

Agenda

**Meeting: Corporate and Partnerships
Overview & Scrutiny Committee**

**Venue: Grand Committee Room, County Hall,
Northallerton, DL7 8AD
(see location plan overleaf)**

Date: Monday 31 July 2017 at 10.30 am

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Business

1. **Declarations of interest**
2. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice to Daniel Harry of Policy & Partnerships (*contact details below*) no later than midday on Wednesday 26 July 2017. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

3. **Scrutiny of the Local Business Case: Working Better Together – Options to improve collaboration between Fire and Police services in North Yorkshire** - report - Daniel Harry, Scrutiny Team Leader, North Yorkshire County Council
(Pages 5 to 23)
4. **The Local Business Case: Working Better Together – Options to improve collaboration between Fire and Police services in North Yorkshire** – presentation - Julia Mulligan, Police and Crime Commissioner for North Yorkshire, Thomas Thorp, Policy and Scrutiny Manager and Michael Porter, Chief Finance Officer, both from the Office of the Police and Crime Commissioner.

The full set of consultation documents are available via - www.telljulia.com
(Pages 24 to 28)
5. **North Yorkshire Fire and Rescue Authority response to the Local Business Case: Working Better Together – Options to improve collaboration between Fire and Police services in North Yorkshire** - County Councillor Andrew Backhouse, Chairman of North Yorkshire Fire and Rescue Authority
(See Item 3 above - Pages 19 to 23)
6. **Any other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)
County Hall
Northallerton

Date: 21 July 2017

NOTES:

- (a) Members are reminded of the need to consider whether they have any interests to declare on any of the items on this agenda and, if so, of the need to explain the reason(s) why they have any interest when making a declaration.

The relevant Corporate Development Officer or Monitoring Officer will be pleased to advise on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

