

County Council – 21 July 2017

Agenda Item 4 – Address by Cabinet Member

Fire and Rescue Services at West Sussex County Council Briefing on the Policing and Crime Act 2017 provisions relating to Fire and Rescue Services

Introduction

The Policing and Crime Act 2017 includes the three significant provisions:

- (1) A duty for emergency services to collaborate.
- (2) The ability for Police and Crime Commissioners (PCCs) to make a case to take over Fire and Rescue Service governance.
- (3) The establishment of an independent inspection body for Fire and Rescue.

Current arrangements for the County's Fire and Rescue Service (FRS)

The West Sussex FRS is one of 13 managed within a local authority setting. The service is within the Executive Directorate of Communities and Public Protection (CPP). It falls under the Cabinet portfolio for Safer, Stronger Communities, with scrutiny via the Environmental and Community Services Select Committee.

The Executive Directorate for CPP comprises three Directorates:

- Operations, which covers Fire and Rescue Service response function, including fire stations, Intervention and Prevention, Business Fire Safety, and Emergency Response, as well as Fleet Management. The Director of Operations is the Chief Fire Officer.
- Public Protection, which includes Trading Standards, Health and Safety, and Resilience and Emergencies, Strategic Risk and Planning, the Sussex Control Centre, and Operational ICT. The Director of Public Protection is the Deputy Chief Fire Officer.
- Communities, which includes Community Operations, Community Safety, Wellbeing and Partnerships, Libraries, Registrars, the Coroners Service, and Ceremonies.

The West Sussex model aims to build strong community links, and opportunities for community resilience, through a range of community development programmes aimed at improving health and wellbeing, reducing social isolation and improving social cohesion.

Collaboration and partnership working

The FRS works extensively in partnerships, including:

The Sussex Resilience Forum: This is a Local Resilience Forum that supports Category 1 responders under the Civil Contingencies Act in their statutory duties. This includes Emergency Services, Health, local authorities, and government.

Sussex Safer Roads Partnerships (SSRP): SSRP is made up of Sussex Police, East and West Sussex County Councils, East and West Sussex FRSs, Brighton and Hove City Council, and Highways England to address road safety.

Safer West Sussex Partnership (SWSP): The SWSP brings together Community Safety Partnerships along with other key agencies. It provides a co-ordinated approach to reducing crime and anti-social behaviour in West Sussex.

The Emergency Services Collaboration Project: This involves joint work with East Sussex and Surrey FRSs as well as Sussex Police, Surrey Police and South East Coast Ambulance. Wider collaboration with FRS partners extends across the South East region and beyond in terms of policy development, training and procurement.

Joint Control: West Sussex FRS has joined with East Sussex FRS, to establish a joint control and mobilisation function, the Sussex Control Centre.

The One Public Estate Programme: West Sussex FRS are working with a range of other agencies on a future estate strategy – with the ambition, where practical, to co-locate and make sure all public buildings are being used to their full potential by public services.

The Duty to Collaborate

The Act legislates for a duty on fire, police and ambulance services to collaborate, where it would be in the interests of efficiency and effectiveness. This would be documented in formal collaboration agreements. The duty does not specify how the services should collaborate nor does it affect any existing powers to exercise their functions jointly, on behalf of one another or to co-operate. Collaboration agreements also do not need to include all three emergency services.

Provision for transfer of Fire and Rescue Authority (FRA) responsibilities to the PCC, under the Policing and Crime Act 2017

The Act enables transfer of FRA duties to the PCC through mechanisms which:

- Enable PCCs to take over governance of their local FRA(s) where a local case is made - the 'governance' model. This would establish a new organisation (the 'PCC FRA'), which would be the new employer for FRS personnel.
- Enable a PCC takes on the responsibilities of a FRA and to create a single employer for police and fire staff - the 'single employer' model.

The PCC can put forward a business case for a change in FRS governance. The PCC must consult on this case with local authorities, the public and staff, if they intend to submit it for consideration. The PCC alone determines whether a case proceeds and is submitted to the Home Secretary, who is the decision maker.

The Home Secretary can only make an order creating a 'PCC FRA' if satisfied that the PCC's proposal would be in the interests of either (a) economy, efficiency and effectiveness or (b) public safety. The Home Secretary is enabled to make schemes transferring staff, property, rights and liabilities to the new PCC-FRA. The Act also provides for collaboration in areas where a PCC does not take on responsibility for fire and rescue; these provisions enable a PCC to be

represented on an FRA with voting rights, where the FRA agrees. These rights are confined to fire and rescue business.

Independent Inspection Body

The Act makes provision for the establishment of an independent body who, under a Chief Fire and Rescue Inspector, will complete inspections of FRSs and report on their leadership, efficiency and effectiveness. These inspections will either be on the whole service or focused on thematic areas, such as equality and diversity, training or procurement.

As of 19 July 2017, it has been confirmed that Her Majesty's Inspectorate for Constabulary will be responsible for inspection of FRSs. All FRS will be inspected over a two year period, with the first inspection reports being published in 2018.

The decision by the Sussex Police and Crime Commissioner on the matter of Fire and Rescue Service Governance

The Sussex PCC has been developing a business case regarding FRS governance since July 2016. On 14 July 2017, the PCC informed affected parties that, whilst a business case had been developed, it would not be taken forward at this time.

The PCC stated that she felt a case for change had been made, but that it was not compelling in the context of the complexity of the change and the potential disruption. It was stated that this position would be reviewed in two years, with a view to taking into account the level of collaborative working between FRSs, the outcomes of independent inspections and comparisons of service performance under future national standards.

In this context, the other provisions of the Policing and Crime Act 2017, relating to collaboration and independent inspection, will take precedence.

Gavin Watts

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