

WILTSHIRE & SWINDON FIRE AUTHORITY

MINUTES of an EXTRAORDINARY MEETING of the WILTSHIRE & SWINDON FIRE AUTHORITY held at the Wiltshire FRS HQ, Manor House, Potterne, Devizes on Monday 12 OCTOBER 2015

Present: Cllrs C Devine (Chairman), E Clark, J Knight, N Martin, G Payne,
G Perkins and J Tray.

45 Minutes of last meeting

The minutes of the meeting of the Authority held on 24 September 2015 were confirmed and signed.

46 Apologies

Apologies for absence were received from Cllrs P Edge, Mrs M Groom, R Jones, C Newbury, E Shaw and Mrs B Wayman.

47 Members' interests

The Chairman reminded members of the need to declare any interests which the Authority's Code of Conduct required to be disclosed, or dispensations granted by the Clerk to the Authority or by the Ethics Committee.

48 Chairman's announcements

The Chairman informed members that it was hoped that the legal formalities in respect of the HQ accommodation for the Dorset and Wiltshire Fire and Rescue Authority would be completed in time for a formal signing later in the month.

49 Questions from the public

There were no questions from the public.

50 Consultation document: "Enabling closer working between the Emergency Services"

The meeting gave careful consideration to the Government's consultation document "Enabling closer working between the Emergency Services" and to a draft response prepared by the Chief Fire Officer & Chief Executive. After discussion, it was unanimously

Resolved:

- a) To approve a response on the basis of the text agreed at the meeting subject to minor editing by the Acting Clerk in consultation with the Chairman; and
- b) To thank the Chief Fire Officer for his work in preparing a draft response.

[Note: The Authority's response as submitted to the Government is appended to these minutes.]

51 Urgent business

There was no urgent business.

(Duration of meeting: 10 a.m. to 12.05 p.m.)

Consultation document “Enabling closer working between the Emergency Services”

Response of Wiltshire & Swindon Fire Authority

Wiltshire and Swindon Fire Authority is grateful for the opportunity to respond to the consultation document entitled “Enabling closer working between the Emergency Services” and gives its views prior to merging with Dorset Fire Authority to become the Dorset and Wiltshire Fire Authority on 1st April 2016

The Authority has sought to answer each of the questions in detail and then provide a more general view under **Question 15**.

A new duty on all three Emergency Services to collaborate with one another

- 1. How do you think this new duty would help drive collaboration between the emergency services?**
 - 1.1 The Authority understands the importance of, and encourages, closer working between the Emergency Services in times of austerity and the need for greater resilience. It promotes every opportunity to enable locally determined collaboration between Emergency Services where appropriate.
 - 1.2 It is pleasing to note within the consultation document that the author recognises that many Fire & Rescue Services across the UK are already working closely with the Police and Ambulance Services, both at the operational and strategic level. This is the case between Emergency Services within our area of responsibility.
 - 1.3 With the work that Wiltshire Fire Authority has undertaken in pursuing a merger with Dorset Fire Authority, this Authority challenges the concept of collaboration within just Emergency Services as too narrow in scope, and would seek reassurances that any duty to collaborate with Police and Ambulance (and indeed any of the proposals put forward in this consultation) will not obstruct efforts to collaborate with others (such as NHS, the Coastguard Service and Local Authorities). From the work undertaken by this Authority, such efforts would give further capacity to produce even better outcomes, savings to the public purse, improved services and efficiencies in many cases. This has been borne out in the work which this Authority undertook when reviewing additional closer working with other Public Sector Organisations following combination with Dorset. This is particularly important when, looking to the future, deciding where the FRS positions itself on the social agenda, such as Health & Wellbeing.
 - 1.4 It is recognised that the consultation document makes clear that the duty will be “broad to allow for local discretion in how it is implemented”. It will be important as to how this will be judged, as collaboration will be dealt with differently in different localities. How and who will decide if the obligations under the proposed duty are not being met? This brings us to the Localism issue, which is referred to in section 2

- 1.5 There is no mention in the consultation document as to whether it is the intention of Government to bring together the main departments responsible for Emergency Services at National Government level.
- 1.6 It is recognised that within the consultation document there is little mention or attention paid to the Ambulance Service fitting into the proposals. If this were a serious consideration it could bring greater focus on increased collaboration at Government Department level to drive efficiencies and effectiveness.

