



HM Government

# Enabling Closer Working Between the Emergency Services

Summary of consultation responses and next steps

26 January 2016



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## Foreword

Emergency services play an essential part in serving our communities and keeping them safe. Whilst the police, fire and rescue and NHS ambulance services all have distinct frontline roles, it is clear that close collaboration between them can provide real benefits for the public and help each service better meet the demands and challenges they face.

The Government is committed to supporting collaborative and innovative blue light working and has invested over £80million in collaborative projects since 2013. However, while there are already a number of good examples of joint working across the emergency services locally, levels of collaboration are not as widespread as they could be. The Government's manifesto commitment was clear that we will "enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners" and on 11 September 2015 the Prime Minister announced a joint public consultation on a range of proposals about how to achieve these aims.

We have reviewed and analysed the responses to that consultation, of which we received over 300, and have summarised our findings and how we intend to proceed in this document. We would like to thank all those who gave their time to respond and contribute to the consultation process.

The Prime Minister's announcement on 5 January 2016 that responsibility for fire and rescue policy has transferred from the Department for Communities and Local Government to the Home Office again demonstrates the Government's commitment to closer collaboration between police and fire and rescue services. Bringing together responsibility for fire and police in the same Department will provide the same clear leadership in central Government that our proposals on emergency services collaboration seek to deliver locally. It provides an excellent opportunity for sharing good practice to drive reform and to deliver better outcomes for the public.

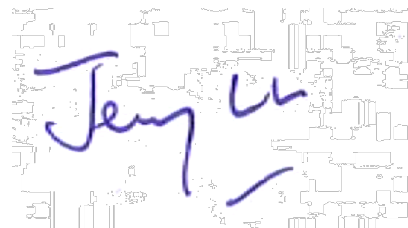
There are clear opportunities for collaboration to go further and faster. The Government intends to legislate to enable local communities to drive forward joint working in their area, improving the services delivered to the public as well as providing direct local accountability by enabling Police and Crime Commissioners to take on the functions of fire and rescue authorities.



**Rt Hon Theresa May MP**  
**Home Secretary**



**Rt Hon Greg Clark MP**  
**Secretary of State for**  
**Communities and**  
**Local Government**



**Rt Hon Jeremy Hunt MP**  
**Secretary of State for**  
**Health**

## Executive Summary

On 11 September 2015, the Government published a consultation paper<sup>1</sup> seeking views on a range of proposals to increase joint working between the emergency services. The consultation ran for six weeks, ending on 23 October 2015. A total of 318 full or partial responses were received from a range of organisations and interested individuals, using the online survey and via email and post, commenting on the 16 questions posed in the consultation paper.

Having carefully considered the consultation responses, the Government intends to legislate to:

- introduce a high level duty to collaborate on all three emergency services, to improve efficiency or effectiveness;
- enable Police and Crime Commissioners (PCCs) to take on the functions of fire and rescue authorities (FRAs), where a local case is made;
- where a PCC takes on the responsibilities of their local FRA, further enabling him or her to create a single employer for police and fire personnel;
- in areas where a PCC has not become responsible for fire and rescue services, enabling them to have representation on their local FRA with voting rights, where the local FRA agrees; and
- abolish the London Fire and Emergency Planning Authority and give the Mayor of London direct responsibility for the fire and rescue service in London.

These measures will apply to England only. Further details on these measures and how the consultation has informed them, are set out within this document.

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<sup>1</sup> Enabling Closer Working Between the Emergency Services (September 2015)

## Introduction

The Government is committed to increasing the level and ambition of joint working between the emergency services. Closer working can enable the emergency services to deliver more effective and efficient services for the public.

The Government has invested over £80 million since 2013 in local projects to increase blue-light collaboration. Where the emergency services collaborate, they have delivered efficiencies and service improvements.

However, the picture of collaboration around the country is still patchy and there is much more to do to ensure joint working is widespread and ambitious. The emergency services could achieve significant benefits from sharing premises, back offices, IT and procurement systems.

Strong leadership will be required to drive greater efficiencies and improved outcomes. That is why the Government committed in its manifesto to “enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners”. PCCs are directly elected, have clear local accountability and a strong incentive to pursue ambitious reform to improve local services and deliver value for money.

On 11 September 2015, the Government published a consultation paper setting out its proposals for improving collaboration between the emergency services and strengthening accountability, and seeking views on how those proposals could best be implemented.

The consultation ran for six weeks, ending on 23 October 2015. A total of 318 responses were received from national, local and regional organisations, police forces, police and crime commissioners, fire and rescue authorities, local councils, ambulance trusts, front line practitioners, associations and other interested groups and individuals.

The following pages summarise the views received and set out the Government’s response.

## A new duty on all three emergency services to collaborate with one another

Although collaboration between the emergency services occurs in many areas of the country, it is not as widespread or as wide-ranging as it could be in delivering efficiencies and better services for the public. The Government wants to make effective collaboration common practice. To provide a driver for this change, the Government set out in its consultation paper its intention to introduce a new statutory duty on the three emergency services to collaborate with one another to improve efficiency or effectiveness. The duty is intended to be broad to allow for local discretion in how it is implemented so that the emergency services themselves can decide how best to collaborate for the benefit of their communities. However, there would be a clear duty on local emergency services to consider opportunities for collaboration and implement those which would improve the efficiency or effectiveness<sup>2</sup> of all parties involved.

