

Update on Fire Combination and Fire-Police Collaboration

Cabinet

Date: 16th March 2016

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Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 The purpose of this report is to provide an update as requested by the Cabinet on the new structural and political arrangements in the Dorset and Wiltshire Fire and Rescue Service to support Swindon communities, and also to provide an explanation on the current legislation relating to Police/Fire collaboration and governance.

2. Recommendations

Cabinet is recommended to:

- 2.1 Consider the report and provide any necessary steer to the CFO (Designate).

3. Details

Introduction

- 3.1 Following a number of discussions with the Leader of Swindon Borough Council and Swindon Members, I have been asked to provide a brief report that allows for a discussion on two specific issues. These are the new management and political arrangements for the Service as they relate to Swindon Borough Council and also the emerging legislation pertaining to Police - Fire collaboration and the potential governance role of Police and Crime Commissioners within fire and rescue services.
- 3.2 Before each of these items are discussed separately, it is perhaps worth reflecting on the reasons for and progress with the combination.

Background and Progress in Respect of the Development of a new Combined Fire and Rescue Authority

- 3.3 Dorset Fire and Rescue Service and Wiltshire Fire and Rescue Service, in addition to being neighbouring Services, also share many common characteristics. Firstly, they are combined fire authorities, which means in terms of governance the Board or Authority is drawn proportionately from their constituent councils. Currently Dorset has a Fire Authority of 15 Members where eight, four and three Members are nominated by the constituent councils of Dorset, Bournemouth and Poole respectively. Similarly for Wiltshire and

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Swindon Fire Authority, they currently have a Fire Authority of 13 that consists of nine and four Members from Wiltshire and Swindon respectively.

- 3.4 During discussions on the combination, concern was raised predominantly from Wiltshire Council regarding the potential imbalance of 15 Members from Dorset and 13 from Wiltshire and Swindon. It was therefore agreed that initially the new Combined Fire Authority would have a membership of 30 allowing Dorset to retain its current quotas and that the membership from Wiltshire and Swindon would each increase by one to ten and five respectively.
- 3.5 Whilst this increase has been approved to quell perceptions in respect of voting rights, it is widely acknowledged by the Shadow Fire Authority that this number is too large and that a governance review of membership will need to be undertaken over the next two years.
- 3.6 In terms of the business case for combination, both fire and rescue services are funded by a fire precept which is collected with council tax and government grant. They are and remain two of the lowest funded fire and rescue services both in terms of grant and have a below average fire precept. Between 2010 and 2015, both Services experienced reductions in grant of between 22% and 25% and at the same time they were constrained by the same referendum and capping principles for fire precept as local authorities.
- 3.7 During this period, there were a number of reports developed in respect of further efficiencies for fire and rescue services with a key suggestion being to increase the use of retained firefighters to a national average of between 40-50%. Of course, in both Dorset and Wiltshire over 85% of our fire engines and over 65% of our operational firefighters are in fact retained firefighters and operate on a pay as you go basis. Due to the large use of retained staff, wide scale efficiencies in terms of changes to wholetime crewing arrangements are not available in Dorset and Wiltshire.
- 3.8 During early 2013, both Services entered into discussions predominantly focused on the impact of the same trajectory of grant reductions between 2015 to 2020 that we were individually managing between 2010 to 2015. With forecasted deficits of between £3-4m per annum for each Service from 2015 onwards, it was obvious that these reductions would mean a detrimental impact on frontline services and further salami slicing of internal budgets resulting in dysfunctional corporate teams. Both Services therefore began to look at collective business cases regarding options associated to working more closely with local authorities, police, ambulance and a potential combination between the two Services.
- 3.9 In 2014, a comprehensive public consultation exercise was undertaken where there was overwhelming, almost unanimous, support for our Services to combine which would protect front-line services and provide a more sustainable and safer new Fire and Rescue Service.