Strengthening accountability and governance

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 & Rescue Services?

- 2.1 At an extraordinary meeting of this Authority held on 12 October 2015, the members present unanimously rejected the basis of the consultation document that the Fire & Rescue Service (FRS) should be governed by a Police and Crime Commissioner (PCC).
- 2.2 The Authority would strongly argue that as it is already seeing many benefits through its current collaboration with Wiltshire Police, the move to create a single employer would add little if anything. In addition, the complex issues raised by the model could take the Authority off course and use organisational capacity to create the structural change, thus reducing the public facing outcomes required.
- 2.3 This Authority strongly objects to the undemocratic proposal to allow a Police and Crime Commissioner unilaterally to make the case to take over the Fire & Rescue Service if Local Authorities and the public are not supportive of the move. This flies in the face of the Government's Localism Agenda and thus runs contrary to the Government's direction of having a locally determined approach. We do not believe any process where the final say is made at national level could be said to have been locally determined. This was clearly stated and demonstrated in the process which Wiltshire and Dorset Fire Authorities underwent when pursuing a combination.
- 2.4 Considerable effort and expense has already been undertaken by both Members and Officers between Wiltshire and Dorset in the pursuance of a combination. It is therefore fundamental that as well as identifying the benefits of the potential change (in terms of service and financial outcomes), proposals need to take account of the benefits already being secured, the impact of organisational structural change, the need for capital investment to secure change, the potential impact on the benefits from other collaborations and partnership working which may need to cease, and most significantly the effect on staff morale on the journey that some FRSs have already taken.
- 2.5 Whilst there is a strong desire across Police and Fire & Rescue Services to work more closely together, the objectives, aims and values are different and the imposition of a change rather than one evolved locally is less likely to succeed.

Empowering Police and Crime Commissioners to maximise opportunities for efficient, effective 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?

3.1 This Authority does not agree that empowering PCCs will maximise opportunities for efficient and effective services.

3.2 As stated previously in section 2, this Authority does not agree that the PCC should have the ability unilaterally to decide to merge Emergency Services or create a single employer, if that is not the wish nor has the support, through consultation, of local Authorities or the public. As mentioned previously this would be contrary to the Government's Localism Agenda and thus contrary to the government's direction of having a locally determined approach.

3.3 This Authority recognises the importance of maintaining the distinction between operational policing and firefighting.

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?

4.1 In regard to the above headline statement, this Authority does not agree that there would be any significant or worthwhile saving to be made in adopting a PCC model.

4.2 This Authority recognises the importance and drive to make efficiencies within the Public Sector. This Fire & Rescue Service has already identified and produced significant savings by collaborating and reducing senior management teams and by the streamlining of support services, as a result of the impending merger with Dorset. The future financial pressures will continue to provide sufficient incentives to achieve further savings, without a single employer model, by continuing to work in a collaborative approach with other public sector organisations.

4.4 It is commonly recognised that both Police and Fire Services are viewed by the public in different ways and the Authority believe it will be important to consider issues of trust and confidence in the management by the workforce given that Police and Fire operate very differently and undertake profoundly different roles. Fire Service staff are privileged in the way that they are treated and received by the public and it is fundamental that the brand of the Fire & Rescue Service is maintained for firefighters to be able to undertake their role.

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?

5.1 This Authority believes there should not be a single Chief Officer over a Chief Constable and a Chief Fire Officer.

Associated Issues

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?

6.1 This would be a matter for the PCC's discretion were a PCC to be responsible for the FRS.

6.2 This Authority believes that it is important to maintain an independent source of expertise, either with a reformed HMI or the current Chief Fire and Rescue Advisor model.

7. Do you agree that where a Police and Crime Commissioner takes responsibility for a Fire & Rescue Service, the Police and Crime Panel should have its remit extended to scrutinise decision making in relation to Fire Services?

7.1 On the basis that Combined Fire Authorities would be abolished, it is assumed PCCs would put in place appropriate governance arrangements.

