

Minutes



To: All Members of the Community Safety & Waste Management Cabinet Panel, Chief Executive, Chief Officers, All officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Elaine Manzi
Ext: 28062

COMMUNITY SAFETY & WASTE MANAGEMENT CABINET PANEL THURSDAY 13 JULY 2017

ATTENDANCE

MEMBERS OF THE PANEL

M Bright; M A Eames-Peterson; S Gordon (*substituting for S J Featherstone*); F R G Hill; T W Hone (*Chairman*); S K Jarvis (*substituting for J S Hale*); P V Mason; M D M Muir (*substituting for S N Bloxham*); T J Williams; J F Wyllie; C B Woodward (*Vice Chairman*); P M Zukowskyj

OTHER MEMBERS IN ATTENDANCE

N Hollinghurst

Upon consideration of the agenda for the Community Safety & Waste Management meeting on 13 July 2017 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: No conflicts of interest were declared by any member of the Cabinet Panel in relation to the matters on which conclusions were reached at this meeting.

PART I ('OPEN') BUSINESS

ACTION

1. MINUTES

- 1.1 The Minutes of the Cabinet Panel meeting held on 27 June 2017 were confirmed as a correct record and signed by the Chairman subject to a minor amendment at 5.7 which was corrected to read as follows (changed text highlighted in bold):

'The manner in which the Police and Crime Commissioners consultation on the future governance of the fire and rescue service was conveyed to **Online Watch Link (OWL)**.'

2. PUBLIC PETITIONS

- 2.1 There were no public petitions received.

**3. THE POTENTIAL TRANSFER OF GOVERNANCE OF
HERTFORDSHIRE FIRE AND RESCUE SERVICE FROM
HERTFORDSHIRE COUNTY COUNCIL TO THE POLICE AND CRIME
COMMISSIONER**

Officer Contact: Owen Mapley, Director of Resources (Tel 01992 555601)

- 3.1 The Chairman advised Members that the panel had been specially convened to discuss one substantive item only, which was the business case proposal from the Office of the Police and Crime Commissioner to obtain full responsibility for the governance of Hertfordshire Fire and Rescue Service, currently under the jurisdiction of the County Council.
- 3.2 Members noted that this proposal was a direct result of policy directive contained within the Policing and Crime Act 2017. The details of this can be found here:
<https://www.gov.uk/government/collections/policing-and-crime-bill>
- 3.3 Members were reminded that the business case had been presented as an information item at the Community Safety and Waste Management Panel on the 27 June 2017. The full business case can be found here:
<https://www.hertscommissioner.org/fire>
- 3.4 Members were advised that the outcome of the meeting of the 13 July 2017 would be to agree the motion to be presented before a special meeting of Cabinet and the meeting of the County Council on the 18 July 2017 which would inform the direction of the Council's formal response to the Office of the Police and Crime Commissioner.
- 3.5 The Panel were invited to consider the council's proposed observations arising from the business case, as detailed in the report authored by Owen Mapley, Director of Resources for Hertfordshire County Council.
- 3.6 Members noted that there were three potential governance options detailed within the Policing and Crime Bill 2017; a Representation Model, a Governance Model and a Single Employer Model. The Office of the Police and Crime Commissioner had created a business case based on the Governance Model.
- 3.7 It was summarised that the key elements that the business case for a Governance Model needed to satisfy, as outlined in the Policing and Crime Act 2017, were that the full change of governance would be in the interests of economy, efficiency and effectiveness or in the interests of public safety.
- 3.8 Mr Mapley advised that further to full, careful and detailed consideration by officers at the council, it was felt that on balance the business case

**CHAIRMAN'S
INITIALS**

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was aspirational, and did not satisfy or provide enough evidence to meet either of these criteria, and it was resolved that a more workable solution would be to strengthen existing collaboration activities by supporting the 'Representation Model' as fully detailed within the report.

