

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	4 December 2018
Subject:	Police and Crime Commissioner Consultation - Proposal in Respect of the Fire Service
Report of:	Head of Community Services
Corporate Lead	Chief Executive
Lead Member:	Leader of the Council
Number of Appendices:	One

Executive Summary:

The Policing and Crime Act 2017 received royal assent on 31 January 2017 and introduced a range of measures to enable closer collaboration between the emergency services. It also places an obligation on emergency services to collaborate. In particular, it enables Police and Crime Commissioners (PCCs) to take on the governance of their local Fire and Rescue service, where a local case is made, and establish a PCC-style Fire and Rescue Authority (FRA), under one of the following four options:

- No change/status quo.
- Representation.
- Governance.
- Single employer.

The Gloucestershire PCCs preferred option is the 'Governance' Model and a consultation is currently underway across the County.

Tewkesbury Borough Councillors are asked to debate the options and make any relevant representations on behalf of the residents of Tewkesbury Borough.

Recommendation:

Council is asked to consider the Police and Crime Commissioner's 'Case for Change' business case in respect of the governance and management of Gloucestershire Fire and Rescue Service and determine what, if any, response should be made to the Police and Crime Commissioner by Tewkesbury Borough Council.

Reasons for Recommendation:

To consider the need for a response to the Police and Crime Commissioner's Case for Change Business Case consultation.

<p>Resource Implications:</p> <p>None arising directly from this report.</p>
<p>Legal Implications:</p> <p>None arising directly from this report.</p>
<p>Risk Management Implications:</p> <p>None arising directly from this report.</p>
<p>Performance Management Follow-up:</p> <p>None arising directly from this report.</p>
<p>Environmental Implications:</p> <p>None arising directly from this report.</p>

1.0 INTRODUCTION/BACKGROUND

- 1.1 The Policing Reform and Social Responsibility Act 2011 established the role of Police and Crime Commissioners (PCC) in England and Wales. The role of the PCC was to replace and reform the existing police authorities and Gloucestershire's PCC first took office in November 2012.
- 1.2 The PCC holds the "police fund" from which all policing in the County is financed and must also produce a police and crime plan which sets out his or her objectives for policing including what resources will be provided to the Chief Constable. Both the PCC and the Chief Constable must have regard to the police and crime plan in exercising their duties.
- 1.3 Nationally, current governance models for fire and rescue services vary and the Fire Authority responsibility may exist as an independent authority or be vested in an upper tier local authority such as a County Council. In Gloucestershire, the County Council acts as the Fire Authority and therefore is responsible for the overarching direction of the service and for setting and managing the fire services budget. The Gloucestershire Fire and Rescue Service (GFRS) sits within the Gloucestershire County Council (GCC) and the Chief Fire Officer, who is responsible for leading and managing the service, is also a Chief Officer of the GCC with other responsibilities for County Council services.
- 1.4 The Policing and Crime Act 2017 introduced a range of measures to enable closer collaboration between the emergency services. In particular, it asks PCCs to consider governance and service collaboration between the PCC's role and the local Fire Authority. The Act also enables Police and Crime Commissioners (PCCs) to take on the governance of their local fire and rescue service, subject to the acceptance of a business case by the Home Office.
- 1.5 The PCC considered this course of action in 2017 and produced a business case at that time which indicated, in his opinion, there could be efficiencies in adopting a more collaborative approach involving combining the governance of Gloucestershire Constabulary and GFRS. However, the PCC decided not to pursue this at that time after concluding that there was not the political appetite for change.

- 1.6 The Policing and Crime Act 2017 allows PCCs to review the governance of fire and rescue services periodically. Following recent governance issues, the PCC has determined that he wished to review the governance of the GFRS again. The PCC undertook this review and released a business case for public consultation. The business case concludes that there is merit proceeding to change the GFRS governance arrangements and the consultation period closes on 21 December 2018.
- 1.7 The executive summary of the PCC's business case is attached at Appendix 1 and a copy of the full document has been placed in the Members Lounge. The business case can also be accessed on the Office of the PCC's website at:

<https://www.gloucestershire-pcc.gov.uk/how-to-get-involved/consultations-and-surveys/>

