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| <b>CAMBRIDGESHIRE POLICE AND CRIME PANEL</b> | <b>Agenda Item 6</b> |
| <b>15<sup>th</sup> November 2017</b>         | <b>Public Report</b> |

## **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 on the process undertaken by the Cambridgeshire Police and Crime Commissioner (the “Commissioner”) regarding the future 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.

#### **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 (as amended) (the “Act”) introduced measures that place a statutory obligation on all emergency services to collaborate and enable Police and Crime Commissioners (“a Commissioner”) to take on responsibilities for fire and rescue services in their area.
- 4.2 Where a Commissioner is interested in taking on the governance of the fire and rescue service, the provisions of the Act place a requirement on a Commissioner to work with the relevant fire and rescue authority to prepare their local case.
- 4.3 The Act also places a requirement on a Commissioner to consult, in a manner which a Commissioner determines, the following on the governance proposal:
- each of the upper tier local authorities;
  - people in their police area;
  - representatives of personnel who a Commissioner considers may be affected by the proposal.

- 4.4 The Act requires a Commissioner to publish their response to the consultation. Following this, a Commissioner can then submit their proposal to the Secretary of State for consideration.
- 4.5 The Secretary of State may approve a Commissioner's proposals with or without modification. Where there is not local agreement to a Commissioner's proposal, the Secretary of State is required to secure an independent assessment of a Commissioner's proposal. In the interests of transparency, the Secretary of State must publish the independent assessment she secures of a Commissioner's case as soon as practicable after making a decision on whether to approve the transfer of governance.
- 4.6 The Secretary of State can only make an Order creating new governance arrangements where it appears to her that a Commissioner's proposal would be in the interests of either: economy, efficiency and effectiveness, or public safety.

## 5. LOCAL BUSINESS CASE

- 5.1 The Act provides for three different options (or Models) through which a Commissioner could have a greater role in the governance of the fire and rescue service, these being the:
- **Representation Model:** A Commissioner has a seat and voting rights on the Fire Authority thus becoming the 18<sup>th</sup> member of the Fire Authority
  - **Governance Model** (referred to as a 'PCC-style FRA' Model): A Commissioner takes on the functions of the Fire Authority and becomes a Police, Fire and Crime Commissioner
  - **Single Employer Model:** There is a single Chief Officer for police and fire personnel under the governance of a Police, Fire and Crime Commissioner
- 5.2 Where a Commissioner is interested in taking on the responsibility for a fire and rescue service, they have to work with their local Fire Authority to prepare a Local Business Case as to why their proposal is in the interests of economy, efficiency and effectiveness and has no adverse effect on public safety.
- 5.3 The Local Business Case for fire and rescue governance options for Cambridgeshire was prepared for the Office of the Police and Crime Commissioner (OPCC) by independent external advisers, based on information provided by Cambridgeshire Constabulary, Cambridgeshire and Peterborough Fire Authority (the "Fire Authority"), the Fire Service and information in the public domain. The appointment of the independent external advisers, PA Consulting, was a joint appointment by the OPCC and the Fire Authority, after an open tendering process.
- 5.4 The Local Business Case for Cambridgeshire considered the three Models above, and a '**No Change**' Model, this being where a police force and fire and rescue service continue to have governance arrangements that are independent of each other.
- 5.5 The Local Business Case recommended that the PCC-style FRA Governance Model offered the greatest benefit.

## 6. CONSULTATION PROCESS

- 6.1 The purpose of a Commissioner's consultation is to ensure the Commissioner has secured, and taken into account, local opinion on their proposal before making a request to the Secretary of State.
- 6.2 Although the Commissioner's consultation officially launched on the 3<sup>rd</sup> July 2017, between the 12<sup>th</sup> June and 2<sup>nd</sup> July 2017 there was a pre-consultation engagement where stakeholders and the public were advised that the official consultation was coming. The Commissioner's formal consultation process started on the 3<sup>rd</sup> July 2017 and ran for nine weeks, ending on the

4th September 2017. The consultation documents comprised of the consultation survey, a briefing document, an Executive Summary, the full Local Business Case, a plain English version, an easyread version and frequently asked questions. All documents were published on the Commissioner's website.

6.3 The public consultation asked the following question:

*'The proposal is that the Police and Crime Commissioner becomes the Police, Fire and Crime Commissioner and has overall responsibility for the governance of both Cambridgeshire Fire and Rescue Service and Cambridgeshire Constabulary. How much do you agree or disagree with this proposal?'*

6.4 As required by law, the Commissioner also formally consulted with the two upper tier local authorities: Cambridgeshire County Council and Peterborough City Council, and representatives of those personnel who may be affected by the proposal.