- 3.9 It was explained to Members that the 'Representation Model' would mean that the Council would retain the governance rights of the Fire and Rescue Service but the Office of the Police and Crime Commissioner could request a place on the Council's Cabinet with full voting rights for any matter specifically related to the fire and rescue service.
- 3.10 Members broadly agreed with the observations made by officers that the business case presented by the Police and Crime Commissioner for the Governance Model did not fully meet or provide enough evidence to satisfy the criteria detailed in the Policing and Crime Act, and noted that the current efficiency and effectiveness of the fire and rescue service had a strong reputation and regard within the county.
- 3.11 The work that was undertaken within the community with young and elderly people in areas such as fire prevention and safe and well visits were areas particularly highlighted as those of good practice. Members expressed their concern that this good reputation could be put at risk by a change in governance.
- 3.12 Members were assured that the interests of public safety had also been and would continue to be the paramount consideration of the fire and rescue service and the business case presented no clear evidence of how this could be improved upon by the Office of the Police and Crime Commissioner.
- 3.13 It was also observed by Members that the business case provided no clear evidence that there would be any economic improvement to the fire and rescue service, and it was noted that appropriate cost savings had already been undertaken by the Council as part of annual budget analysis.
- 3.14 Members expressed concern to the fact that there would potentially be additional transitional costs incurred by a change of governance.
- 3.15 It was also noted that there was an apparent lack of clarity with regards to the potential impact on Council Tax within the business case, as the figures used by the Police and Crime Commissioner to illustrate costs were based on the budget for the whole of the Community Protection directorate and not just the fire and rescue element contained within this. Members were further notified that the risk of these calculations being inaccurate could have implications for additional services across the council.
- 3.16 Members attention was also drawn to the fact that currently the Council included within its budget a 'discretionary capacity', which meant that

**CHAIRMAN'S
INITIALS**

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services were resourced and funded to a level higher than routinely needed in order to meet service standards. The business case from the Police and Crime Commissioner indicated that this would be redirected thus potentially putting service standards at risk.

- 3.17 In response to a Member question, reassurance was received that the council were already working closely with colleagues in property to look at opportunities for shared tenancy and occupancy of buildings for the police and fire and rescue service.
- 3.18 Members expressed caution about the subjective language used within the report from officers, and suggested that future considerations and discussions of the business case should have a more objective overview.
- 3.19 In response to a Member question, assurance was received that the Office of the Police and Crime Commissioner had not indicated that they were going to reduce the amount of pensions payable to fire and rescue staff and the costs detailed were in relation to pension administration. Members noted that the Hertfordshire Fire Pension Board would consider any matter directly relating to the pensions.
- 3.20 The Chairman invited Guy Pratt, Deputy Director of Community Protection to share any thoughts or comments that he had on the proposed business case from the Office of the Police and Crime Commissioner.
- 3.21 Mr Pratt stated that he agreed with the conclusions made by officers within the report and by Members at Panel regarding the business case. He continued that the Fire and Rescue service were part of the community protection directorate, which had an extremely wide ranging remit, and it should not be underestimated how integral the fire and rescue service were to that and as such the propositions made in the business case would have direct implications for a number of other services within the directorate and also for the council as a whole.
- 3.22 The Chairman asked Members of the panel to consider the following proposal:
1. The Community Safety & Waste Management Cabinet Panel recommends that Cabinet resolves to oppose Police & Crime Commissioner's proposal to become the Fire & Rescue Authority for Hertfordshire on the following grounds:
 - (a) That the Local Business Case does not make a convincing case for transfer and contains a number of contradictions, overly optimistic assumptions that are not supported by

**CHAIRMAN'S
INITIALS**

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evidence, and a number of financial inaccuracies and misunderstandings.

- (b) That under the current arrangements, cost-effective 'back office' support for the Service is provided by the County Council, thereby maximising resources available front line service delivery. Establishing a separate 'back office' for the Fire & Rescue Service would undermine the economy and efficiency of the current arrangements.
- (c) That, as an integral part of the County Council's suite of services, the Fire & Rescue Service draws on its strong and trusted reputation to contribute to a number of cross-service agendas, working in close partnership with Public Health, Adult Social Care, Children's Services and Environment and also with Hertfordshire Constabulary. The loss of these joint activities would be to the detriment of public safety in Hertfordshire.
- (d) That the current arrangements for accountability of governance of the Fire & Rescue Service are robust with party-political challenge and scrutiny of performance and policy developments through a comprehensive member process. This accountability and transparency of decision-making will be lost if governance is transferred to the Commissioner as a Corporation Sole.