To inform this policy, the Government asked the following question in the consultation paper:

**Question 1 - How do you think this new duty would help drive collaboration between the emergency services?**

There was significant support for the new duty. Respondents thought it would help to drive efficiencies and savings, help the emergency services to share assets and reduce duplication. Whilst recognising existing collaboration, a number of responders felt that the new duty would help overcome local difficulties, remove barriers and raise the profile of collaboration, and that by doing so, it would strengthen and extend current collaborative activity.

Some responses suggested that the new duty was unnecessary in light of existing collaboration. There were also some views that collaboration should remain a matter for local decision.

Balanced against that, there were also views that the proposed duty should go further. Suggestions included extending the duty to other parties, such as local authorities, in order that they also play a role in driving collaboration and clarifying how compliance with the duty would be monitored.

Given the benefits from supporting, and extending further, existing collaboration, the Government has concluded that a statutory duty for the emergency services to collaborate should be introduced. We recognise that collaboration is well developed in some areas of the country, but it is our expectation that more can be done and a legislative duty will help drive this. We expect collaboration opportunities could include those identified in the Emergency Services Collaboration Working Group overview report<sup>3</sup>, including shared services such as procurement, vehicle maintenance and new stations.

The Government believes that the duty should be high level rather than overly prescriptive. The emphasis should be on local areas identifying collaboration opportunities which benefit their communities and then working together to implement the plans successfully.

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<sup>2</sup> The consultation paper referred to a duty to collaborate to improve efficiency and effectiveness. This should have read efficiency or effectiveness, to be consistent with the separate duty to collaborate on PCCs and Chief Constables, which was used as a model for the new duty on emergency services. We do not consider that this had a material effect on the consultation and have corrected it in this document.

<sup>3</sup> National overview of collaboration (2014)

While the statutory duty will only apply to the emergency services, where appropriate, the Government would also encourage wider involvement in collaboration by other bodies such as local government, health bodies or the voluntary sector.

**The Government intends to legislate to:**

**Place a statutory duty on all three emergency services to collaborate with one another to improve efficiency or effectiveness for all parties. The duty will not prevent other parties, such as local authorities and the voluntary sector, from being part of a collaborative activity, albeit that the duty itself will not extend beyond the emergency services. The Government will ensure the duty is broad to allow local discretion over how it is best implemented for the benefit of local communities.**

## **Strengthening accountability and governance**

PCCs have brought clear local accountability to policing and a strong incentive to reform local services and deliver value for money in the interests of local people. The Government set out in its consultation the opportunity to enable the extension of the sharp focus of directly accountable leadership that PCCs bring. Collaboration and innovation that delivers efficiency and effectiveness across the emergency services requires strong local leadership.

The 2013 review of the fire and rescue service, 'Facing the Future', by Sir Ken Knight<sup>4</sup> concluded that PCCs "could clarify accountability arrangements and ensure more direct visibility to the electorate" and he raised the prospect of PCCs taking on responsibility for the fire and rescue service. The Home Affairs Select Committee also concluded in their 2014 report 'Police and Crime Commissioners: progress to date'<sup>5</sup> that PCCs had provided greater clarity of leadership for policing in their area and were increasingly being recognised by the public for the strategic direction they are providing.

The Government set out in its consultation that it intends to legislate to enable PCCs to take on responsibility for the fire and rescue service(s) in their area, where it is in the interests of economy, efficiency and effectiveness or public safety, and where a local case is made. Having the process driven by local leaders and requiring a local business case and local consultation is in keeping with the Government's broader approach to devolving powers and will ensure that communities have a real say in the way emergency services are delivered in their area.

In the consultation paper, the Government set out a proposed process for determining whether a PCC should take on responsibility for fire and rescue, and asked the following question:

**Question 2 - Do you agree that the process set out above would provide an appropriate basis to determine whether a Police and Crime Commissioner should take on responsibility for fire and rescue services?**

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<sup>4</sup> Facing the Future by Sir Ken Knight, 2013

<sup>5</sup> Police and Crime Commissioners: Progress to date (2014)

The proposal that the process should be enabling, with local areas coming forward with plans, received good support on the basis that it would appropriately reflect varying local circumstances. Alongside that, there was a broad spectrum of views, with some respondents questioning whether PCCs had the necessary knowledge and expertise in fire and rescue matters to take on the extended role.

Amongst those who supported the process, there was agreement that there should be a duty on authorities to provide a PCC with all necessary information to help prepare a local business case. Some respondents suggested that there should be a requirement for a PCC to consult both the fire and rescue authority and local authorities within the area, in addition to the local community.

In instances where there was not local agreement amongst all parties to a PCC taking on responsibility for the local fire service, some respondents did not support the proposal that a Secretary of State should take the final decision. There was some concern that the process would enable a PCC to overrule local opposition, and there were questions around whether PCCs would have a mandate to run fire and rescue services in such circumstances.

Having considered the responses carefully, the Government has concluded that an approach of enabling a local case to be made for the transfer of fire and rescue to a PCC strikes the right balance between the alternative approaches of mandating change or inaction. We will require fire and rescue authorities to inform any business case the PCC develops and require the PCC to consult locally on the merits of that business case. We would expect that consultation to include relevant representative bodies.

Where a PCC and all the relevant authorities for the area are in agreement that fire and rescue should transfer to the PCC, and following the local consultation, the PCC will request that the Government introduces secondary legislation to give effect to the transfer. Where all parties are not in agreement, the PCC would still be able to submit the business case to the Secretary of State to consider whether the transfer was in the interests of economy, efficiency and effectiveness or public safety. To inform their view, the Secretary of State would seek an independent assessment and would take account of the local consultation before any decision to proceed. This process of Ministerial decision informed by an independent assessment is in line with the existing process for determining changes to fire and rescue service boundaries, and the Government believes it is appropriate for this process too. Any secondary legislation to transfer fire and rescue responsibilities to a PCC will of course be subject to Parliamentary scrutiny.

