

To: All Members and Officers of the
Staffordshire Police and Crime Panel.

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My Ref:

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Dear Sir/Madam,

Staffordshire Police and Crime Panel - Monday, 23rd April, 2018

I attach copies of reports which were tabled at the meeting of the Staffordshire Police and Crime Panel held on 23 April 2018. These reports are Updates which were not available when the agenda was printed.

6. **Joint Governance of Police and Fire and Rescue Services in Staffordshire**
(Pages 1 - 6)

8. **Proposed formation of a National Association (LGA Special Interest Group) for Police, (Fire) and Crime Panels** **(Pages 7 - 10)**

John Tradewell
Director of Strategy, Governance and Change

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Report to the Police and Crime Panel – 23rd April 2018

Fire & Rescue Service Governance in Staffordshire and Stoke-on-Trent

Report of the Police and Crime Commissioner

1. Introduction

- 1.1 The report updates the panel on the current position regarding the Police and Crime Commissioners (PCCs) role in taking on the governance arrangements for the Fire and Rescue Service in Staffordshire and Stoke-on-Trent.

2. Recommendation

- 2.1 That the Panel note and comment on the contents of the report, considering implications for their own role in the future.

3. Background

Business case and decision

- 3.1 The PCC submitted his independently written business case to change the governance arrangements of the Staffordshire and Stoke-on-Trent Fire and Rescue Service to the Home Office on 3rd October 2017. The documents submitted were: -

- The independent business case written by Prederi, the independent consultancy commissioned by the PCC to complete this work.
- An independent consultation report written by MEL Research, reporting on the outcome of the consultation that took place between 10th July 2017 and 4th September 2017.
- A response by the PCC to key issues arising from written submissions provided through the consultation period, including the submissions by Staffordshire County Council and Stoke-on-Trent City Council to the Minister, both of which opposed the PCC proposal.

- 3.2 Given the objection to the PCCs proposal by the two top tier local authorities (the 'relevant local authority's' in statute) in Staffordshire and Stoke-on-Trent, the business case took a different route with the Home Secretary making an independent decision based on the facts.

- 3.3 The Home Office initiated an independent assessment of the PCCs business case by the Chartered Institute of Public Finance and Accountancy (CIPFA), appropriate to the concerns that have been raised by the two top tier local

authorities. They carried out their assessment and reported their conclusions to the Home Office in December 2017, for ministerial decision.

- 3.4 The timeline originally anticipated for a ministerial decision was delayed and ultimately a letter from the Home Secretary to the PCC was received on 26th March 2018.
- 3.5 That letter approved the PCC proposal to become the Fire and Rescue Authority (FRA) for Staffordshire and Stoke-on-Trent, with a comment from the Home Secretary that said, "I consider that it (the OBC) demonstrates that a transfer of governance would be in the interests of economy, efficiency and effectiveness and does not have an adverse effect on public safety".
- 3.6 Subsequent to the ministerial decision, the existing FRA sought a legal opinion on whether there was a case for judicial review of the decision. The FRA met on 13th April 2018 and determined that they would not pursue a judicial review.

Implementing new arrangements

- 3.7 Following approval for the change proposed by the PCC then there is a significant work programme to make the necessary changes to governance arrangements that would allow for implementation at the earliest possible date. The date proposed by the Home Office and accepted in principle by all three areas that were given approval on 26th March 2018 is a 'Go Live' date of 1st June 2018.
- 3.8 The immediate process involves drafting of the Statutory Instrument and completion of the Transfer Scheme which consists of two Transfer Orders. Statutory Instruments (SIs) are a form of legislation which allow the provisions of an Act of Parliament to be subsequently brought into force or altered without Parliament having to pass a new Act.
- 3.9 The Statutory Instrument is the legislation required that will establish the PCC as the FRA, make arrangements for the exercise of FRA functions and create provision for the transition whilst abolishing the current FRA. It is intended that there will be one Statutory Instrument for all 3 areas (Staffordshire, West Mercia & Cambridgeshire). All 3 areas have been asked to provide comment on the draft Statutory Instrument (SI) drawn up by the Home Office (based on the Essex SI) during the first 2 weeks of April, both the FRA and the PCC and his Office have responded in Staffordshire and provided comments.
- 3.10 The Home Office is currently in the process of finalising the SI through further discussions with the FRA and the OPCC which will lead to the final SI being laid in Parliament; a provisional date of the 7th May has been reserved for this function. Once the SI has been laid before Parliament it then becomes legislation 21 days later.
- 3.11 The Transfer Scheme is an order made by the Secretary of State that will transfer (a) property, rights and liabilities and (b) employees from the existing