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- 3.10 In December 2014, the Secretary of State signed the Combination Order, which allowed the Shadow Fire Authority to come into effect from 1st April 2015 and the new Combined Dorset and Wiltshire Fire and Rescue Authority to come into effect from 1st April 2016.
- 3.11 Over the last two years, on the back of some significant ambitions developed by both Members and officers, there has been significant progress in terms of the convergence, legal and financial issues associated with the establishment of a completely new legal entity and the transfer of staff and functions to a new Service. Of course, at the same time both Services have had to maintain the day job in terms of our prevention, protection and response activities.
- 3.12 More recently, we have received significant praise from both internal and external auditors on our diligence and readiness, and also positive feedback from the Chief Fire and Rescue Adviser. Whilst there is work left to do in terms of convergence and cultural issues of a new organisation, both Members and officers are pleased with our progress and our readiness for 1st April 2016.

The New Service Structure - Supporting our Constituent Authorities

- 3.13 During the period of consultation and discussions with stakeholders, a common theme that was often fed back, in particular from councils and Members, was the dilemma of achieving economies of scale from a larger organisation, but at the same time retaining and indeed strengthening a local focus on community risk and the services/resources we provide to reduce this risk. We believe that both in terms of the professional command and management arrangements and the political structures that we plan to have in place, we will strengthen the relevance, transparency and assurance of the service we provide to our local communities.
- 3.14 In terms of the new Service, the key corporate functions will be based at a hub/headquarters at Fire Rivers Health and Wellbeing Campus in Salisbury. The makeup of the top team include Assistant Chief Fire Officer Ben Ansell who is responsible for operational service delivery. Ben has developed a command and management structure where there are three operational command/management areas; Dorset, Wiltshire and Swindon, Bournemouth and Poole. The command area of Swindon, Bournemouth and Poole is predominantly for management purposes and brings together our respective conurbations that have many similarities including fire engines predominantly crewed by wholetime firefighters. Whilst each Command Area will have one Area Manager responsible for the oversight of prevention, protection and response activities in their areas, both conurbations of Swindon, and Bournemouth and Poole will also have a separate Group Manager who will support the Area Manager. Within each Command area, further structures and individual responsibilities for subsequent District Commanders have been best aligned to reflect other political boundaries, including localities. The balance of managerial responsibility has also been

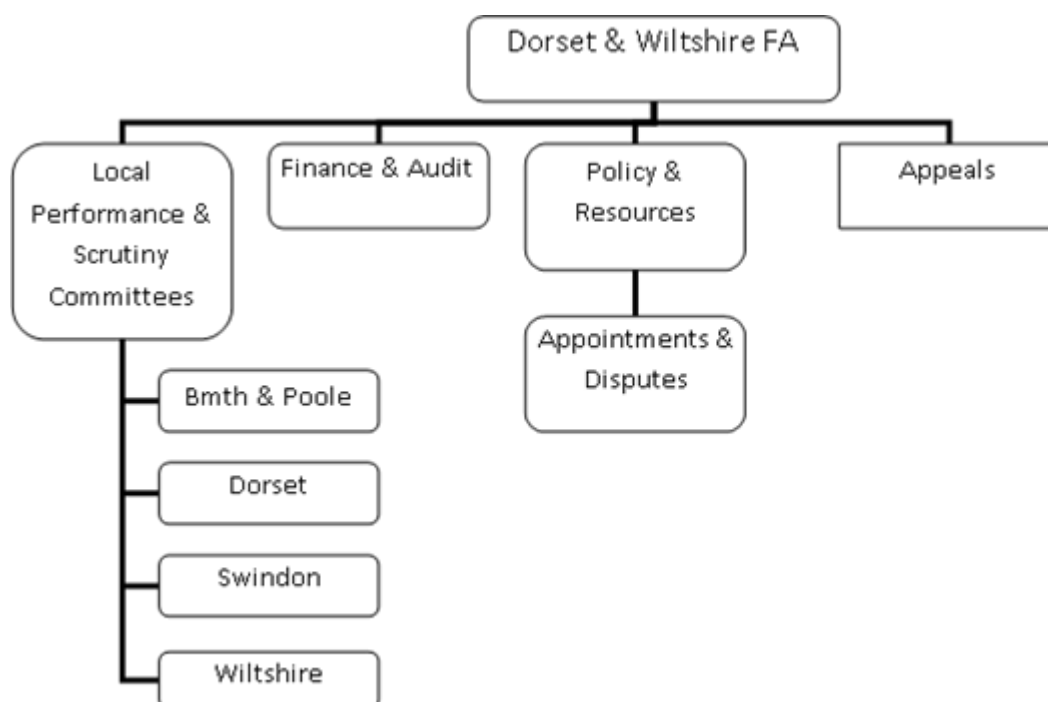
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aligned to ensure that no District Commander is responsible for more than three stations. In the new Service going forward, the local District Commanders will very much be the local 'Chief Fire Officer' who will be responsible for day to day liaison and unblocking of local issues. These District Commanders will be supported by a Group and an Area Commander who will play key roles in necessary partnerships at a local level. ACFO Ben Ansell will be a key point of contact in terms of strategic and political issues and partnerships. A depiction of these structures is outlined in Appendix A.

