



To: Business Coordination Board

From: Chief Executive

Date: 25 February 2020

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. Executive Summary

3.1 New legislation in 2017 enabled Police and Crime Commissioners to take on responsibility for fire governance where a case is made. In response, independent consultants were jointly commissioned by Cambridgeshire and Peterborough Fire Authority (“the FRA”) and the Commissioner to assess the governance options and prepare a local business case. The local business case recommended that the model whereby the Commissioner takes on the functions of the FRA offered the greatest benefit. Following consultation, the Commissioner submitted the business case to the Home Secretary in October 2017.

3.2 As upper tier authorities did not agree with the proposal, the Home Office commissioned an independent assessment of the Commissioner’s proposal. Following Home Office consideration the proposal was approved by the Home Secretary in March 2018. Preparations were made for the transfer in Spring 2018. But a short time

before Home Office legislation was to bring the change into effect the FRA submitted a legal challenge to the Home Office decision.

- 3.3 The judicial review hearing took place in June 2019 and was dismissed by the High Court at the end of July 2019. The FRA have subsequently sought permission to appeal and have submitted further legal challenges.
- 3.4 The business case highlighted that joint use of estates had the potential of generating significant savings, including in respect of Monks Wood as a potential joint training facility. In June 2016 the Commissioner asked the FRA to pause their decision on the construction of new facilities in Huntingdon in order to ensure that all relevant information was considered ahead of them making a final decision.
- 3.5 With the legal challenge ongoing the Commissioner heard little on Monks Wood from the FRA for some time. During this time pressures on the police estate had emerged and in September 2018 the Commissioner notified the FRA of these pressures. The FRA continued with submitting their planning application for the provision of a fire service training facility at the police training centre at Monks Wood. Planning permission was received by the FRA at the end of March 2019. On a number of occasions, the Commissioner requested further information from the FRA.
- 3.6 At the Fire Authority meeting on 30th July 2019 the Fire Authority shared their plans with the Commissioner for the first time. The Commissioner highlighted the potential benefits of working more proactively with the Constabulary on a potential joint plan. Unfortunately at this late stage both Fire Service and Constabulary indicated there were significant operational challenges in meeting the needs of both services on the Monks Wood footprint. The Commissioner wanted to be assured that all options had been considered regarding its use. Unfortunately the scheduled visit to the site was not possible before the former Commissioner's resignation.
- 3.7 The police proposal to use the land at Monks Wood remains the direction of travel, subject to agreement on funding. It remains the case that if the land available at Monks Wood is not required for a policing purpose, the FRA would of course have first refusal.

4. Background

- 4.1 The Policing and Crime Act 2017 (the "Act") placed 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.
- 4.2 Recognising the sensitivity of the issues involved independent consultants were commissioned jointly by the FRA and the Commissioner to assess the governance options and prepare a local business case.
- 4.3 The local business case recommended that the 'PCC-style FRA Governance' Model, whereby the Commissioner takes on the functions of the Fire Authority, offered the greatest benefit.
- 4.4 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. A total of 2,426 people and

organisations responded during the nine week consultation period. Demographic data collected demonstrated a wide range of people participated and engaged in the consultation. While neither of the two upper tier authorities supported the proposal for the PCC-style FRA Governance Model, the public were broadly supportive with the prevailing view of “it makes sense” featuring strongly.

- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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 (21 days before it was due to take effect) the FRA put forward a legal challenge to the Home Secretary’s decision.

5. Legal Proceedings

- 5.1 The judicial review hearing took place on 5th and 6th 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.
- 5.2 The FRA have, however, continued to pursue their legal challenge of the Home Secretary’s decision. In August 2019 the Fire Authority sought permission to appeal (having been refused by the Judge who heard the case). They have also submitted two further legal challenges. The Court’s decision on whether to allow an appeal is awaited.

6. Police and Fire Collaboration

- 6.1 National guidance sets out the need for emergency services to explore opportunities for collaboration. The guidance recognises the need to balance the needs of the different services.
- 6.2 In light of the financial and operational pressures being faced by both fire and police services, police financial planning recognises the need to continue to seek further opportunities to collaborate with the Fire and Rescue Service. The HMICFRS report

'State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2019' which was published in January called for significant reform across the fire sector.