**The Government intends to legislate to:**

**Enable PCCs to take on the responsibilities of the fire and rescue service(s) in their area, where it is in the interests of economy, efficiency and effectiveness or public safety, and where a local case is made.**

**Provide a process for determining whether a PCC should assume governance for fire and rescue services as broadly set out in the consultation paper. The process should also include:**

- **A requirement that fire and rescue authorities provide PCCs with all necessary information to help prepare the business case.**
- **Where all parties are not agreed that fire and rescue should transfer to a PCC, it would be for the Secretary of State to consider the local business case and decide whether the governance change would be in the interests of economy, efficiency and effectiveness or public safety. To inform that view, they would take into account the outcome of the local consultation and they would seek an independent assessment of the local business case before any decision to proceed.**
- **Implementation in each area would be via secondary legislation which would be subject to Parliamentary scrutiny.**

## **Empowering Police and Crime Commissioners to maximise opportunities for efficient, effective services**

Enabling PCCs to take on governance of fire and rescue services would allow them to make valuable reforms and improve joint working with the police service. However, as set out in the consultation, greater gains could be made through the integration of back office functions such as estates, HR and IT which support the two services. To facilitate this, the Government set out in its consultation its intention to enable PCCs, where a local case is made, to put in place a single employer for local fire and policing (rather than two separate employers under the governance model), with the PCC ultimately accountable to the public for both services. This would remove the barriers that can prevent the full potential of fire and police collaboration, including the need to draw up contracts and collaboration agreements to share back office services and streamline upper tiers of management. We were clear that the important distinction between operational policing and firefighting would be maintained. There is no intention to give firefighters the power of arrest or other core powers of a constable and the law preventing a full-time police officer from being a firefighter will remain in place.

In the consultation paper, the Government proposed applying the same process for creating a single employer as for transferring governance, and sought views on the benefits whilst retaining separate frontline services. The following questions were asked:

**Question 3 - Do you agree that the case for putting in place a single employer should be assessed using the same process as for a transfer of governance?**

**Question 4 - What benefits do you think could be achieved from empowering Police and Crime Commissioners to create a single employer for police and fire and rescue personnel, whilst retaining separate frontline services, where a local case has been made to do so?**

There was a broad range of views in answer to these questions, although generally they were supportive. Where responses were supportive of the principle of enabling a single employer to be established they were predominantly also supportive of the same process being used to make the decision as for a PCC taking on governance. Many responses agreed with the emphasis resting with proposals being developed locally. Some concerns were raised around the implications for the public perception of the fire service, and it was also noted that the single employer model would not necessarily guarantee that efficiencies would be secured.

The benefits identified by respondents included savings from more co-location, shared back office services and joint procurement, cross-service training programmes, streamlined management structures and simplified leadership arrangements. Some also noted that there would be a variation in benefits depending upon local circumstances.

Another comment was about the need to ensure sufficient capacity for Gold, Silver and Bronze commands if senior management numbers were reduced. Some responses highlighted the challenges of bringing two workforces closer together – for example, complex industrial relations and the alignment of terms and conditions of personnel. One possible example of this may be, as set out in further detail later on in this document under the “complaints” heading, the implications of the Government’s decision, having considered consultation responses, to bring together complaints and conduct procedures for personnel from both services under the single employer model. The principles of the Cabinet Office Code of Practice will be applied to personnel transfers taking these considerations into account.

The Government has concluded that the proposed process for transferring governance of fire and rescue to a PCC is appropriate to enable a single employer for police and fire to be established. Ultimately local considerations will determine whether a PCC seeks to take this extra step, either at the same time or subsequently to seeking a transfer of governance.

Some respondents also reasonably made the connection with a parallel consultation on proposals to reform the Powers of Police Staff and Volunteers<sup>6</sup>. Those proposals are relevant to the proposals discussed here to enable PCCs to take on responsibility for their local fire and rescue service and to put in place a single employer. Under the single employer model a chief officer would employ both police and fire and rescue personnel.

The Government has considered the interrelationship between the issues discussed in both consultations. In line with the police powers proposals, the Government intends to legislate so that the chief officer (under a single employer model) would be able to decide locally whether to designate certain police powers to their fire personnel as well as to their police personnel. Crucially, this would not include any of the core powers that only police officers can hold. As set out in the consultation paper, the current law that prevents a full-time police officer from being a firefighter will remain in place. Similarly, there is no intention to give firefighters the power of arrest. Currently, under the Community Safety Accreditation Scheme (CSAS), fire personnel can already be accredited with powers by a chief constable, including powers to issue penalty notices. This proposal would just be the extension of this and would allow chief officers to fully utilise all their personnel. The important distinction between frontline services and the powers of a police officer and a firefighter would be maintained.

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<sup>6</sup> Reforming the Powers of Police Staff and Volunteers, 2015

**The Government intends to legislate to:**

**Enable a PCC to put in place a single employer for local fire and policing (rather than two separate employers under the governance model) under his or her governance.**

**Provide that the case for putting in place a single employer is assessed using the same process as for a transfer of governance.**

**Enable any changes to the designation of powers to police personnel and volunteers to be applied locally to fire personnel, under the single employer model.**

## **Chief Officer Role**

The Government set out in its consultation paper that the single employer model would be based on a chief officer, who would employ all fire and police personnel.