- 3.15 In terms of the political arrangements to support the new larger Service, whilst the statutory committees are fairly familiar, Members have agreed to four Local Performance and Scrutiny Committees that will ensure that there is transparent scrutiny of the performance relevant to the specific risk in that area. The four Local Performance and Scrutiny Committees will look specifically at Bournemouth, Dorset, Poole, Swindon and Wiltshire. Each of these Local Performance and Scrutiny Committees will be aligned to an Assistant Chief Fire Officer where for Swindon this is again ACFO Ben Ansell. The committee governance arrangement is depicted below.



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- 3.16 In respect of the terms of reference for the Local performance and Scrutiny Committees, whilst these will be reviewed once the committees are in a steady state, these are currently as follows:
- 3.16.1 To monitor the effectiveness and use of local information to best target prevention, protection and response activities and resources to the needs of local communities.
 - 3.16.2 To recommend to the Fire and Rescue Authority local targets for emergency response and to monitor the effectiveness appropriate to its area.
 - 3.16.3 To monitor the effectiveness of the discharge of fire safety statutory duties and wider fire protection initiatives appropriate to the build environment.
 - 3.16.4 To monitor and periodically review the effectiveness of the approach and initiatives associated with fire safety education and prevention.
 - 3.16.5 To monitor the outcomes of partnership working and the effectiveness of engagement with local partners.
 - 3.16.6 To monitor the effectiveness of planning, preparedness and local community resilience plans appropriate to their area developed by the Local Resilience Forum.
 - 3.16.7 To examine and thereafter approve quarterly assurance reports in respect of the key statutory duties (prevention, fire safety and response) to be considered by the full Fire Authority.
 - 3.16.8 To recommend to the Fire and Rescue Authority proposals for whole Authority performance monitoring or scrutiny.
- 3.17 Membership for the Swindon Local Performance and Scrutiny Committee will include but not be limited to all of the Swindon Members who are on the Combined Fire Authority. An independent remuneration panel has recommended that the Chair of each Local Performance and Scrutiny Committee has a small allowance as they will be acting as the key political conduit to their local constituent authority.
- 3.18 It should also be noted that in keeping with other significant committees, meetings of the Local Performance and Scrutiny Committees will be open public meetings and follow the convention of published papers and minutes, etc. We will of course look to ensure that the meeting schedule of Local Performance and Scrutiny Committees aligns where possible to our constituent authorities and the dates are contained within Member calendars and handbooks. The provisional

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dates of the Swindon Local Performance and Scrutiny Committees for 2016 are as follows:

- 1 June
- 2 September
- 24 November
- 2 March

Police and Crime Commissioners and Emergency Services Collaboration

- 3.19 Within their 2015 election manifesto, the Conservative Party indicated an intent to enable closer collaboration between emergency services. On 11th September 2015, the Government released a consultation document 'Enabling closer collaboration between emergency services'. This consultation document was more extensive than originally anticipated and covered the following areas:
- 3.20 Introducing a new duty on all three emergency services to actively consider collaboration opportunities with one another to improve efficiency and effectiveness.
- 3.21 Enabling PCCs to take on the duties and responsibilities of fire and rescue authorities (FRAs), where a local case is made.
- 3.22 Where a PCC takes on the responsibilities of a FRA, enabling them to create a single employer for police and fire staff, facilitating the sharing of back office functions and streamlining management.
- 3.23 In areas where a PCC has not become responsible for the FRS, enabling them to have representation on their local fire and rescue authority.
- 3.24 Abolishing the London Fire and Emergency Planning Authority (LFEPA) and giving the Mayor of London direct responsibility for the FRS in London, as will be the case in Greater Manchester.
- 3.25 On 23rd October 2015, the Shadow Dorset and Wiltshire Fire and Rescue Authority agreed its response (refer to link within background reports). This response predominantly opposed fire and rescue services moving within the remit of the PCC and also questioned the limited vision on collaboration pertaining to blue light services. Whilst the Authority response did not overplay the issue, the initial consultation made no mention of how the governance arrangements from a fire and rescue authority would move to a PCC where there is no coterminosity of boundary. Of course, this is now the case with the new Fire Authority as there are effectively two PCCs within our area. It is also interesting that in terms of current collaboration the Dorset Police have a strategic alliance with Devon and Cornwall and Wiltshire Police are working increasingly with Avon and Somerset.
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Further information on the subject of this report can be obtained from Stephen Taylor, (01793) 463012, staylor@swindon.gov.uk.