FRA over to the new PCC FRA. As a result, there are two Transfer Orders required that are currently being worked on, they are:

- (a) Property, Assets and Liabilities – this requires a list of all property, rights and liabilities of the Fire & Rescue Authority to be transferred across.
- (b) Staffing – this requires a more general wording to cover staff transfer rather than a full list of staff to be transferred.

3.12 The Home Office have asked for the draft Transfer Scheme to be submitted as soon as possible and work on this is expected to be completed and submitted to the Home Office before the end of April.

3.13 A project plan has been developed by the OPCC following discussions with the Fire and Rescue Service / FRA, Home Office and West Mercia and Cambridgeshire OPCCs that sets out what is required to deliver the transition. The Corporate Governance arrangements need to be developed for the 'Go Live' date of June 1st and are therefore Phase 1 of the Transition following on from the Statutory Instrument and the Transfer Scheme.

3.14 Transition arrangements have been put in place to oversee delivery of the project plan, these have been developed by the OPCC, FRA, FRS and the Police and are detailed in Appendix 1. They involve the immediate creation of a Transition Board chaired by the PCC to provide oversight of delivery of the Fire Governance Transition Project and the joint working opportunities contained within the approved Business Case. It is intended that these transition arrangements will develop and change again as transition is delivered and 'business as usual' arrangements are established.

3.15 A Programme Manager has been appointed by the OPCC who along with the FRA lead has developed a series of work streams for completion in order to deliver the transition. These work streams are being finalised with content being developed at present with the various officers from the FRA and within the OPCC who have been appointed as work stream leads. The work streams are as follows:

- Statutory Duties & Obligations
- Governance
- Finance
- Assets & Liabilities
- Contracts
- Human Resources
- Legal & Other

3.16 A weekly programme delivery meeting will take place, chaired by the Chief Executive of the OPCC, to provide additional support and oversight of project progress. Each work stream consists of numerous actions that have been identified for completion to deliver a successful transition; the FRA have appointed a lead for each Work Stream and the OPCC Programme Manager will oversee the OPCC actions and provide general management and oversight of the project.

3.17 Whilst the OPCC with the FRS / FRA are working to deliver new arrangements that meet statutory obligations around governance, two other

