



Durham Police and Crime Panel

23 June 2022

Home Office– White Paper Consultation 'Reforming Our Fire and Rescue Service'

Report of Helen Lynch, Head of Legal and Democratic Services

Electoral division(s) affected:

None

Purpose of the Report

- 1 To present the Durham Police and Crime Panel with supporting information on consultation of the government's white paper titled 'Reforming our Fire and Rescue Service'.

Executive summary

- 2 This report provides a summary of a current consultation to seek opinion to the Government's white paper proposing reform of fire and rescue services within England.
- 3 The White Paper sets out the Government's proposals to transfer responsibility of fire and rescue governance to a directly elected person. This report summarises the proposals and recommends that the Panel holds a workshop to formulate its response to the government's consultation.

Recommendation

- 4 The Police and Crime Panel are asked to
 - (a) Note information within this report, and
 - (b) Agree to hold a workshop to formulate a panel response to the Government's consultation.

- (c) To delegate authority to the Clerk to the Panel in consultation with the Chair and Vice-Chair of the Panel to prepare, finalise and submit the consultation response on behalf of the Panel following the workshop.

Background

- 5 The Home Office White Paper entitled “Reforming Our Fire and Rescue Service: Building professionalism, boosting performance, and strengthening governance” was presented to Parliament by the Secretary of State on the 18 May 2022. A copy of the white paper consultation document is attached in Appendix 2.
- 6 The white paper includes a range of proposals for the reform of fire and rescue services in England. The proposals cover three principal areas in the reform vision: People, Professionalism and Governance.
- 7 The Government are seeking to gather views through response to 47 consultation questions linked to the three principal areas. The consultation is open from the 18 May 2022 until the 26 July 2022.

People, Professionalism and Governance

- 8 As identified, the white paper seeks to drive improvement within three areas, well-trained and supported **people**, high levels of **professionalism** and strong and effective **governance**. Within this context, this report provides a summary of the people and professionalism areas of the paper but has a greater focus on the governance element as the most relevance and potential impact on the police and crime panel.

People

- 9 This element of the paper covers the role of Fire and Rescue Services, modern working practices, public safety business continuity, pay negotiation, nurturing new and existing talent. The consultation seeks views on proposals for Fire and Rescue Services to have the flexibility to deploy resources to help address current and future threats faced by the public beyond core its core duties and play an active role in supporting the wider health and public safety agenda.
- 10 In addition, views are sought within the consultation on whether business continuity requirements within the Civil Contingencies Act 2004 provide sufficient oversight to keep the public safe in the event of strike action and if current pay negotiation arrangements are appropriate.
- 11 With regard to nurturing new and existing talent, the consultation seeks opinion on exploring consistent entry requirements for Fire and Rescue Service roles and if other roles in addition to station and area managers would be benefit from a direct entry and talent management scheme.

Professionalism

- 12 This section is split into five areas of leadership, data, research, ethics and clear expectations for fire and rescue services. In relation to leadership, the consultation seeks views on proposals to introduce a leadership programme and for this programme to be mandatory before becoming an assistant chief fire officer or above graded officers.
- 13 For the areas of ethics and clear expectation, the White Paper proposes the creation of a statutory code of ethics for fire and rescue services in England and the introduction of a fire and rescue service oath as a promise to uphold the principles within the statutory code.
- 14 The White Paper also proposes the five key areas identified within paragraph 11 as priorities for professionalising fire and rescue services and that this could be led by the creation of an independent College of Fire and Rescue.

Governance

- 15 This section of the report covers current governance structures, options to transfer governance to directly elected individual, boundaries, fire funding, a balanced leadership model, legal entity of Chief Fire Officers and clear distinction between strategic and operational planning.
- 16 There are currently 44 Fire and Rescue Authorities across England operating under a range of different governance models, to which 38 operate a committee structure that the government propose to replace with executive oversight by a directly elected individual. The White Paper proposes this to be either a Combined Authority Mayor, Police and Crime Commissioner or another option such as an Executive Councillor. Each of these options would have a formal scrutiny panel.
- 17 The government's preferred governance model is one that meets the following criteria:
 - has a single, elected – ideally directly elected – individual who is accountable for the service rather than governance by committee
 - there is clear demarcation between the political and strategic oversight by this individual, and the operationally independent running of the service by the chief fire officer
 - that the person with oversight has control of necessary funding and estates

- decision-making, including budgets and spending, is transparent and linked to local public priorities
- 18 The White Paper consultation document then asks the following questions
- To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to a single elected individual?
 - What factors should be considered when transferring fire governance to a directly elected individual?
- 19 With regard to the Mayoral model, the document states that the government would like to see more combined authority mayors exercising public safety functions where boundaries allow.
- 20 The Panel will note that of the eight existing mayoral combined authorities without fire and rescue functions currently, four (Cambridgeshire & Peterborough, Sheffield City Region, West Midlands and West Yorkshire) are already coterminous with fire and rescue boundaries. Subject to the White Paper consultation, the government will explore options for transferring the fire functions directly to the Mayoral Combined Authorities for exercise by the Mayors in these areas at the earliest opportunity. The four remaining existing Mayoral Combined Authorities (Liverpool City Region, North of Tyne, Tees Valley and West of England) are not currently coterminous with fire and rescue boundaries and so, subject to this consultation, the government will need to consult with those in the local areas to establish the way forward. The paper then asks the following question:
- Where Mayoral Combined Authorities already exist, to what extent do you agree/disagree that fire and rescue functions should be transferred directly to these MCAs for exercise by the Mayor?
- 21 The Police and Crime Act 2017 introduced measures for Police and Crime Commissioners to take on oversight of their local fire services and it was for each Commissioner to determine if they wanted this responsibility and if so to submit a proposal to the Home Secretary. To date, four areas have made the transition to a police, fire and crime commissioner and the paper includes examples of how police and fire services are working collaboratively in those areas.
- 22 The paper explains and provides feedback from the Home Office's PCCs review considered how PCCs' accountability could be strengthened, and their role expanded in line with the government's

manifesto commitment, and considered the benefits of directly elected oversight of fire services. The paper then asks the following question:

- To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to police and crime commissioners?

