

**Status of Report:**

**Public**

**Agenda Item:**

**10**

**Meeting:** Combined Fire Authority

**Date:** 28<sup>th</sup> September 2017

**Subject:** Policing and Crime Act 2017: Governance Issues

**Report by:** Monitoring Officer

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**For:** Information

**1. Purpose**

To update members on governance issues following the implementation of the Policing and Crime Act 2017.

**2. Recommendations**

The Combined Fire Authority (CFA) is asked to note the contents of this report.

**3. Executive Summary**

CFA received a report on 21st June on the new duties in relation to collaboration between emergency services and the enabling provisions about the changes in the governance of the CFA at the instigation of the Police and Crime Commissioner for the area. This report is to update members on the governance issues.

**4. Report Detail**

**4.1 Fire and rescue Service Governance – Police and Crime Commissioner (PCC) role**

- a) The Act enables a PCC to take on the responsibility for the governance of fire and rescue in his area and to become the Police, Fire and Crime Commissioner for that area. The PCC also has the ability to consolidate the Police and Fire Service in to one organisation, under the direction of a single Chief Officer (a 'Chief Constable' although this position will be open to senior Fire Officers).
- b) Where the PCC wishes to take on the responsibilities of a Fire and Rescue Authority and if required, create a single employer, he must develop a proposal that demonstrates it is in the interests of economy, efficiency and effectiveness, or in the interests of public safety. The Fire Authority must cooperate in the preparation of the proposal through the provision of

relevant information.

- c) The Act sets out the consultation duties and processes in the event of a proposal to change governance arrangements and the role of the Secretary of State.
- d) The Secretary of State is intending to consult later this year with affected stakeholders with a view to introducing secondary legislation to allow the CFA to permit the PCC to sit as a member with voting rights. In the meantime, the PCC may be invited to attend and speak at CFA meetings.

#### 4.2 The Leicester, Leicestershire and Rutland position

The Leicester, Leicestershire and Rutland Police and Crime Panel considered a report by the PCC noting the above at its meeting on 22nd May 2017 and an updating note was circulated to panel members in July 2017 setting out the views and decision of the PCC as follows:-

**"Summary of issues:**

*The Policing and Crime Act 2017 makes provision for the PCC to take up a role in the governance of Leicestershire Fire and Rescue Service.*

*There are 3 levels of involvement that the PCC could take:*

- **a full merger** of all 3 entities into a single Corporation Sole under the PCC;
- **a new Governance model** whereby the Office of the Chief Constable ("the Force") remains but Fire and Rescue Service becomes a "Corporation Sole as the fire and rescue authority for the area specified in this order, and for the relevant police area to be for the time being that fire and rescue authority".
- **No change to corporate structures** but the PCC applies for membership of the Fire Authority, with full voting rights; alongside the Council membership, where Fire and Rescue Authority agree;

*Should any of these options be selected there is a legal process that must then be followed that requires the formal sign off of the proposal by the Home Secretary.*

*However, the Act does not prescribe that the PCC must select any of these options to have an involvement in the governance of Leicestershire Fire and Rescue Service, therefore the other 'option' is for:*

- *the PCC to have no involvement in the governance of the Fire Service.*

**Recommendation(s) presented:**

*That the PCC determines which of the four options available to him that he*

wishes to progress at the current time.

Notwithstanding the option chosen, future relevant legislation will be kept under review in case legal circumstances change.

### **Key discussion points**

Whilst there would be financial and other consequences to the PCC selecting one of the options involving governance, the option to have no involvement has no financial impact.

The governance of Leicestershire Fire and Rescue Service is currently carried out by the Combined Fire Authority which consists of elected Councillors and the membership of which reflects the geo-political makeup of the area service. It should be noted that the Deputy PCC is a member of the Fire Authority in his capacity as a City Councillor and hence any matters of direct concern to the PCC can already be fed back.

A recent survey by CoPaCC published in November 2016 identified that there are currently 15 PCCs progressing towards some direct involvement.

### **It was RESOLVED that:**

The PCC determined that at this point in time, he is not minded to start the process to have involvement in the governance of the Fire Service.

The reasons for this decision are:-

- *this is not a priority for the Commissioner;*
- *the Commissioner wishes to prioritise the delivery of his Police and Crime Plan;*
- *the concerns over the lack of resources for Leicestershire Police and what may happen in terms of further financial cuts; and*
- *the importance of partnerships and the continuing work to build upon this area of business.*

*The Commissioner is fully supportive of collaboration, particularly with the other emergency services as well as with partners and other agencies and is happy to enter into such collaborations where appropriate."*

## **5. Report Implications/Impact**

### **5.1 Legal (including crime and disorder)**

None save as set out in the report.

5.2 ***Financial (including value for money, benefits and efficiencies)***

There are no direct financial implications from this report; if in the future the PCC elected to proceed with the governance changes this would have financial implications which will need to be considered at the time.

5.3 ***Risk (including corporate and operational health and safety and any impact on the community of service delivery)***

None

5.4 ***Staff, Service Users and Stakeholders (including the Equality Impact Assessment)***

None.

5.5 ***Environmental***

None.

5.6 ***Impact upon Our Plan Objectives***

None.

**6. Background Papers**

a) Report to the CFA 21.6.17

b) Police and Crime Act 2017

<http://www.legislation.gov.uk/ukpga/2017/3/contents/enacted>

c) Home Office Circular March 2017 Part 1

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604159/Home\\_Office\\_Circular\\_-\\_Policing\\_and\\_Crime\\_Act\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604159/Home_Office_Circular_-_Policing_and_Crime_Act_2017.pdf)

d) Association of Crime and Policing Executives – Police and Fire Business case guidance for OPCC Chief Executives

[http://apace.org.uk/documents/APACE\\_Police\\_Fire\\_Business\\_Case\\_Guidance.pdf](http://apace.org.uk/documents/APACE_Police_Fire_Business_Case_Guidance.pdf)

e) Police and Crime Commissioner for Leicestershire, Report to the Police and Crime Panel, 22nd May 2017