The chief officer would need to hold the rank of chief constable as this is required in legislation for police forces. This would not be an additional post, rather that the post of chief constable would become known as the “chief officer” to reflect its wider role. The Government consulted on the basis that it would be appropriate for the chief officer position to be open to applications from both senior police officers and fire officers, since they would both have relevant experience. To enable this, the Government intends to remove the requirement for senior fire officers applying for chief constable roles in the single employer model to previously have been a constable, and simultaneously ensure senior fire officers have access to the necessary training that would qualify them to apply for chief officer posts.

To inform the development of this proposal, the consultation paper asked

**Question 5 - Do you agree that the requirement for a chief officer to have previously held the office of constable should be removed for senior fire officers?**

There were a range of views in response to this question. Some agreed that it was appropriate to broaden the field of those who could apply for the chief officer post so that applications could be from either the fire and rescue service or the police. They pointed to the need to have the best candidates and that the largely strategic management role did not require direct policing experience. Where respondents were less convinced of the approach they raised points around the need for operational skills and experience in either service.

The Government has decided to proceed on the basis of changing the law to enable applications from either the police or fire and rescue service for the chief officer role in the single employer model. This will allow career pathways for both police and fire that extend right the way through the organisation. The Government recognises the importance of relevant skills and experience for any applicant to the post. That is why applicants from either service will need to meet the standards set by the College of Policing. For example, applicants would need to have satisfactorily completed the Senior Police National Assessment Centre and the Strategic Command Course, which currently prepares police officers and personnel for promotion to the most senior ranks in the service. Ultimately, it will fall to the PCC to make the appointment of who holds the post of chief officer based on their judgement of the best candidate for the job.

**The Government intends to:**

**Enable the post of chief officer to be open to applications from senior fire officers with relevant experience and who meet standards set by the College of Policing.**

**Remove the requirement in legislation for senior fire officers applying for chief constable posts to have previously been a constable.**

**Work closely with the College of Policing, National Police Chiefs' Council and the fire sector to develop career pathways between policing and fire, and ensure senior fire officers have access to relevant policing qualifications.**

## Improving performance

Where a PCC takes on responsibility for their local fire and rescue service, the PCC will need informed and independent information on the operational performance of the fire and rescue service. The consultation paper included the following question to seek views on how the performance of fire and rescue services should be reviewed and supported under PCCs:

**Question 6 - How do you think the requirement for a Police and Crime Commissioner to have access to an informed, independent assessment of the operational performance of the fire service should best be met?**

The responses to this question were mixed but two main themes emerged. First, the widespread view of respondents was in support of either expanding the role of HM Inspectorate of Constabulary (HMIC) or setting up a separate inspectorate for fire and rescue, to provide objective assessments of efficiency and effectiveness of fire and rescue services. In support of HMIC, it was felt this would provide a common methodology and approach to inspection across both services. Second, some respondents suggested that the existing peer review system was sufficient, whilst others felt that improvements could be made to it, such as by making it compulsory and by enabling better comparisons to be made on the performance of different fire authorities.

Having considered the consultation responses, the Government is clear that there must be appropriate arrangements in place to ensure PCCs have access to reliable independent assessments of local fire and rescue service performance, where they have taken on responsibility for it. However, the consultation received a range of views on how this might best be achieved. The Government will consider the options further before deciding how to proceed.

## Scrutiny

In respect of their police and crime responsibilities, PCCs have well-established scrutiny mechanisms, based on the powers and functions of dedicated Police and Crime Panels, external audit, and transparency requirements. The Government believes that where a PCC takes on responsibility for fire and rescue, the remit of the relevant Police and Crime Panel should be expanded to include scrutiny of the PCC's fire responsibilities. This approach would support the public in holding the PCC to account for all elements of their role.

The consultation paper, therefore, posed the following questions:

**Question 7 - Do you agree that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its remit extended to scrutinise decision making in relation to fire services?**

**Question 8 - Do you think that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its membership refreshed to include experts in fire and rescue matters?**

Responses were supportive of extending the remit of Police and Crime Panels. Respondents pointed to the need for equal scrutiny and transparency across both services, and the importance of ensuring individuals have sufficient expertise. Some respondents commented that this would support the findings of the Knight review that fire and rescue services should develop a consistent approach to scrutiny. Other responses suggested having an alternative panel dedicated to fire and rescue.

Some responses to question 8 agreed that the Police and Crime Panel should have its membership refreshed to include fire expertise. Those opposed to this approach did so in the belief that the existing Police and Crime Panel model does not require local representatives to have any expertise in policing. However, under the law currently, when forming a Police and Crime Panel local authorities must meet certain “balanced appointment objectives”. These are set down in the Police Reform and Social Responsibility Act 2011. Paragraph 31(5)(c) of that Act makes clear that a Panel must, when taken together, have the “skills, knowledge and experience necessary for the Police and Crime Panel to discharge its functions effectively”. This clause ensures that each Panel has appropriate expertise in the field of policing.

The Government has concluded that the remit of the Police and Crime Panel should be extended to include fire and rescue where the responsibilities of the PCC are expanded. The Government will retain the “balanced appointment objectives”. Local authorities will be bound to review and reconstitute the membership of panels, as may be appropriate. This will ensure that Panels have the right skills, knowledge and experience to scrutinise matters relating to fire and rescue as well as crime and policing.

**The Government intends to legislate to:**

**Extend the remit of Police and Crime Panels so that a PCC’s fire responsibilities are scrutinised by the Panel alongside a PCC’s police responsibilities, where the PCC’s role is extended.**

## Complaints

Where a PCC takes on responsibility for fire and rescue services, it will be necessary to look at how complaints against fire officers and personnel should be handled. At present, the majority of complaints and conduct matters against fire officers and personnel are currently handled internally by the fire and rescue services themselves. The public has recourse to the Local Government Ombudsman in certain cases of maladministration. The Health and Safety Executive may also investigate in certain situations.

