



## **Report to the Police and Crime Panel – 23<sup>rd</sup> 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 3<sup>rd</sup> 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 10<sup>th</sup> July 2017 and 4<sup>th</sup> 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 26<sup>th</sup> 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 13<sup>th</sup> 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 26<sup>th</sup> March 2018 is a ‘Go Live’ date of 1<sup>st</sup> 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 7<sup>th</sup> 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 1<sup>st</sup> 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.

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# Governance Development Work – Transition Planning