- 6.3 The business case for the Commissioner's proposal to take on fire governance highlighted the opportunity to strengthen governance of Cambridgeshire's Fire and Rescue Service offering greater transparency and accountability, speedier decision making and closer working between the services resulting in improvements in economy, efficiency, effectiveness and public safety. It set out plans to build on what was already proposed by the Fire Authority to:
- make better use of capital assets and reduce the overall cost of governance to drive economy and efficiency;
 - accelerate the effectiveness of police and fire collaboration to drive the improved effectiveness of the Fire and Rescue Service and public safety;
 - enable Cambridgeshire Fire and Rescue Service and Cambridgeshire Constabulary to work more effectively with wider public service partners to prevent crime, prevent fires and promote public safety through public sector reform.
- 6.4 The Business case highlighted that joint use of estates had the potential of generating significant savings.
- 6.5 In June 2016, the FRA was due to approve the signing of a development agreement for the development of a new site for the construction of a new combined fire station, training centre and combined fire control and headquarters building at St. John's Park in Huntingdon. However, the Commissioner asked the FRA to pause in order to ensure that all relevant information was considered ahead of the fire authority making a final decision.
- 6.6 The local business case submitted to the Home Secretary therefore referred to exploring the use of the police training centre at Monks Wood as a joint training facility, contingent on a number of factors including the disposal of Huntingdon Fire Station.
- 6.7 In September 2018 the Commissioner notified the FRA that:
- "there are some pressures on the police estate at the moment and I am mindful that my primary focus under the current governance is policing."*
- The FRA continued with submitting their planning application for the provision of a fire service training facility at the police training centre at Monks Wood. Planning permission was received at the end of March 2019.
- 6.8 On a number of occasions, the Commissioner requested from the FRA further information on the financial and operational comparisons between the different options for providing and siting the fire training facilities within the fire authority's business case and the process and timeline for completion and decision making.
- 6.9 There are few FRA papers in the public domain on their considerations around Monks Wood during this period. However, we are aware of published FRA papers which made broad reference to the proposals and which indicate that the FRA were awaiting the

outcome of the judicial review in order to proceed, rather than anything from the Commissioner. Minutes of the FRA Policy and Resources Committee on 25th April 2019 state that:

“Members noted:...Planning permission had been given for the Monkswood site but a final decision was awaited following the judicial review process...A Member questioned why a final decision had not been made on the new training facilities. Officers reiterated that once the outcome of the judicial review was known an update on the position would be given to the Fire Authority Board”

FRA Policy and Resources Committee on 18th July 2019 received a Monitoring Report on Fire Authority Programme Management. On Monks Wood, this stated under issues:

“Awaiting outcome of Judicial Review”.

- 6.10 At the Fire Authority meeting on 30th July 2019 the Fire Authority shared their planning for Monks Wood with the Commissioner for the first time and agreed that the shared Chief Finance Officer could take the Commissioner through the information. Cognisant of the need to drive savings and pressure on the site, the Commissioner highlighted the potential benefits of working more proactively with the Constabulary on a potential joint plan. Unfortunately at this late stage both the Fire Service and Constabulary indicated there were significant operational challenges in meeting the needs of both services on the Monks Wood footprint.
- 6.11 After being made aware of this, the Commissioner asked for a meeting to be arranged for him to walk around the site so he could be assured that all options, both in terms of use of estate and provision of training had been considered in order to drive best value for money. This visit was not possible before the former Commissioner’s resignation.
- 6.12 The operational requirement to use the land at Monks Wood for a collaborated police training function was further considered operationally by Chief Constables and Police and Crime Commissioners across Bedfordshire, Cambridgeshire and Hertfordshire early in 2020.
- 6.13 The police proposal to use the land at Monks Wood remains the direction of travel, subject to agreement on funding. It remains the case that if the land available at Monks Wood is not required for a policing purpose, the FRA would of course have first refusal. The OPCC has keep the FRA up to date with the output of these discussions, and recognise it is for the FRA to define VFM.
- 6.14 The OPCC continues to share the same Chief Finance Officer with the Fire Authority.

7. Recommendation

- 7.1 The Board is recommended to note the update.

BIBLIOGRAPHY

<p>Source Document(s)</p>	<p>Item 12.- 'Fire Governance Update', Business Coordination Board, 18th September 2019</p> <p>Item 12.0 – 'Fire Governance Update', Business Coordination Board, 31st July 2019</p> <p>Item 11.0 'Fire Governance Update', Business Coordination Board, 1st November 2018</p> <p>Item 7.0 'Fire Governance Update', Business Coordination Board, 12th April 2018</p> <p>Item 3 'Huntingdon Hub Property Rationalisation – Progress Update', FRA Policy and Resources Committee, 21st July 2016</p> <p>'Emergency Services Collaboration, The Duty to Collaborate – An information and support document'</p> <p>Background information - 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>Item 9 – Appendix 1 'Fire Authority Programme Management – Monitoring Report', Fire Authority Policy and Resources Committee, 18th July 2019</p> <p>Minutes, Fire Authority Policy and Resources Committee, 25th April 2019</p>
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