Community First’

30. Collaboration should deliver clear local accountability and a strong incentive to reform local services and deliver value for money in the interests of the communities of Merseyside.

BACKGROUND PAPERS

Enabling closer working between the emergency services – consultation https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459986/Consultation_-_Enabling_closer_working_between_the_Emergency_Services_w_2_.pdf

Summary of consultation responses and next steps https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495371/6.1722_HO_Enabling_Closer_Working_Between_the_Emergency_Services_Consult...pdf

Letter from Mike Penning MP Appendix A

GLOSSARY OF TERMS

MFRA	Merseyside Fire and Rescue Authority
MFRS	Merseyside Fire and Rescue Service
PCC	Police and Crime Commissioner
LFEPA	London Fire and Emergency Planning Authority