Where a PCC takes over governance of fire and rescue, but continues to employ fire service personnel separately from police, the Government believes that the complaints system should also remain separate.

Where a PCC puts in place a single employer for fire and rescue and police services, the Government sought views on whether complaints and conduct matters concerning fire and rescue personnel should be treated in a similar way as complaints and conduct matters concerning the police.

**Question 9 - Do you think that where a Police and Crime Commissioner puts in place a single employer for fire and rescue and police services personnel, complaints and conduct matters concerning fire should be treated in the same way as complaints and conduct matters concerning the police?**

Many respondents noted the wider reforms to the police complaints system that are already underway. There were a range of views in response to the question. Some respondents saw benefit in having a single, consistent complaints system across both services. Other respondents questioned whether the police complaints system was appropriate for fire and rescue services, who do not have the same extensive powers as the police.

The Government has concluded that where a PCC establishes a single employer for both police and fire, it is appropriate for complaints, conduct and deaths and serious injury matters to be treated on a consistent basis under the Police Reform Act 2002. Where a matter relating to the fire service meets the mandatory referral criteria, it will be referred to the Independent Police Complaints Commission. Otherwise it will be handled locally under the reformed police complaints and discipline systems. Under a single employer model, personnel may be performing dual functions. It would be confusing for personnel and for the public to be subject to different complaints systems depending on the nature of the incident.

**The Government intends to:**

**Ensure that where a single employer model is put in place, complaints, conduct and death and serious injury matters for fire and rescue personnel and police personnel will be handled in the same way. For other governance models, the system for complaints and conduct matters for fire and rescue personnel will remain separate and unchanged.**

## Enhancing collaboration between police and fire and rescue

In areas where fire and rescue services remain the responsibility of a fire and rescue authority, the Government consulted on the basis that it will still be beneficial to ensure that PCCs and fire and rescue authorities have meaningful opportunities to drive effective collaboration between fire and police services. To enable this, the Government consultation set out that, where a PCC has not become responsible for the fire and rescue service(s) in their local area, they should nevertheless have the opportunity to be represented on the fire and rescue authority or its committees with voting rights.

The consultation paper noted that this would be feasible for 'standalone' fire and rescue authorities but would be more complex in areas where a county council has responsibility for a fire and rescue service, and might not have a dedicated sub-committee for fire. In such cases, any voting rights extended to PCCs would need to be restricted only to matters affecting the fire and rescue service. It would also be important to consider how adding PCCs to the membership of fire and rescue authorities might affect the political balance of those bodies.

The consultation included the following question:

**Question 10 - Do you agree that Police and Crime Commissioners should be represented on fire and rescue authorities in areas where wider governance changes do not take place?**

Respondents felt the benefits of this approach included the ability for PCCs to identify areas for potential collaboration, particularly around community safety and public engagement, to develop a greater understanding of current issues and to broaden accountability. Some respondents expressed misgivings around the electoral mandate of PCCs in respect of fire matters. There were also concerns around how the political balance of fire and rescue authorities could be maintained where the PCC is able to vote.

The Government recognises these concerns and, to address them, will require PCCs to state clearly their reasons for wishing to join the FRA, and the FRA itself will decide whether to agree to their request. Furthermore, FRAs will have the ability to change their membership in order maintain political balance where a PCC is appointed.

The Government has concluded that, consistent with the overall approach of enabling closer collaboration between the emergency services, there would be real value in PCCs having representation on local fire and rescue authorities where there are no wider governance changes. This would give PCCs and fire and rescue authorities an ongoing opportunity to overcome any local barriers to collaboration and drive greater joint working between fire and police services.

**The Government intends to legislate to:**

**Enable a PCC to have representation on their local fire and rescue authority or its committees, with voting rights, in areas where fire and rescue services remain the responsibility of fire and rescue authorities. This will be subject to PCCs making clear their reasons for seeking membership and FRAs agreeing to their request**

## London Fire and Emergency Planning Authority

The consultation paper set out how abolishing the London Fire and Emergency Planning Authority (LFEPA) would strengthen democratic accountability by removing the current confusion whereby the Mayor is accountable for setting the annual budget for fire but is in a minority position on LFEPA in respect of decisions relating to fire. The consultation paper explained that there are currently too many instances of the Mayor having to use his powers to direct LFEPA on the exercise of its functions.

The consultation paper sought views on abolishing LFEPA, enabling the Mayor of London to take direct responsibility for fire and rescue, and how fire and rescue responsibilities could be incorporated into the mayoral structure.

**Question 11 - Do you agree that the London Fire and Emergency Planning Authority should be abolished and direct responsibility for fire and rescue transferred to the Mayor of London?**

**Question 12 - In the event that the London Fire and Emergency Planning Authority is abolished, how should responsibility for fire and rescue be incorporated into the mayoral structure?**

The Mayor of London, the London Councils, the Labour Group at the London Assembly and LFEPA itself all supported the abolition of LFEPA and the transfer of fire and rescue responsibilities to the Mayor. They also all agreed that fire functions should be incorporated within existing Greater London Authority (GLA) structures. This would include creating a deputy mayor for fire.

The Mayor of London made specific proposals for the creation of the “London Fire Commissioner” as a legal body in its own right and tasked with running the London Fire Brigade on a day to day basis; with the Mayor responsible for setting budgets and strategic direction.

