



**To:** Business Coordination Board

**From:** Chief Executive

**Date:** 18 September 2019

## **FIRE GOVERNANCE UPDATE**

### **1. Purpose**

1.1 The purpose of this report is to update the Business Coordination Board (“the Board”) following the approval from the Home Secretary for the Police and Crime Commissioner (“the Commissioner”) to take on responsibility for governance of Cambridgeshire Fire and Rescue Service.

### **2. Recommendation**

2.1 The Board is recommended to note the update.

### **3. Background**

3.1 The Policing and Crime Act 2017 (the “Act”) places a duty on police, fire and rescue and ambulance services to explore opportunities for collaboration, and enables Police and Crime Commissioners to take on responsibility for the governance of fire and rescue services in their area where a case is made to do so.

3.2 Independent consultants, who were commissioned jointly by Cambridgeshire and Peterborough Fire Authority (“the FRA”) and the Commissioner assessed the governance options and prepared a local business case. The local business case recommended that the governance option offered the greatest benefit.

3.3 The provisions of the Act place a requirement on the Commissioner to consult if they wish to take on the governance of Fire. Pre-consultation engagement and public consultation was undertaken in summer 2017.

- 3.4 The Commissioner's proposal to take on the governance of the Cambridgeshire Fire and Rescue Service was submitted to the Home Office in October 2017.
- 3.5 Where the upper tier authorities do not agree with a proposal the Home Office is required to obtain an independent assessment of the proposal. The Home Secretary takes into account the findings of the independent review when making the final decision whether or not to approve the Commissioner's proposal. The Minister of State for Policing and the Fire Service requested the Chartered Institute of Public Finance & Accountancy ("CIPFA") to undertake an independent assessment of the Cambridgeshire proposal.
- 3.6 On 26th March 2018 the Home Secretary announced that the Commissioner for Cambridgeshire would be one of three more Commissioners to take on responsibility for local fire and rescue services. The Home Secretary considered that the Cambridgeshire proposal demonstrated that a transfer of governance would be in the interests of economy, efficiency and effectiveness and would not have an adverse effect upon public safety.
- 3.7 The Home Secretary indicated that the Home Office would seek to give effect to the proposal through a statutory instrument which they anticipated would take effect in June or July 2018. Staff in the Office of the Police and Crime Commissioner ("the OPCC") and the Fire and Rescue Service worked with the Home Office during spring 2018 to ensure a smooth transition. However, the week the necessary statutory instrument was due to be laid before Parliament (and just 21 days before it was due to take effect) the FRA put forward a legal challenge to the Home Secretary's decision.

#### **4. Legal Proceedings**

- 4.1 The judicial review hearing took place on 5<sup>th</sup> and 6<sup>th</sup> June 2019. The Fire Authority's judicial review of the Home Secretary's decision was dismissed by the High Court at the end of July 2019.
- 4.2 The FRA have, however, continued to pursue their legal challenge of the Home Secretary's decision. The Fire Authority have sought permission to appeal (having been refused by the Judge who heard the case). They have also submitted a further legal challenge.
- 4.3 The OPCC continues to monitor the impact of the delay in implementation.

#### **5. Ongoing Collaboration**

- 5.1 Collaboration at an operational level continues.
- 5.2 The dialogue on potential further collaboration opportunities is ongoing.
- 5.3 The OPCC continues to share the same Chief Finance Officer with the Fire Authority.

#### **6. Recommendation**

- 6.1 The Board is recommended to note the update.

**BIBLIOGRAPHY**

<p><b>Source Document(s)</b></p>	<p><a href="#">Item 12.0 – ‘Fire Governance Update’, Business Coordination Board, 31<sup>st</sup> July 2019</a></p> <p><a href="#">Item 11.0 ‘Fire Governance Update’, Business Coordination Board, 1st November 2018</a></p> <p><a href="#">Item 7.0 ‘Fire Governance Update’, Business Coordination Board, 12<sup>th</sup> April 2018</a></p> <p><a href="#">Item 3 ‘Huntingdon Hub Property Rationalisation – Progress Update’, FRA Policy and Resources Committee, 21<sup>st</sup> July 2016</a></p> <p><a href="#">‘Emergency Services Collaboration, The Duty to Collaborate – An information and support document’</a></p> <p><a href="#">Background information</a> - including the letter from the Home Secretary approving the proposal to transfer fire governance to the Police and Crime Commissioner and independent assessment by CIPFA and the submission to the Home Office including the business case and details of the comments made through the consultation and the Commissioner’s response to them</p>
<p><b>Contact Officer(s)</b></p>	<p>Cristina Strood, Head of Policy for Police and Fire, Office of the Police and Crime Commissioner</p>