

Policing and Crime Bill

Emergency Services Collaboration: Overview of Part 1 of the Bill

1. The Home Office, Department for Communities and Local Government¹ and the Department of Health jointly launched a public consultation on 11 September 2015, which sought views on how to implement a range of proposals to enable greater collaboration between the emergency services. The consultation ran for six weeks, ending on 23 October 2015 and received over 300 responses.

The response to the consultation was published² on 26 January 2016. This set out legislative proposals to:

- introduce a high level duty to collaborate on the three emergency services to improve efficiency or 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 a Police and Crime Commissioner 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 Police and Crime Commissioners to be represented on FRAs, with the agreement of the FRA, in areas where such authorities remain in place; and
 - bring fire and rescue services in London under the direct responsibility of the Mayor of London by abolishing the London Fire and Emergency Planning Authority (LFEPA) and creating the London Fire Commissioner as a corporation sole.
2. In keeping with our broader approach to devolve powers, the Bill does not mandate the transfer of fire and rescue services to PCCs. Instead, it 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. This would be given effect by secondary legislation.
 3. 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 firefighters the power of arrest or any other core policing powers.

¹ On 5 January 2016, the Prime Minister announced a Machinery of Government change transferring responsibility for fire and rescue policy from the Department for Communities and Local Government to the Home Office.

²https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495371/6.1722_HO_E_nabling_Closer_Working_Between_the_Emergency_Services_Consult....pdf

4. The measures in Part 1 of the Bill will apply to England only.

Duty to Collaborate

5. The Bill places the three emergency services under a statutory duty to keep collaboration opportunities under review and to collaborate where this would improve efficiency or effectiveness.
6. PCCs and Chief Constables are already under a duty to keep opportunities to collaborate with other PCCs and Chief Constables under review. This new duty is broadly modelled on that.

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. It is intended that there should be a clear expectation that collaboration opportunities should be fully exploited.

Changes to governance

7. 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

8. The governance model enables the PCC to take on the responsibilities of the fire and rescue authority (or authorities) in their area to provide more direct accountability to the public and accelerate local collaboration. The police force and fire and rescue service would remain two distinct organisations. The PCC in its capacity as the FRA would be the employer of all fire and rescue staff, 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.
9. Where a PCC is interested in taking on 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.
10. 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 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 she will be able to make an order to give effect to the transfer.

11. 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 her view, the Home Secretary will be required 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

12. The single employer model enables a PCC to take on responsibility for fire and rescue services and put in place a single employer for fire and policing, following the same process as for the governance model. This would remove the barriers that can prevent the full potential of fire and police collaboration, including the need to draw up contracts and collaboration agreements to share back office services. It provides greater budget flexibility and the ability to streamline upper tiers of management.

13. Under the single employer model, the PCC will appoint a chief officer who - as chief constable and the single operational head of the organisation - will employ both police and fire personnel. The chief officer should appoint a senior fire officer to lead fire operations and a deputy chief constable to lead police operations, under their command.

14. 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 for senior fire officer applicants. We 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

15. 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 and effective way whilst fostering closer relations between police and fire.

London

16. The Bill abolishes the London Fire and Emergency Planning Authority (LFEPA), with the Mayor taking responsibility for fire and rescue services. The functions will sit within existing 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.

Boundaries

17. In England, excluding London, there are 30 PCC areas that have coterminous boundaries with FRAs and 7 which do not. Where the fire and police boundaries do not align, it would be for local areas to consider how boundaries should be changed before a PCC could take on fire and rescue responsibilities for their area.

Home Office

February 2016