## 7. SUMMARY OF CONSULTATION RESPONSES

7.1 A total of 2,426 people and organisations responded to the consultation. The source of the responses was as follows:

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|---|-------|
| • Online public survey                        | 2,391 |
| • Public comments through other channels      | 15    |
| • Upper tier authorities                      | 2     |
| • Representative bodies of affected personnel | 3     |
| • MPs   | 4     |
| • Stakeholders                                | 11    |

7.2 The main way that people responded was through an online survey. A total of 2,391 responses were received to the online survey. The majority of responses were completed directly online by individuals (2,114.) 277 responses were added by the OPCC after people either completed a paper copy of the survey at one of 11 events (260 responses), posted a paper response (one response) or after they were completed over the telephone (16 responses).

7.3 Of those that responded to the online survey: 53% were supportive, 39% were unsupportive, and 8% were neutral, broken down as follows :

- Strongly agreed – 530 responses (22.2%)
- Agreed – 746 responses (31.2%)
- Neither agreed or disagreed – 184 responses (7.7%)
- Disagreed – 236 responses (9.9%)
- Strongly disagreed – 695 responses (29%)

7.4 The breakdown of who responded to the online survey was:

- An individual member of the public – 2,050 (86%)
- A local councillor – 144 (6%)
- An employee or volunteer of the police service – 79 (3%)
- An employee of volunteer of the fire service – 67 (3%)
- Did not respond – 51 (2%)

7.5 Both upper tier authorities made representations to the Commissioner's proposal, both citing the Fire Authority's response to the Commissioner.

7.6 The legislation also requires a Commissioner to publish their response to the representations made or views expressed in response to the consultation. The Commissioner's response is published on his website.

7.7 The Commissioner considered the Panel's recommendation of the 13<sup>th</sup> September 2017 regarding their views on seeking consensus of the two upper tier local authorities so to avoid the need for the independent assessment process. The Commissioner's formal response to the Panel dated 27<sup>th</sup> September 2017 expressed his opinion that the promotion and engagement that both the Commissioner and his office had undertaken as part of the formal consultation had provided ample opportunity for responses from statutory consultees (including the upper tier authorities), stakeholders and the public, all of which had been considered.

## **8. NEXT STEPS**

8.1 The Commissioner's proposal for a PCC-style FRA Governance Model was submitted to the Secretary of State on the 10<sup>th</sup> October 2017 for consideration. As both of the upper tier local authorities have indicated that they do not support the Commissioner's proposal for a PCC-style FRA Governance Model, the Commissioner's submission consisted of the following:

- copies of each representation made by the upper tier local authorities;
- a summary of the views expressed by the people in the Commissioner's police area;
- a summary of the views expressed by those consulted as representative bodies of those who may be affected by the proposal;
- the Commissioner's response to those representations and views; and
- the Local Business Case.

8.2 The Secretary of State must now obtain an independent assessment of the Commissioner's proposal and then have regard to that assessment when making a decision on the proposal. The Home Office has indicated that it is expected to make a decision on any submissions within three months of receipt. The Home Office has yet to confirm the timescale for the Commissioner's submission.

8.3 If the Secretary of State decides that the proposal would be in the interests of either economy, efficiency and effectiveness or public safety, then she can make a legislative Order to create a PCC-style FRA.

8.4 Should the Secretary of State's decision be that the Representation Model is the best option for Cambridgeshire, she will have to undertake a formal consultation to vary the Fire Authority's Combined Scheme.

## **9. BACKGROUND DOCUMENTS**

9.1 Fire and Rescue Services Act 2004

<https://www.legislation.gov.uk/ukpga/2004/21/contents>

Policing and Crime Act 2017

[http://www.legislation.gov.uk/ukpga/2017/3/pdfs/ukpga\\_20170003\\_en.pdf](http://www.legislation.gov.uk/ukpga/2017/3/pdfs/ukpga_20170003_en.pdf)

Police and Crime Panel's recommendation to Police and Crime Commissioner

<http://democracy.peterborough.gov.uk/ieListMeetings.aspx?CommitteId=543>

Police and Crime Commissioner's response to Police and Crime Panel recommendation

<http://www.cambridgeshire-pcc.gov.uk/wp-content/uploads/2017/06/17-09-27-Police-and-Crime-Commissioners-response-to-Police-and-Crime-Panels-recommendation-on-fire-consultation.pdf>

Cambridgeshire Police and Crime Commissioner's Fire Governance proposal submission

<http://www.cambridgeshire-pcc.gov.uk/get-involved/fire-governance-consultation/>

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