23 The Home Office recognises that, in some areas, there may be a preference for a different option other than a PCC or Mayor, such as an Executive Councillor. This may be where a Fire Service is already part of a county council or where boundaries are not well aligned. Therefore, the Government will consider other options, although any option will need to meet the criteria as listed in paragraph 16, particularly the need for clear executive, rather than committee leadership. The paper then asks the following question

- Apart from Combined Authority Mayors and Police and Crime Commissioners, is there anyone else who we could transfer fire governance that aligns with the principles set out above?

24 This section of the paper also explores the opportunity as part of a governance change to strengthen and clarify the legal basis against which Fire and Rescue Authorities operate. The document explains that in transferring responsibility to a single individual, the government could also put good governance principles in statute. For example, legislation could set out the role and function of the Fire and Rescue Authorities including its oversight and scrutiny functions, specifying how transparency objectives should be met, and clarifying the relationship between political oversight and operational decision making. The paper then asks the following question

- To what extent do you agree or disagree that the legal basis for Fire and Rescue Authorities could be strengthened and clarified?

25 The consultation paper highlights that regardless of which option is identified as the executive leader, each would need a body to scrutinise their decision making. The paper then explains that Part 2 of the Home Office's review of PCCs is assessing current scrutiny arrangements of PCCs in more detail and how they could be improved. Within this context the Home Office will consider these findings and what may be the appropriate scrutiny arrangements for fire.

26 With regard to boundaries, to transfer fire governance to an elected official, the boundaries of the police force/combined authority/ county council must align to ensure a consistent electoral mandate across the area. Across most of England, the boundaries for Fire and Rescue Services and Police Forces/Combined Authorities (where present) are

coterminous, making the transfer of governance to Combined Authority Mayors and PCCs practicable. The document also explains suggestions were there are two Fire Services within one Police Force area and in south west England where fire and police boundaries do not align. The paper then asks the following question

- To what extent do you agree/disagree that boundary changes should be made so that fire and rescue service areas and police force/combined authorities (where present) areas are coterminous?

27 A Balanced Leadership model is proposed within the document. The Home Office believe that these governance changes will result in an executive leader being required to produce a strategic fire and rescue plan listing their priorities, while the chief fire officer would focus on their operational requirements to meet those priorities without the current prolonged negotiations. The Home Office believe that Chief Fire Officers not having operational independence creates a barrier to effective and efficient services.

28 The Government will propose legislation to clearly define the role and responsibilities of both the Executive Leader and Chief Fire Officer with clear demarcation between the two. The consultation paper includes the following table to illustrate the proposed split of responsibilities between the Executive Leader and Chief Fire Officer.

<u>Task</u>	<u>Responsible</u>
<u>Setting priorities</u>	<u>Executive leader</u>
<u>Budget setting</u>	<u>Executive leader</u>
<u>Setting precept</u>	<u>Executive leader</u>
<u>Setting response standards</u>	<u>Executive leader</u>
<u>Opening and closing fire stations</u>	<u>Executive leader*</u>
<u>Appointment and dismissal of chief fire officer</u>	<u>Executive leader</u>
<u>Appointment and dismissal of other fire service staff</u>	<u>Chief fire officer</u>
<u>Allocation of staff to meet strategic priorities</u>	<u>Chief fire officer</u>
<u>Configuration and organisation of resources</u>	<u>Chief fire officer</u>
<u>Deployment of resources to meet operational requirements</u>	<u>Chief fire officer</u>
<u>Balancing of competing operational needs</u>	<u>Chief fire officer</u>
<u>Expenditure up to certain (delegated) levels</u>	<u>Chief fire officer</u>

*Opening and closing of fire stations could be a joint decision; operationally fire chiefs could be responsible for decisions on moving teams, whilst ultimate political and executive responsibility lies with the executive leader.

29 The paper then asks the following question

- To what extent do you agree with this proposed approach (as outlined in the table above)?

Conclusion

- 30 The White Paper attached in Appendix 2 contains a number of proposals that if implemented would have an impact on the role and responsibilities of the Durham Police and Crime Panel. Within this context it is suggested to hold a workshop session to consider this document and formulate a response from the panel to the government's consultation.

Background papers

- None

Other useful documents

- None

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Appendix 1: Implications

Legal Implications

The White Paper makes a number of proposals that if implemented would impact on the current role and responsibilities of the Durham Police and Crime Panel.

Finance

None

Consultation

The report presents the Government's consultation for its White Paper to reform Fire and Rescue Services within country. The report also recommends a workshop session to enable a response from the Durham Police and Crime Panel.

Equality and Diversity / Public Sector Equality Duty

None

Climate Change

None.

Human Rights

None

Crime and Disorder

This is a key focus of the role of the Police and Crime Commissioner and Police and Crime Panel.

Staffing

None

Accommodation

None

Risk

None

Procurement

None.