

CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item 5
9th October 2019	Public Report

Report of the Cambridgeshire Police and Crime Commissioner

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FIRE AND RESCUE GOVERNANCE – UPDATE

1. PURPOSE

- 1.1 The report is being presented to the Cambridgeshire Police and Crime Panel (the “Panel”) to update it following the approval from the Home Secretary for the Police and Crime Commissioner (the “Commissioner”) to take on responsibility for governance arrangements for the Cambridgeshire Fire and Rescue Service (the “Fire Service”).

2. RECOMMENDATION

- 2.1 The Panel is asked to note the contents of this report.
- 2.2 The Panel may wish to refer to the detailed report entitled ‘Fire and Rescue Governance – Update’ they received at their 15th November 2017 Panel meeting which provided information regarding the background to the legislative process followed by the Commissioner i.e preparation of a Local Business Case, public consultation, and submission of the proposal to the Home Secretary. Therefore, this report provides an update since November 2017 regarding the Commissioner’s proposal for fire governance. For ease of reference, the link to the November 2017 Panel report is provided in Section 7 below. The Panel has also received updates to their meetings to which reference can also be made. Reports on Fire Governance have also been submitted to the Commissioner’s Business Co-ordination Board meeting, to which the Panel are able to access via the Commissioner’s website.

3. TERMS OF REFERENCE

- 3.1 Item 6 – To review and scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner’s functions.

Item 8 – To support the effective exercise of the functions of the Commissioner.

4. BACKGROUND

- 4.1 The Policing and Crime Act 2017 introduced measures that place a duty on all emergency services to explore opportunities for collaboration and enable Commissioners to take on responsibility for fire and rescue services in their area.
- 4.2 The Secretary of State can only make an Order creating new governance arrangements where it appears that a Commissioner’s proposal would be in the interests of economy, efficiency and effectiveness, or public safety.

5. CURRENT POSITION

- 5.1 The Commissioner's proposal to take on the governance of the Fire Service was submitted to the Home Office in October 2017. Where the upper tier authorities do not agree with a proposal, as was the case in Cambridgeshire, the Home Office is required to obtain an independent assessment of the proposal. The Home Secretary took into account the findings of the independent assessment when making the final decision whether or not to approve the Commissioner's proposal.
- 5.2 At the request of the Minister of State for Policing and the Fire Service, the Chartered Institute of Public Finance & Accountancy undertook an independent assessment of the Cambridgeshire proposal in early December 2017, providing their assessment to the Home Office in December 2017.
- 5.3 On 26th March 2018 the Home Secretary announced that the Commissioner for Cambridgeshire would be one of three more Commissioners to take on responsibility for local fire and rescue services. The Home Secretary considered that the Cambridgeshire proposal demonstrated that a transfer of governance would be in the interests of economy, efficiency and effectiveness and would not have an adverse effect upon public safety.
- 5.4 The Home Secretary indicated that the Home Office would seek to give effect to the proposal through a statutory instrument which they anticipated would take effect in June or July 2018. Staff in the Office of the Police and Crime Commissioner (OPCC) and the Fire and Rescue Service worked with the Home Office during spring 2018 to ensure a smooth transition. However, as the necessary statutory instrument was due to be laid before Parliament (and 21 days before it was due to take effect) the Cambridgeshire and Peterborough Fire Authority (the "Fire Authority") put forward a legal challenge to the Home Secretary's decision.
- 5.5 The Judicial Review hearing took place on 5th and 6th June. The Fire Authority's Judicial Review of the Home Secretary's decision was dismissed by the High Court at the end of July.
- 5.6 The Fire Authority have continued to pursue their legal challenge of the Home Secretary's decision. They have recently sought permission to appeal (having been refused by the Judge who heard the case). They have also submitted a further legal challenge.
- 5.7 The OPCC continues to explore the impact of the delay in implementation of the transfer of governance.

6. ON-GOING COLLABORATION

- 6.1 The OPCC and Cambridgeshire Constabulary have a strong history of policing collaboration. With fire, the Strategic Interoperability Board continues to operate. In the interests of the efficiency and effectiveness of both organisations, the OPCC has continued the arrangement, through a collaboration agreement, to share the same Section 151 (Chief Finance) Officer. The dialogue on potential further collaboration opportunities is ongoing.

7. BACKGROUND DOCUMENTS

Policing and Crime Act 2017

http://www.legislation.gov.uk/ukpga/2017/3/pdfs/ukpga_20170003_en.pdf

'Fire and Rescue Governance – Update', Agenda Item 6.0, Police and Crime Panel, 15th November 2017

<http://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=543&MId=4045&Ver=4>

'Fire and Rescue Governance – Update', Agenda Item 6.0, Police and Crime Panel, 14th November 2018

<https://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=543&MId=4211&Ver=4>

'Fire Governance Update', Agenda Item 11.0, Business Co-ordination Board. 31st July 2019

<https://www.cambridgeshire-pcc.gov.uk/accessing-information/decision-making/business-coordination-board/bcb-31st-july-2019/>

'Fire Governance Update', Agenda Item 12.0, Business Co-ordination Board, 18th September 2019

<https://www.cambridgeshire-pcc.gov.uk/accessing-information/decision-making/business-coordination-board/bcb-18th-september-2019/>

[Background information](#) - including the letter from the Home Secretary approving the proposal to transfer fire governance to the Police and Crime Commissioner and independent assessment by CIPFA and the submission to the Home Office including the business case and details of the comments made through the consultation and the Commissioner's response to them

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