- 2. Notwithstanding its strong concerns about the Local Business Case, the Cabinet Panel recognises the extensive collaborative work between Fire Service & Rescue Service and the Constabulary which the County Council is committed to maintain and enhance.

It also recognises that the Police and Crime Act 2017 offers a number of options to promote the Government's policy objectives.

**CHAIRMAN'S
INITIALS**

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Among these is the 'Representative' model which would enhance collaboration and representation, without incurring the disruption, costs and ongoing inefficiency arising from the 'Governance' model and which would still maintain and advance the important collaborative work between the Fire & Rescue Service and the Constabulary.

3. The Panel recommends to Cabinet that it:

(a) Agrees that the County Council should respond to the PCC's consultation, opposing the PCC's proposal to become the Fire & Rescue Authority for Hertfordshire but supporting the 'Representative' model of governance for the Fire & Rescue Authority

(b) Delegates to the Director of Resources, in consultation with the Executive Members for Community Safety & Waste Management and for Resources, Property & the Economy, authority to finalise the response to the consultation.

3.23 Further to Member discussion it was agreed that Point 3a of the motion should be divided into two separate points in order to achieve greater clarity, and in addition, and subject to legal agreement, the term 'corporate sole' should be removed from 1d of the motion.

3.24 These proposed amendments were unanimously agreed by the Panel. Legal clarification sought subsequent to the panel confirmed the agreement to remove the term 'corporate sole'.

3.25 Members also received assurance that in relation to point 3b, the Leaders of both opposition parties would also be kept informed of progress on the final response consultation

Conclusion:

3.26 The Panel unanimously agreed the following motion be presented to Cabinet and County Council:

'1. The Community Safety & Waste Management Cabinet Panel recommends that Cabinet resolves to oppose Police & Crime

Commissioner's proposal to become the Fire & Rescue Authority for Hertfordshire on the following grounds:

- (a) That the Local Business Case does not make a convincing case for transfer and contains a number of contradictions, overly optimistic assumptions that are not supported by evidence, and a number of financial inaccuracies and misunderstandings.*
- (b) That under the current arrangements, cost-effective 'back office' support for the Service is provided by the County Council, thereby maximising resources available front line service delivery. Establishing a separate 'back office' for the Fire & Rescue Service would undermine the economy and efficiency of the current arrangements.*
- (c) That, as an integral part of the County Council's suite of services, the Fire & Rescue Service draws on its strong and trusted reputation to contribute to a number of cross-service agendas, working in close partnership with Public Health, Adult Social Care, Children's Services and Environment and also with Hertfordshire Constabulary. The loss of these joint activities would be to the detriment of public safety in Hertfordshire.*
- (d) That the current arrangements for accountability of governance of the Fire & Rescue Service are robust with party-political challenge and scrutiny of performance and policy developments through a comprehensive member process. This accountability and transparency of decision-making will be lost if governance is transferred to the Commissioner.*

2. Notwithstanding its strong concerns about the Local Business Case, the Cabinet Panel recognises the extensive collaborative work between Fire Service & Rescue Service and the Constabulary which the County

**CHAIRMAN'S
INITIALS**

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Council is committed to maintain and enhance.

It also recognises that the Police and Crime Act 2017 offers a number of options to promote the Government's policy objectives. Among these is the 'Representative' model which would enhance collaboration and representation, without incurring the disruption, costs and ongoing inefficiency arising from the 'Governance' model and which would still maintain and advance the important collaborative work between the Fire & Rescue Service and the Constabulary.

3. *The Panel recommends to Cabinet that it:*

- a. *Agrees that the County Council should respond to the Police and Crime Commissioner's consultation, opposing the Police and Crime Commissioner's proposal to become the Fire & Rescue Authority for Hertfordshire;*
- b. *Supports the 'Representative' model of governance for the Fire & Rescue Authority;*
- c. *Delegates to the Director of Resources, in consultation with the Executive Members for Community Safety & Waste Management and for Resources, Property & the Economy, authority to finalise the response to the consultation.*

OTHER PART I BUSINESS

No other Part One business was recorded.

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

CHAIRMAN _____

**CHAIRMAN'S
INITIALS**

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