

REPORT REFERENCE NO.	DSFRA/15/22
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	7 OCTOBER 2015
SUBJECT OF REPORT	CONSULTATION – “ENABLING CLOSER WORKING BETWEEN THE EMERGENCY SERVICES”
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<i>that the Authority be invited to indicate what response it would wish to make to the consultation and the process for doing so.</i>
EXECUTIVE SUMMARY	This report advises the Authority on publication by the Department of Communities and Local Government of a consultation on proposals for closer working between the emergency services. The deadline for submitting responses is 23 October 2015.
RESOURCE IMPLICATIONS	There are no resource implications associated with responding to this consultation.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	Not applicable
APPENDICES	A. “Enabling Closer Working between the Emergency Services” - specific questions.
LIST OF BACKGROUND PAPERS	Government Consultation Document “Enabling Closer Working between the Emergency Services”, a copy of which can be found by following the link below: https://www.gov.uk/government/consultations/enabling-closer-working-between-the-emergency-services

1. BACKGROUND

- 1.1 The government is committed to driving increased collaboration between the emergency services to deliver more effective and efficient services for the public. Specifically, in its 2015 election manifesto, the Conservative Party made a 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".
- 1.2 Since the election, the Department for Communities and Local Government, in partnership with the Home Office and Department for Health, has been working on proposals which seek to drive a greater level of joint working between the emergency services, not only between police and fire services but also with the ambulance service, delivering more effective and efficient services for communities.

2. CONSULTATION

- 2.1 A joint consultation paper was published on 11 September 2015 seeking views on a series of measures to transform the delivery of local fire and police services and drive greater collaboration between the police, fire and rescue and NHS ambulance services. The measures being consulted on are:
1. introducing a new duty on all three emergency services to actively consider collaboration opportunities with one another to improve efficiency and effectiveness;
 2. enabling Police and Crime Commissioners to take on the duties and responsibilities of fire and rescue authorities, where a local case is made;
 3. where a Police and Crime Commissioner takes on the responsibilities of a fire and rescue authority, enabling him or her to create a single employer for police and fire staff, facilitating the sharing of back office functions and streamlining management;
 4. in areas where a Police and Crime Commissioner has not become responsible for fire and rescue services, enabling them to have representation on their local fire and rescue authority; and
 5. abolishing the London Fire and Emergency Planning Authority and giving the Mayor of London direct responsibility for the fire and rescue service in London, as will be the case in Greater Manchester.
- 2.2 In relation to points 2 and 3 above, the consultation document contains the following section on the process to be followed for a transfer of governance/employment arrangements:
- "We would expect the process for determining whether a Police and Crime Commissioner should assume governance for fire and rescue to be based on the legislative provisions that exist currently for the merger of fire and rescue authorities with each other, as follows:
- Where a Police and Crime Commissioner is interested in taking on governance of the fire and rescue service, they would work with the fire and rescue authority to prepare and publish a business case. The Police and Crime Commissioner would be required to consult locally on the business case and seek views on whether the transfer should take place. The business case would need to consider any equality issues as a result of the proposals in accordance with the Equality Act 2010.

Where the Police and Crime Commissioner and all the relevant constituent authorities for the area are in agreement that the fire and rescue service should transfer to the Police and Crime Commissioner, and subject to the outcome of the public consultation, the Police and Crime Commissioner would request that the Government introduces secondary legislation to give effect to the transfer.

If all parties are not in agreement, the Police and Crime Commissioner would be able to submit the business case to the Home Secretary and Secretary of State for Communities and Local Government, for them to reach a view as to whether the governance change was in the interests of economy, efficiency and effectiveness or public safety. To inform their view, they could seek an independent assessment and would take into account the results from the local consultation. This could be from the Chief Fire and Rescue Advisor and HM Inspectorate of Constabulary or from an otherwise independent person with appropriate expertise. The Secretaries of State would take a decision on whether or not to approve the transfer of fire and rescue services to a Police and Crime Commissioner based on the findings of that independent assessment.

The secondary legislation referred to above would transfer responsibility for governance of the local fire and rescue service to the Police and Crime Commissioner. This would allow Police and Crime Commissioners to drive ambitious reform of their local fire and rescue service and collaboration with police to improve services and deliver value for money. It would also give fire and rescue services direct local accountability through elected Police and Crime Commissioners”.

- 2.3 In addition to inviting general views, the consultation document poses some 14 questions specific to the proposals outlined. The questions as contained in the consultation document are reproduced at Appendix A, for information. A hard-copy of the full consultation document has already been circulated to Authority Members and can be found, electronically, by following the link below:

<https://www.gov.uk/government/consultations/enabling-closer-working-between-the-emergency-services>

The closing date for receipt of responses to the consultation is 23 October 2015.

- 2.4 Given that the nature of the document is fundamentally concerned with the potential for changes in governance for the fire and rescue service, it is felt that the Authority may wish to give full consideration to what response it would wish to make and the process for doing so.

MIKE PEARSON
Clerk to the Authority

ENABLING CLOSER WORKING BETWEEN THE EMERGENCY SERVICES – SPECIFIC QUESTIONS

1. How do you think this new duty would help drive collaboration between the emergency services?
2. Do you agree that the process set out above would provide an appropriate basis to determine whether a Police and Crime Commissioner should take on responsibility for fire and rescue services?
3. Do you agree that the case for putting in place a single employer should be assessed using the same process as for a transfer of governance?
4. What benefits do you think could be achieved from empowering Police and Crime Commissioners to create a single employer for police and fire and rescue personnel, whilst retaining separate frontline services, where a local case has been made to do so?
5. Do you agree that the requirement for a chief officer to have previously held the office of constable should be removed for senior fire officers?
6. How do you think the requirement for a Police and Crime Commissioner to have access to an informed, independent assessment of the operational performance of the fire service should best be met?
7. Do you agree that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its remit extended to scrutinise decision making in relation to fire services?
8. Do you think that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its membership refreshed to include experts in fire and rescue matters?
9. Do you think that where a Police and Crime Commissioner puts in place a single employer for fire and rescue and police services personnel, complaints and conduct matters concerning fire should be treated in the same way as complaints and conduct matters concerning the police?
10. Do you agree that Police and Crime Commissioners should be represented on fire and rescue authorities in areas where wider governance changes do not take place?
11. Do you agree that the London Fire and Emergency Planning Authority should be abolished and direct responsibility for fire and rescue transferred to the Mayor of London?
12. In the event that the London Fire and Emergency Planning Authority is abolished, how should responsibility for fire and rescue be incorporated into the mayoral structure?
13. To what extent do you think there are implications for local resilience (preparedness, response and recovery) in areas where the Police and Crime Commissioner will have responsibility for police and fire?
14. To what extent do you think there are implications for resilience responsibilities in areas where an elected metro mayor is also the Police and Crime Commissioner and responsible for the fire and rescue service?

15. Are there any other views or comments that you would like to add in relation to emergency services collaboration that were not covered by the other questions in this consultation?
16. Do you think these proposals would have any effect on equalities issues?