Furthermore, the Mayor proposed that the London Assembly should provide scrutiny and oversight of the work of the Mayor, Deputy Mayor and London Fire Brigade through a new, and statutory, Fire and Emergency Planning Committee.

The Government agrees with the Mayor’s proposals and will legislate accordingly. In addition, the Mayor’s office has confirmed that they intend for the LFB to continue to deliver the Mayor’s responsibilities for resilience on the Mayor’s behalf, and the London Local Resilience Forum agrees that the role of the LFB in managing the work of the London Resilience Team on behalf of the forum should continue. London Councils and London’s local authorities have confirmed that the pan-London emergency planning function delivered by the LFB’s emergency planning team should continue. Government will continue to discuss with London Local Resilience Forum members the opportunities to strengthen coordination of London’s resilience activities.

### **The Government intends to legislate to:**

**Abolish LFEPA and incorporate fire responsibilities within existing Greater London Authority structures. This would include creating a deputy mayor for fire, creating a statutory “London Fire Commissioner” and a new Committee of the London Assembly which will provide scrutiny and oversight.**

## Local resilience/Civil contingencies

Police forces and fire and rescue services have duties under the Civil Contingencies Act 2004, both as individual emergency responders and as members of local resilience forums. The consultation paper sought views on the implications for local resilience where a PCC is responsible for both police and fire.

**Question 13 - To what extent do you think there are implications for local resilience (preparedness, response and recovery) in areas where the Police and Crime Commissioner will have responsibility for police and fire?**

**Question 14 - To what extent do you think there are implications for resilience responsibilities in areas where an elected metro mayor is also the Police and Crime Commissioner and responsible for the fire and rescue service?**

Both questions elicited a range of views on the implications for resilience. However, some key themes emerged. Many respondents highlighted the existing duty to collaborate under the Civil Contingencies Act and that established and effective collaborative arrangements for resilience are facilitated at the local level through local resilience forums. Some respondents asked for clarity about the transfer of fire and rescue authority duties, including those under the Civil Contingencies Act and regulations on the Control of Major Accident Hazards (COMAH)<sup>7</sup>, to a PCC or elected mayor.

Respondents to question 13 felt that if a PCC was responsible for police and fire the positive outcomes for resilience would include greater collaboration, increased strategic oversight and reduced duplication. Some respondents raised concerns about clarity of command responsibilities under a single leadership model and the potential for a PCC to politically influence the local resilience forums.

Respondents to question 14 considered the benefits of greater collaboration to be achieved where a metro mayor has responsibility for both services. The case for positive impacts included improved operational effectiveness, simplified decision making and greater accountability. However, some respondents were concerned about political influence on the local resilience forums and conflict of interest given a Mayor's wider remit and responsibilities.

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<sup>7</sup> <http://www.hse.gov.uk/comah>

The Government welcomes the responses about the implications for local resilience. It notes the comments about how the changes could enhance collaboration and the need to build on existing practice to further improve local preparedness and response. Where a PCC or elected mayor takes on responsibility for fire, all fire and rescue authority duties, including those under the Civil Contingencies Act and COMAH (Control of Major Accident Hazards) regulations, would transfer to the PCC or elected mayor.

The Government encourages local resilience forums to consider how local changes in police and fire governance, where PCCs or metro mayors take on responsibility for fire and rescue functions, can enhance local resilience arrangements. The early progress made in areas like Greater Manchester where, after the elections scheduled for 2017, the elected mayor will hold the functions of PCC and be responsible for fire and rescue, will provide opportunities to share emerging lessons.

## Other views or comments

**Question 15 - Are there are any other views or comments that you would like to add in relation to emergency services collaboration that were not covered by the other questions in this consultation?**

A range of views were expressed in response to this question. By far the most commonly stated view was the need for ambulance services to engage more with the police and fire and rescue services. In response to this, the Government is of the view that the duty to collaborate will drive greater collaboration between all emergency services, including the ambulance service. The consultation also proposed that NHS foundation trusts should consider how best to engage with PCCs. In addition, the ambulance service is a key component of the working group on emergency services collaboration and through this group the sector will be able to develop further proposals.

The consultation also asked the following question on equalities:

**Question 16 - Do you think these proposals would have any effect on equalities issues?**

Positive impacts identified in responses to this question included enabling harmonisation of equality plans, policies and processes. Other responses suggested that the proposals could mean reduced community engagement between fire and rescue services and vulnerable people, and the risk of disproportionate impact on women and minority groups from any consolidation in roles of police and fire personnel that may be pursued locally.