- (b) **Emergency Procedures For Meetings**
Fire

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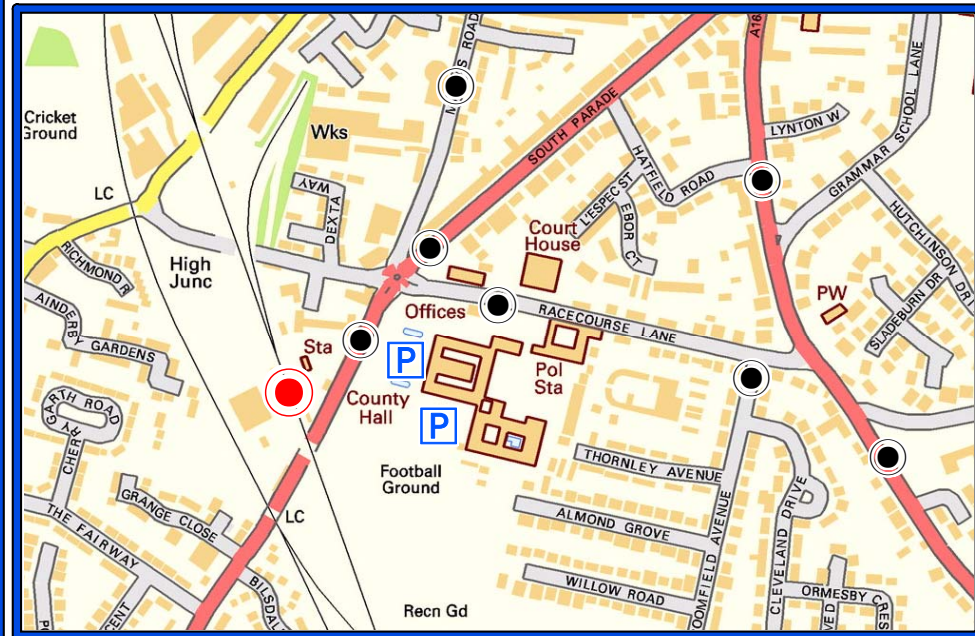
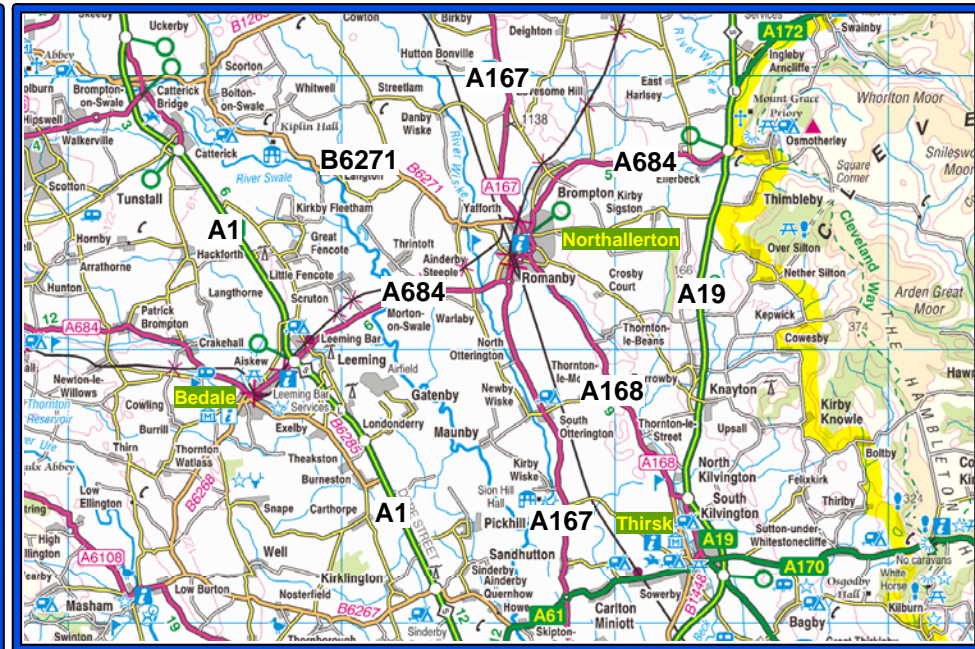
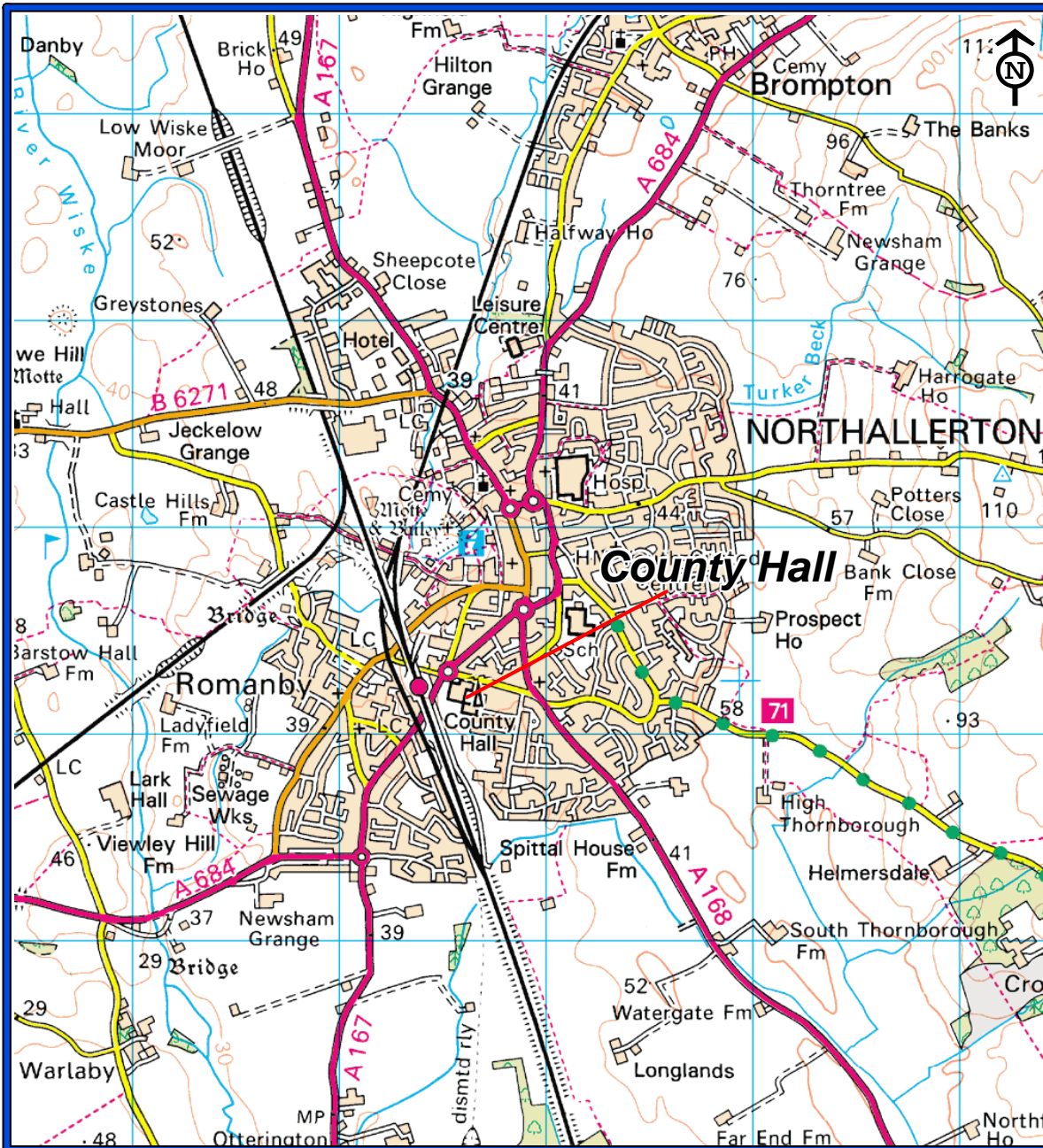
Corporate and Partnerships Overview and Scrutiny Committee