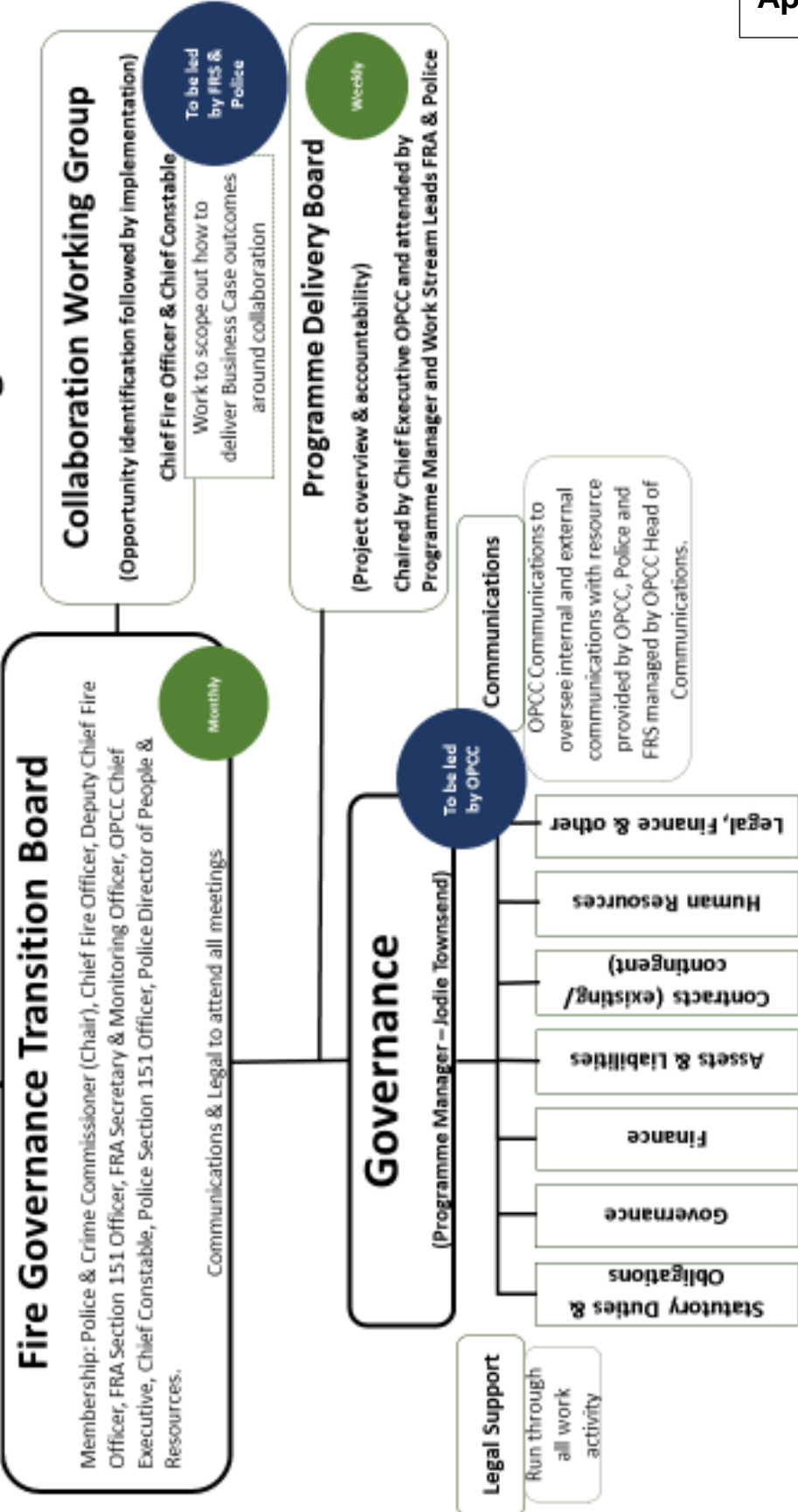
key areas of development work involve (1) the PCC communicating and engaging with those who work for the FRS / FRA and (2) the Chief Fire Officer and the Chief Constable developing plans to deliver against the business case expectations and identify additional opportunities for collaboration.

- 3.18 Whilst communication and engagement plans were delayed whilst the existing FRA sought an opinion and made a decision on judicial review, the OPCC with the Fire Service has developed a communications and engagement plan that will involve the PCC getting out and about to speak to as many employees of the service as possible. Key messages to reassure those that work for the FRS have already been sent out by email. The PCC will also engage with all staff representatives, listening and learning about the issues that are current in the service and also making sure that his thoughts are communicated.
- 3.19 A collaboration working group is to be established by the Chief Fire Officer and the Chief Constable to work on the collaboration aspects contained within the business case. This will also provide an opportunity for the identification of further collaboration opportunities and the development of proposals that enhance public safety, economy, effectiveness, or efficiency. This process will be led by the Fire & Rescue Service and Staffordshire Police during the transition, with a direct report to the Fire Governance Transition Board chaired by the PCC.

Matthew Ellis
Police and Crime Commissioner

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Governance Development Work – Transition Planning



STAFFORDSHIRE POLICE AND CRIME PANEL – 23 April 2018

Proposed Establishment of a National Police and Crime Panel Special Interest Group (of the Local Government Association) - Update

Report of the Secretary

Purpose of the Report

1. To update members on the outcome of the Police and Crime Panel Special Interest Group meeting held on 19 April 2018.

Recommendation

2. Members consider whether the Staffordshire Police, (Fire) and Crime Panel should become a member of the National Association of Police (Fire) and Crime Panels.

Background

3. As indicated in the report circulated as part of today's agenda, your Support Officer attended a meeting on 19 April 2018 at the Local Government Association's offices on the proposed formation of a national Body for Police and Crime Panels in the form of a Special Interest Group (SIG) under the auspices of the LGA. She attended in an observer capacity as your Chairman and Vice-Chairman had other commitments. The majority of attendees were member representatives who participated in formal votes as and when required.