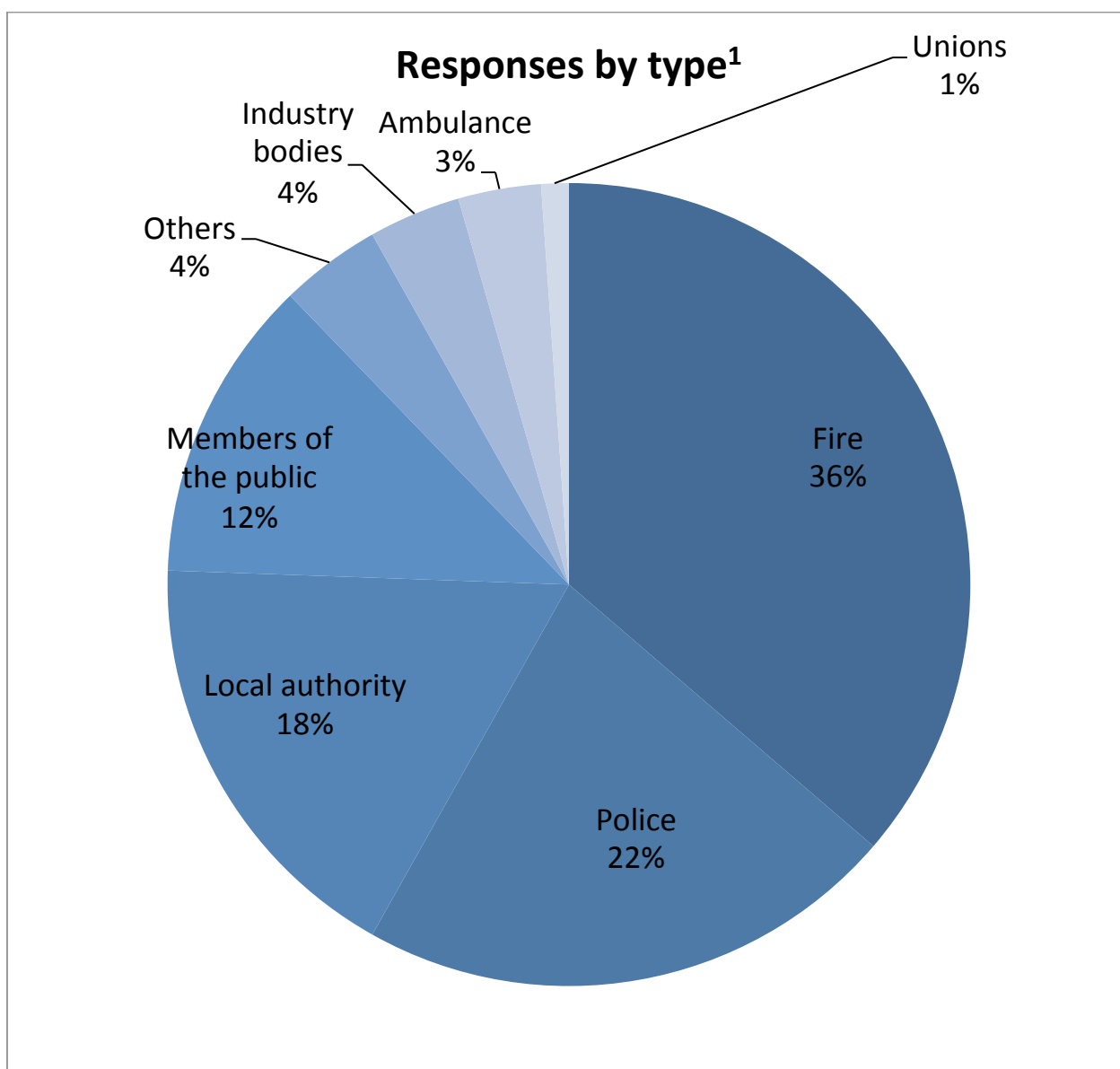
The Government's position is that the proposals consulted upon are enabling, meaning that the details will be developed at a local level. PCCs and fire and rescue authorities are also subject to the Equality Act 2010 and the obligations under that Act will apply to them in relation to specific proposals being developed for their local area.

The Equality Act 2010 introduced an Equality Duty on public bodies and others carrying out public functions. The duty requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## Statistical Summary of Responses

A total of 318 full or partial responses were received and analysed. The largest group responding to the consultation were representatives from the fire and rescue service, who contributed over a third of responses, followed by representatives from the police (including PCCs and members of Police and Crime Panels) who contributed over a fifth of all responses. Responses classified in the 'other' group included academic institutions, charities and private companies.



<sup>1</sup> Includes online and individual responses sent via email/post. Those respondents who did not state an organisation have been excluded from these figures, although they have been included in the analysis of responses.

# List of Organisations Responding

Organisations which responded to the consultation included:

ADS Group Limited  
Asian Fire Service Association  
Association of Ambulance Chief Executives  
Association of Police and Crime Commissioners  
Association of Policing and Crime Chief Executives  
Association of Principal Fire Officers  
Avon and Somerset Constabulary  
Avon and Somerset Police and Crime Commissioner  
Avon Fire and Rescue Authority  
Barnsley Council  
Bedfordshire Fire and Rescue Service  
Bedfordshire Police  
Bedfordshire Police and Crime Commissioner  
Bedfordshire Fire and Rescue Authority  
Bentley Parish Council  
Billingshurst Parish Council  
Birmingham City Council, Resilience Team  
Borough of Poole  
Bristol City Council  
British Heart Foundation  
Buckinghamshire and Milton Keynes Fire Authority  
Cambridgeshire Constabulary  
Cambridgeshire Fire and Rescue Authority  
Cheshire Fire Authority  
Cheshire Police and Crime Commissioner  
Chief Fire Officers Association  
Chief Police Officers Staff Association  
City of London Corporation and the City of London Police  
Cleveland Fire and Rescue Authority  
Colchester Borough Council  
College of Paramedics  
College of Policing  
Cornwall Council  
County Durham and Darlington Fire and Rescue Authority  
Cumbria Constabulary  
Cumbria Police and Crime Commissioner  
Derbyshire Constabulary  
Derbyshire Fire and Rescue Authority  
Derbyshire Police and Crime Commissioner  
Devon and Cornwall Police of behalf of LRF chairs within the South West Region  
Devon and Somerset Fire and Rescue Authority