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- 3.26 On 26th January 2016, the Government published its response to the emergency services collaboration consultation (refer to link within background reports). In essence the Government intends to legislate to:
- 3.26.1 Introduce a high level duty to collaborate on all three emergency services to improve efficiency or effectiveness.
 - 3.26.2 Enable PCCs to take on the functions and duties of fire and rescue authorities, where a local case is made.
 - 3.26.3 Further enable PCCs to create a single employer for police and fire staff where they take on the responsibilities of their local fire and rescue service, and where a local case is made.
 - 3.26.4 Enable PCCs to have representation on their local fire and rescue authority with voting rights in areas where they have not become responsible for fire and rescue and where the fire and rescue authority agrees.
 - 3.26.5 Abolish the London Fire and Emergency Planning Authority and give the Mayor of London direct responsibility for the fire and rescue service in London.
- 3.27 The Police and Crime Commissioner Bill is currently progressing through Parliament and it is anticipated that this will come into effect in the summer of 2016. This will also be supported by guidance in respect of the transition and we also anticipate guidance in respect of what constitutes a business case and local support for such business cases. It will be interesting as to whether the guidance also addresses the issue mentioned above in respect of a lack of shared boundaries or coterminosity between Police and Fire.
- 3.28 Any changes to the governance is complicated by the fact that, whilst there are currently 46 fire authorities in England, they have a range of governance models which include:
- 3.28.1 Six stand-alone metropolitan fire authorities, for example Greater Manchester, West Midlands.
 - 3.28.2 24 combined fire authorities which are stand-alone authorities covering areas where there is more than one county and unitary council, for example Durham and Darlington, Devon and Somerset.
 - 3.28.3 15 county fire authorities, where the service is provided by the County Council, for example, Norfolk, Hertfordshire.
 - 3.28.4 The London Fire and Emergency Planning Authority (LFEPA), a functional body of the Greater London Authority. Whilst it has responsibility in respect of decisions relating to fire provision, it does not, like other
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metropolitan fire authorities, set the annual budget for fire - that is the responsibility of the Mayor of London.

- 3.29 At the last count, in England, excluding London, there were 30 Police/PCC areas that have coterminous boundaries with fire authorities and seven that do not. This will obviously change with the new Dorset and Wiltshire Fire Authority, to 29 that have coterminous boundaries and eight that do not. As mentioned above, the Bill will provide the opportunity for PCC to have representation and voting rights on their respective Fire Board/Committee. Again, the final guidance notes associated to Bill should provide clarity as to the boundaries of any voting rights.
- 3.30 Currently, whilst both PCCs for Dorset and Wiltshire have openly acknowledged potential benefits of greater collaboration, the Wiltshire PCC has perhaps been more positive about a combined role for police and fire. It will of course be interesting as we move towards the PCC elections in May as to the manifesto contents of potential candidates.

4. Alternative Options

- 4.1 No alternative options are proposed as the purpose of this report is to inform Cabinet.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no financial implications from the report's recommendations.

Legal and Human Rights Implications

- 5.2 Legal and human rights implications were taken into account in preparing this report. It is considered that the report's recommendations are consistent with Convention Rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 None.

Diversity Impact Assessment

- 5.4 No Diversity Impact Assessment (DIA) was undertaken as this report does not propose service changes.

Risk Management

- 5.5 None.