4. Approval to the formation of a national body had already been given in principle at earlier PCP conferences/seminars. A survey of Panels had identified the formation of a SIG as the most practical option and a group of volunteer members were requested to explore and report back on what the formation of a SIG entailed. The meeting received feedback and made decisions on the issues raised:

(a) *Level of formal commitment to a SIG*

An application for the formation of a SIG has to be submitted to the LGA Board and must include commitment from a minimum of ten Local Authorities. At least 15 Panels represented at the meeting were willing to give that commitment. Due to the unique nature of PCPs in that they each comprise of representatives from a number of local authorities, the LGA had indicated that commitment from Host Authorities would meet their requirement. Approval was given to progressing an application.

(b) ***The name of the Group***

Options discussed were:

- National Association of Police(Fire) and Crime Panels
- Police and Crime Panels Special Interest Group

Given the limited awareness of the terminology 'SIG' the meeting approved the name 'National Association of Police (Fire) and Crime Panels'

(c) ***Terms of Reference***

The aim of forming a National Association is to provide a united, representative voice for PCPs in dialogue with other organisations in addition to providing a means for sharing information and best practice. Accordingly the following Terms of Reference were adopted:

- To provide a Forum for collaborative discussion of issues relating to and impacting on Police and Crime Panels
- To share ideas and experience in response to the expanding role of PCCs and thereby PCPs
- To create a mechanism for direct liaison between PCPs and the Home Office
- To provide an opportunity for dialogue with relevant bodies such as the Association of Police and Crime Commissioners , Association of Police and Crime Chief Executives and others
- To support the development of joint PCP responses to relevant consultations
- To promote professional standards
- To share good practice and create guidance and other supporting materials for PCPs
- To ensure stability and collective memory in a landscape where PCPs can have significant changes in membership
- To provide capacity for horizon scanning across all PCPs
- To promote better understanding of the role of PCPs

(d). ***Subscription costs***

A proposed annual subscription fee of £500 per Panel was considered an acceptable initial amount, giving a modest budget to fund early work on establishing the Association. It was acknowledged that as the Associations Work Plan develops the level of subscription may need to be revisited.

(e) ***Office holders***

Chairman – The only nominee –John Gili-Ross, Independent member/Chairman of Essex PFCP– was appointed as chairman

Vice- Chairman – Both nominees – Alison Lowe of West Yorkshire PCP and John Adams of Dorset PCP were appointed Vice -Chairmen, to give support to the Chairman during the formation of the Association and to provide continuity.

In addition, volunteers came forward for the role of Treasurer and to lead on developing a Constitution for the Association.

(f). Support Officer/Resource

As a SIG, the Association would enjoy limited support from the LGA in the form of a meeting venue, agenda distribution and minute taking for up to three meetings each year. Support over and above that would need to be provided/funded independently.

The Chairman reported on the willingness of his Panels Host Authority to provide him with a reasonable level of support during the formation of the Association. In due course a Work Plan would be drawn up and costed. The source and funding of support would need to be considered at that time

(g). Work Plan

At previous meetings an outline Work Plan had been suggested. This meeting firmed up those proposals and agreed the following priorities:

- Production of a Constitution for the Association
- Promoting and raising awareness of the Association particularly amongst those PCPs not actively involved in discussions to date
- Securing meetings with relevant partner organisations and the Home Office
- The development of guidance for PCPs on handling complaints
- Raising understanding of the role of PCPs amongst the public
- Identifying and sharing best practice (particularly by the use digital technology and social media).

5. Other projects suggested for the longer term included examining the possibility of joint scrutiny of cross boundary issues.

NB In making the above decisions the meeting was mindful that the PCP Annual Conference on 12 November 2018 would provide a timely opportunity for review.

6. Representatives at the meeting were optimistic about what could be achieved through membership of a National Association and were committed to supporting work on its establishment, with various members volunteering their skills (eg Lawyers).

7. If members are mindful to join the Association approval will be needed to the payment of £500 annual subscription fee and the appointment of a representative to attend Association meetings.

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Secretary to the Panel

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