Devon, Cornwall and the Isles of Scilly, Office of the Police and Crime Commissioner  
Dorchester Council  
Dorset Fire Authority  
Dorset Office of the Police and Crime Commissioner  
Durham Police and Crime Commissioner  
Durham Resilience Forum  
East Midlands Ambulance Service NHS Trust  
East of England Ambulance Service NHS Trust  
East Sussex Fire and Rescue Authority  
Edge Hill University  
Emergency Planning Society, West Midlands Branch  
Enfield Community Safety  
Essex Fire and Rescue Authority  
Essex Police Force  
Fareham Borough Council  
Fire Brigades Union  
Fire Officers Association  
Fire Sector Federation  
Five Tees Valley Authorities  
Gateshead Council  
Gloucestershire Constabulary  
Gloucestershire Fire and Rescue Authority  
Greater London Authority  
Greater Manchester Combined Authority  
Hampshire and the Isle of Wight Local Resilience Forum  
Hampshire and the Isle of Wight Office of the Police and Crime Commissioner  
Hampshire Constabulary  
Hampshire Fire and Rescue Authority  
Hartlepool Borough Council  
Health and Safety Executive  
Hereford and Worcestershire Fire and Rescue Authority  
Hertfordshire Constabulary  
Hertfordshire County Council (FRA)  
Hertfordshire Local Resilience Forum  
Hertfordshire Police and Crime Commissioner  
Humber Local Resilience Forum  
Humberside Fire and Rescue Authority  
Humberside Police and Crime Commissioner  
Inclusion London  
Independent Police Complaints Commission  
Institute of Community Safety  
Isle of Scilly Council  
Isle of Wight Fire and Rescue Authority  
Keele University  
Kent and Medway Fire and Rescue Authority  
Kent County Council  
Kent Police

Kent Police and Crime Commissioner  
Kingston Borough Council  
Lancashire Combined Authority  
Lancashire County Council  
Lancashire Police  
Lancashire Police and Crime Commissioner  
Lancashire Resilience Forum  
Leicestershire Fire and Rescue Authority  
Lincolnshire Community Safety Partnership  
Lincolnshire County Council  
Lincolnshire Police and Crime Commissioner  
Local Government Association  
London Ambulance Service NHS Trust  
London Assembly  
London Councils  
London Borough of Ealing  
London Fire Brigade  
London Resilience Forum  
Lowland Rescue  
Merseyside Fire and Rescue Authority  
Merseyside Police and Crime Commissioner  
Merseyside Police and Crime Panel  
Metropolitan Police Service  
National Police Chiefs' Council  
National Trust  
New Forest District Council  
Norfolk Constabulary  
Norfolk Fire and Rescue Authority  
Norfolk Police and Crime Commissioner  
North East Ambulance Service NHS Foundation Trust  
North Yorkshire County Council  
North Yorkshire Fire Authority  
North Yorkshire Police and Crime Commissioner  
Northamptonshire Fire and Rescue Authority  
Northamptonshire Fire and Rescue Service  
Northumberland County Council  
Northumbria Police  
Northumbria Police and Crime Commissioner  
Nottingham Trent University  
Nottinghamshire Fire and Rescue Authority  
Nottinghamshire Fire and Rescue Service  
Nottinghamshire Police  
Osman Consulting Ltd  
Oxfordshire County Council (as FRA)  
Police and Crime Commissioners Treasurer's Society  
Police Federation  
Police Superintendents Association

Reading Borough Council  
Retained Firefighters Union  
Royal Berkshire Fire and Rescue Authority  
Royal College of Emergency Medicine  
Royal College of Nursing  
Safer Stronger Doncaster Partnership  
Salisbury City Council  
Shadow Dorset and Wiltshire Fire and Rescue Authority  
Shropshire and Wrekin Fire Authority  
South East Coast Ambulance Service NHS Foundation Trust  
South Tyneside Council  
South West Local Resilience Forums  
South Western Ambulance Service NHS Foundation Trust  
South Yorkshire Fire and Rescue Authority  
South Yorkshire Local Resilience Forum  
South Yorkshire Police and Crime Commissioner  
Southampton City Council  
Staffordshire County Council  
Staffordshire Local Resilience Forum  
Staffordshire Police  
Staffordshire Police and Crime Commissioner  
Staffordshire Police and Crime Panel  
Staffordshire University  
Stoke-on-Trent and Staffordshire Fire and Rescue Authority  
Stoke-on-Trent City Council  
Suffolk Constabulary and Police and Crime Commissioner  
Suffolk Fire Authority  
Suffolk Local Resilience Forum  
Suffolk Police and Crime Panel  
Sunderland City Council  
Surrey County Council (FRA)  
Surrey Police and Crime Commissioner  
Sussex Local Resilience Forum  
TechUK  
Telford and Wrekin Council  
Telford and Wrekin Council Civil Resilience Team  
Thames Valley Police and Crime Commissioner  
The Institute of Civil Protection and Emergency Management  
Trades Union Congress  
UNISON  
UNISON LFEPA  
Unite the Union  
Victoria University (Australia)  
Warrington Borough Council  
Warwickshire County Council (FRA)  
Warwickshire Police and Crime Commissioner

Warwickshire Police and Crime Commissioner  
Weightmans LLP, Solicitors  
West Mercia Police and Crime Commissioner  
West Midlands Ambulance Service NHS Foundation Trust  
West Midlands Fire and Rescue Authority  
West Midlands Local Resilience Forum  
West Sussex County Council (FRA)  
West Yorkshire Police  
West Yorkshire Police and Crime Commissioner  
Williams Training and Consultancy  
Wiltshire Police and Crime Commissioner  
Wokingham Borough Council  
Wokingham's Community Safety Partnership  
Wyre Forest District Council  
Yorkshire Ambulance Service NHS Trust