3.0 OPTIONS

- 3.1 The options that the PCC's business case explores are summarised below:
- 3.1.1 **No change / status quo:** This would mean the governance arrangements of GFRS remain part of the County Council as Fire Authority and collaboration is progressed on a voluntary basis.
- 3.1.2 **Representation:** This is where the PCC would become a formal part of the existing Gloucestershire Fire Authority governance for GFRS within the County Council's Committee structures, with full voting rights.
- 3.1.3 **Governance:** Here the PCC takes on responsibility for GFRS in much the same way he currently does for Gloucestershire Constabulary. The role would become the Police, Fire and Crime Commissioner. Police and fire would retain their own Chief Officers and staff and be operationally independent of each another. All staff and relevant assets and liabilities would transfer from GCC to the PCC acting in the capacity as the new Fire Authority.
- 3.1.4 **Single employer:** In addition to the arrangements under the governance option, the PCC would appoint a single Chief Officer for both services. Front-line services would remain distinct but support services would be increasingly integrated.
- 3.2 The PCC indicates in his business case that the governance model is his preferred option. The public consultation is simply asking respondents whether they agree with the governance option as the preferred option.

4.0 PROS AND CONS OF THE PROPOSED MODEL OF GOVERNANCE

- 4.1 Under the leadership of GCC as Fire Authority, GFRS has, in recent years, become much more collaborative in its approach to dealing with fire prevention and community issues whilst, at the same time, retaining its firefighting and rescue readiness. As a result of the pace of change achieved by the service, GFRS has become a national leader in fire prevention and community engagement. Fire prevention work has led to a significant decrease in the number of fires that the service needs to respond to - a 36% reduction in 10 years - and it has expanded its community role significantly.

- 4.2 In addition to community based fire prevention work which often focusses on vulnerable people, GFRS now carries out a range of community service activities, including carrying out safe and well checks, working with partners in health and social care and District Councils, tackling arson and anti-social behaviour and working more closely with South West Ambulance Foundation Trust to enhance medical response for a safer Gloucestershire. It also continues to work collaboratively with other organisations to share the public estate such as providing community space at local community fire stations. GFRS Fire Prevention Officers operate from the Tewkesbury Public Service Centre and are vital members of the Council's Community Safety Partnership.
- 4.3 It is not guaranteed that these improvements would continue if the governance arrangements changed.
- 4.4 Potential pros and cons of the PCC's proposals are summarised below. These are not exhaustive and may or may not be shared by Members, but are listed here to assist the debate at Council:

Governance Option Pros as set out by the PCC in his business case:

- Improved governance.
- Strong leadership.
- Robust and honest scrutiny.
- Improved opportunity for collaboration.
- Financial clarity.
- Better use of estate, vehicles and equipment.
- Empowered staff.
- Integrated training.
- Safer and Stronger communities in Gloucestershire.

Governance Option Potential Cons:

- All the PCC positive outcomes are already in place, or could be achieved under current arrangements - if approached in a spirit of collaboration.
- GFRS is well integrated into GCC which delivers existing service integration economies which could be lost under the governance option, if pursued.
- Integrating 'blue light' emergency services may take focus away from the successful fire prevention and community work undertaken by GFRS. The PCC's business case gives limited reference to fire prevention.
- Much of the case for change implies unsatisfactory governance under current arrangements which would not seem to be the case.
- Pursuing the governance option will cause unnecessary uncertainty within GFRS management and staff and amongst partner agencies.
- There is a negative financial impact for Council Tax payers in terms of set up costs and ongoing revenue costs.
- The PCC report focusses on potential benefits, there seems to be limited assessment of potential negatives.
- Implementation of the governance option is likely to take resources from, and be a distraction to, effective service provision in GFRS, Gloucestershire County Council, Gloucestershire Constabulary and in partner organisations.

- The national position of the Fire Brigades Union (FBU) is to say 'No to PCC Take Over'. The PCC's proposal is therefore likely to be resisted by GFRS firefighters which may cause further disruption to services.
- The FBU state its position as follows:
 - Firefighters provide a humanitarian service, they are not agents of the state nor are they law enforcers. Firefighters play a neutral role in our communities.
 - PCCs are unlikely to have any experience in management of the fire and rescue service. They were elected with the lowest turnout in British peacetime history, an average of 15.1%.
 - It represents a threat to the terms and conditions of firefighters. It could potentially take them out of agreed rates of pay and conditions of service and open the door to privatisation of the service.
 - The FBU completely oppose these plans. There are more democratic and devolved models of governance on the table.

5.0 CONSULTATION

5.1 None.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None.

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 Considered in the body of the report.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None arising directly from this report.

Background Papers: None.

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Appendices: One – Executive summary of consultation document.