1. Membership

County Councillors (13)						
	<i>Councillors Name</i>	<i>Chairman/Vice Chairman</i>	<i>Political Group</i>	<i>Electoral Division</i>		
1	ATKINSON, Margaret		Conservative	Masham and Fountains		
2	BASTIMAN, Derek	Chairman	Conservative	Scalby and the Coast		
3	GOODRICK, Caroline		Conservative	Hovingham and Sheriff Hutton		
4	GRIFFITHS, Bryn	Vice-Chairman	Liberal Democrat	Stokesley		
5	HASLAM, Paul		Conservative	Harrogate Bilton and Nidd Gorge		
6	MUSGRAVE, Richard		Conservative	Escrick		
7	PARASKOS, Andy		Conservative	Ainsty		
8	PARSONS, Stuart		NY Independents	Richmond		
9	RANDERSON, Tony		Labour	Eastfield and Osgodby		
10	TROTTER, Cliff		Conservative	Pannal and Lower Wharfedale		
11	WALSH, Callam		Conservative	Weaponness and Ramshell		
12	WILKINSON, Annabel		Conservative	Swale		
13	WILSON, Nicola		Conservative	Knaresborough		
Total Membership – (13)			Quorum – (4)			
	Con	Lib Dem	NY Ind	Labour	Ind	Total
	10	1	1	1	0	13

2. Substitute Members

Conservative		Liberal Democrat	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	CHAMBERS, Michael MBE	1	
2	ENNIS, John	2	
3		3	
4		4	
5		5	
NY Independents		Labour	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1		1	DUCKETT, Stephanie
2		2	
3		3	
4		4	
5		5	



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North
Yorkshire County Council

**North Yorkshire County Council
Corporate and Partnerships Overview and Scrutiny Committee
31 July 2017**

**Scrutiny of the Local Business Case: Working Better Together – Options to
improve collaboration between Fire and Police services in North Yorkshire**

Report of the Scrutiny Team Leader, North Yorkshire County Council

Purpose of Report

The purpose of this report is to provide committee members with an overview of the proposals that the Police and Crime Commissioner for North Yorkshire is consulting on for changes to the governance arrangements for the North Yorkshire Fire and Rescue Service. These changes are being proposed to support enhanced collaboration between emergency services.

The report also provides a number of different perspectives on the proposals.

Some issues arising from the consultation document that committee members may wish to consider in greater depth during the course of the meeting are identified.

The committee is asked to make recommendations to Executive, based upon the evidence that has been presented at the meeting. Any recommendations made will need to directly address which is the preferred model for governance along with a clear rationale as to why.

1. Background

- 1.1 The Policing and Crime Act 2017 places a duty on police, fire and ambulance services to work together and enables police and crime commissioners to take on responsibility for fire and rescue services where a local case is made.
- 1.2 In response, the Police and Crime Commissioner for North Yorkshire has undertaken a review of the governance of the Fire and Rescue Service and proposed changes that are aimed at promoting improved collaboration between the Police and the Fire and Rescue Service. In turn, it is suggested that this will lead to greater efficiencies, improved outcomes and increased investment in front-line services.
- 1.3 Across the 40 force areas in England and Wales that have a Police and Crime Commissioner, there are 10 Police and Crime Commissioners who are looking into options for changes to the governance to enable greater collaboration between the Police and the Fire and Rescue Service in their area. The drivers for this range from responding to the Policing and Crime Act 2017 to seeking to address specific, local issues with governance and service provision, as in the case of Essex.
- 1.4 The pace at which the reviews are being undertaken also varies. North Yorkshire is one of the front runners and will be, subject to the outcome of the consultation

and the assessment of the Home Office, an early adopter of new governance model.