8. Do you think that where a Police and Crime Commissioner takes responsibility for a Fire & Rescue Service, the Police and Crime Panel should have its membership refreshed to include experts in fire and rescue matters?

8.1 Yes.

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?

9.1 No. Firefighters and Police Officers have very different job roles and requirements placed on them. It is important to remember that as warranted officers, operational Police are "on duty" at all times, while firefighters are not. Joint complaints and conduct procedure will be extremely difficult to design and deliver and would possibly cause friction amongst the workforce.

Enhancing collaboration between Police and Fire and Rescue

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?

10.1 This Authority would welcome the attendance of a representative of the PCC as an observer. This would be without voting rights because a representative would not be directly accountable to the public in the way members of Fire Authorities are. Equally, FRAs should be represented on Police and Crime Panels.

London Fire and Emergency Planning Authority

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?

11.1 This Authority has no comment on this matter.

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?

12.1 This Authority has no comment on this matter.

Civil Contingencies

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 ?

13.1 This Authority would wish that the current model and membership on the Local Resilience Forum (LRF) remains the same as it is important that Fire and Police are both equally represented in their contributions to local resilience structures.

Local Devolution

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 & Rescue Service?

14.1 This Authority has no comment on this matter.

Closer working between Police and Crime Commissioners and NHS ambulance trusts

There is no question in the consultation document covering this area. Please refer to the comment in Section 1.6 of this response.

Other views and comments

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?

General Comments

15.1 This Authority wishes to reiterate and emphasise the considerable amount of work (covering two years to date) which has taken place, and is continuing, towards the combination with Dorset Fire Authority. The merger has wide support from stakeholders, not least the relevant Local Authorities and is based on a business case demonstrating significant financial savings. It should also be noted that this merger is supported by

current extant Government policy for large public service organisations in regard to maximising efficiency and economy. A Wiltshire and Dorset consultation exercise showed overwhelming public support for combination. Significantly, the Government acknowledged the potential gains in efficiency and effectiveness by making a £5.54m one-off grant towards the merger costs.

- 15.2 The Authority believes that this consultation document and the proposals within it are too limited in only focusing on Emergency Services and should be broadened to consider collaboration with other services (in the way this Authority has with Wiltshire Council and other bodies) such as Health, the Coastguard Service, Local Authorities etc. The Authority believes that this will surely produce greater savings and improve service delivery to communities. The issues for savings raised for Emergency Services are being achieved through, as previously stated, combination with Dorset and collaboration with other Local Authorities. It is believed that a change to the PCC model proposed in the consultation document would not bring any benefits and would be counter-productive.
- 15.3 There is a distinct difference between the roles of Police and Fire Officers. The Firefighters role, in times of distress, is to provide humanitarian assistance while Police officers have an enforcement and peacekeeping role that necessarily brings them into conflict with members of the public on occasion. Although we recognise that the consultation document makes it clear that firefighters will not be given the power of arrest and Police will not answer fire calls, there is a need for very careful consideration whether the neutrality of the Fire & Rescue Service and firefighters would be called into question if they became integrated with the Police, which would almost certainly be the case in the proposed PCC model.
- 15.4 The Authority notes that within the proposal Government funding for the two Services would be provided separately. It is not clear, however, how this would be achieved, either through two different funding streams or through a single PCC budget with spending priorities assessed for each Service. There would need to be greater clarity as to transparency, to ensure the safeguarding of these budgets to the individual organisations.
- 15.5 As stated in para.15.1 above, this Authority is currently going through a significant combination programme with Dorset Fire Authority. It is therefore important to point out that within any business case for either a governance transfer or single employer model, it will be important to consider the impact upon staff, in particular in support roles. It is fundamental for the success of the merger that both Services are seen and treated as equal partners. On most occasions within the proposed model, one Service would be significantly larger than the other and a perception of a “take over” of that organisation will be seen. This would engender a potentially negative response from the smaller organisation, which would need to be considered and mitigated. This is a complex area and appropriate expert HR and legal advice would be needed in preparing the business case and implementing the proposal. This work and complexity should not be underestimated, neither should the significant cost implications.

16. Do you think these proposals would have any effect on equalities issues?

- 16.1 The Authority is unable to answer this question at this current time as a detailed Impact Assessment would need to be undertaken.