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6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Report and approved response considered by Shadow Policy and Resources Committee (Dorset and Wiltshire Fire and Rescue Authority) on Government Consultation 'Enabling Closer working between Emergency Services'.
- 7.2 http://www.dorsetfire.gov.uk/files/6514/4498/0861/Item_5_-_Response_to_Emergency_Services_Consultation.pdf
- 7.3 Government response to consultation document 'Enabling Closer working between Emergency Services'
- 7.4 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495371/6.1722_HO_Enabling_Closer_Working_Between_the_Emergency_Services_Consult....pdf

8. Appendices

- 8.1 Appendix A - structure of command area of Swindon, Bournemouth and Poole.

9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 9.1 This is not a Key Decision and is included in the Cabinet Work Programme and Forward Plan for February 2016.

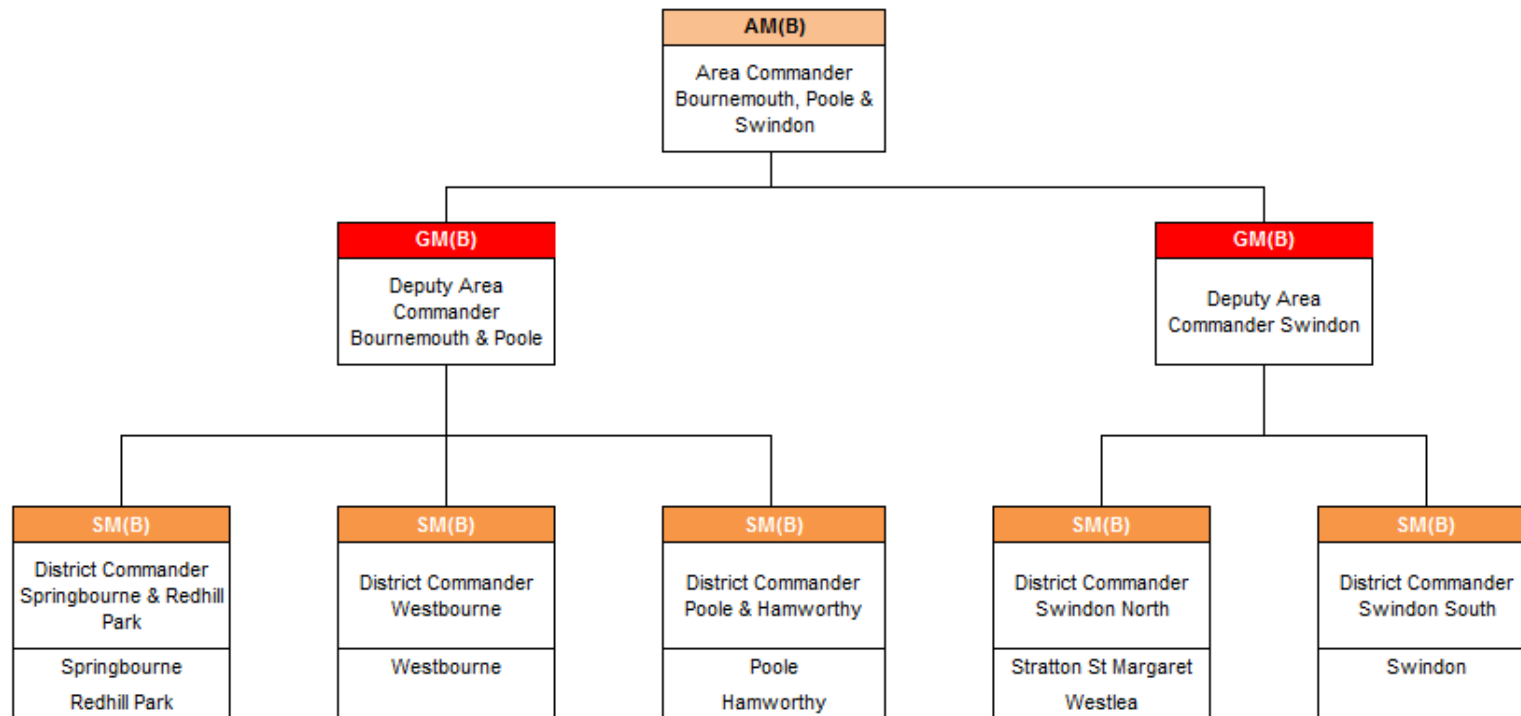
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Appendix A

Structure for command area of Swindon, Bournemouth and Poole



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