2. Corporate and Partnerships Overview and Scrutiny Committee 3 April 2017

- 2.1 At the meeting of the Corporate and Partnerships Overview and Scrutiny Committee on 3 April 2017, the Police and Crime Commissioner for North Yorkshire, Julia Mulligan, provided an overview of the process for the development of a business case for the closer collaboration of emergency services in the county.
- 2.2 This issue was scrutinised by the Committee in its role as the Crime and Disorder Committee for the purposes of Part 3 of the Police and Justice Act 2006.
- 2.3 The overview provided details of:
- Governance options that were being developed
 - Details of the groups had been setup to support the work
 - Legal context and national policy drivers
 - Early thoughts on engagement and consultation timetables
 - Key milestones.
- 2.4 Members raised a number of queries and concerns at the meeting, including:
- The complex nature of modern policing and fire and rescue services meant that there was a significant challenge in having oversight of both
 - That the process was being rushed
 - Why the governance arrangements were being reviewed in isolation of the operational arrangements and not in parallel
 - Whether the proposals would be capable of delivering any tangible improvements to blue light services.
- 2.5 Members also queried what the next steps would be once revised governance arrangements had been agreed and implemented. The presumption was that changes to governance were a starting point for further integration of services and not the end point.
- 2.6 Based upon the information that had been verbally presented at the meeting, the committee resolved 'to support the principle of collaboration between emergency services in the county, where there is a strong business case that supports it and where it delivers improvements in outcomes'. The intention was to hold a follow up meeting in June 2017 but this did not take place due to the lack of availability of key people.
- 2.7 The relevant section from the minutes for the meeting are in Appendix 1.

3. Purpose of the committee meeting

- 3.1 The purpose of today's extraordinary meeting of the Corporate and Partnerships Overview and Scrutiny Committee is to consider the Fire and Rescue Service governance options to deliver enhanced emergency services collaboration, as proposed by the Police and Crime Commissioner for North Yorkshire.

- 3.2 The Police and Crime Commissioner for North Yorkshire has proposed a review of governance of the North Yorkshire Fire and Rescue Service, in response to a new duty for emergency services to collaborate that was specified in the Policing and Crime Act 2017. This duty includes a specific opportunity for Police and Crime Commissioners to apply to the Secretary of State to allow them to take on responsibility for the governance of their local Fire and Rescue Service, if it appears that it is in the interests of effectiveness, efficiency, economy or public safety to do so.
- 3.3 It is important to note that this is an enabler rather than a requirement.
- 3.4 A local business case has been published for public consultation entitled 'Working Better Together: Options to improve collaboration between Fire and Police services in North Yorkshire'. The public consultation runs for 10 weeks from 17 July 2017 to 22 September 2017. The full consultation document can be accessed here – www.telljulia.com
- 3.5 The Council had been in discussion with the Office of the Police and Crime Commissioner for North Yorkshire, to enable the proposals to be discussed in full at the meeting of the County Council 19 July 2017. This was not possible as the proposals were not published until 17 July 2017 and so could not be circulated to all County Councillors in sufficient time (at least five clear working days) ahead of the meeting. Members will note that the consultation document is 119 pages long.
- 3.6 Instead, the consultation proposals and the business case are to be considered by County Councillors at this committee meeting, with recommendations being made to Executive to consider at their meeting of 15 August 2017.

4. Options for changes to governance

- 4.1 The options that are specified in the Policing and Crime Act 2017 to enable greater collaboration between blue light services to improve emergency services are as follows:
- The status quo or the 'do nothing' option
 - The Representation Model - the Police and Crime Commissioner is represented on the Fire Authority and its committees
 - The Governance Model - the Police and Crime Commissioner to take on legal and overarching responsibility for the Fire and Rescue Service and the Fire and Rescue Authority ceases to exist as a governing body
 - The Single Employer Model - the functions of the Fire and Rescue Service would be transferred to a single Chief Officer for policing and fire and rescue.
- 4.2 The local business case that has been prepared as part of the consultation document uses the HM Treasury Five Case Model in its options assessment process. The Five Case Model uses the following assessment criteria:
- Strategic - legislative and strategic context
 - Economic – the key criteria for determining the preferred option
 - Commercial - commercial, HR and resourcing implications

- Financial - affordability and accounting implications
- Management – delivery of the preferred option.

4.3 The arguments that have been put forward for a change in governance and not keeping with the status quo are as summarised below. The detailed analysis is contained in the consultation document.

- Inevitability – the argument that closer working between the Police and the Fire and Rescue Service is inevitable as the way of improving services and saving money
- Pace – whilst there has been collaboration to date the pace has been slow and the scope limited, with the emphasis upon the tactical rather than the strategic
- Research – the findings of national and international research and reviews suggests that joined up governance between emergency services accelerates collaboration
- Protecting the front line – increased collaboration results in increased efficiency, which in turn means that during a period of tight budgets there is greater protection of front line services
- Outcomes – a strategic view of collaboration between the Police and the Fire and Rescue Service will lead to improved outcomes.

5. Preferred option of the Police and Crime Commissioner

5.1 The preferred option that has been identified is that of the Governance Model, whereby the Police and Crime Commissioner takes on legal and overarching responsibility for the Fire and Rescue Service.

5.2 The arguments that have been put forward for the Governance Model, are summarised below:

- Decision making – simplified and aligned decision-making structures will increase the scope and pace of collaboration
- Joint strategic planning – there would be greater scope for joint planning of services, creating opportunities for more effective use of funding and resources across both services. The combined budget under the influence of the Police and Crime Commissioner would be £169m, with assets of £80m
- Front line services – estimated benefits over 10 years through enhanced collaboration being £6.6m which could then be re-invested in front line staff
- Scrutiny – improved oversight of the Fire and Rescue Service
- Public safety – improvements in public safety arising from collaborative approaches.

5.3 The tangible benefits that have been identified as could be achieved by accelerated collaboration between the Police and the Fire and Rescue Service, should the Governance Model be adopted, include the following:

- Systematic data sharing of intelligence to enable commissioning of targeted services
- A single approach to community safety across Police and Fire and Rescue
- Roll out of community safety hubs

- Joint control rooms
- Implementation of the fire responder role, particularly in rural areas
- Joint management of estates, linked to One Public Estate
- Integrated specialist training
- Single ICT strategy and systems
- Rationalisation of the back office.

5.4 The arguments put forward against the other options, are as summarised below:

- Do nothing option – this will not bring about an acceleration in strategic collaboration between emergency services, perpetuating the existing culture of tactical and localised joint working. Estimated benefits over 10 years of £0.1m.
- Representation Model – this will promote greater tie in at a strategic level between the Police and Fire and Rescue Service but will suffer from the constraints of multiple decision-making mechanisms and the joint agreement of objectives and priorities. Estimated benefits over 10 years of £1.3m.
- Single Employer Model – is likely to bring greater benefits than the Governance model but presents significant delivery and strategic risks. Estimated benefits over 10 years of £7.5m.

5.5 Members will be aware that irrespective of the option that is finally adopted, the Police and Crime Commissioner would have to maintain separate fire and police funds. Also, the roles and powers of police and fire officers could not be changed or merged.

5.6 Again, irrespective of the option that is finally adopted, the operational independence of the Chief Constable is maintained.

5.7 If the Governance Model is adopted, then there will be no easy way to reverse the decision, should experience dictate that other solutions may be preferable in the longer term.

6. Preferred option of the North Yorkshire Fire and Rescue Authority

6.1 County Councillor Andrew Backhouse, Chairman of North Yorkshire Fire and Rescue Authority, will be attending the meeting to offer the Authority's perspective on collaboration with the Police and how best to achieve it. In summary, the Fire and Rescue Authority has made the following key points:

- There is a commitment to collaboration and joint working across both services
- There is potentially more to gain from collaboration with the health, social care and wellbeing organisations and agencies than with the Police
- Despite the detailed nature of the business case that has been presented as part of the consultation, there is a lack of evidence to support the assertion that a change of governance will yield significant, tangible and costed benefits
- The move to adopt the Governance Model without first trying the Representation Model is premature
- There is no imperative to pursue this now.

- 6.2 The preferred approach of the North Yorkshire Fire and Rescue Authority is to adopt and test the Representation Model (the Police and Crime Commissioner is represented on the Fire Authority and its committees) for a period of time. The progress made through this approach can then be reviewed and options for change considered at that point. This is then a progressive stepping up of arrangements, informed by experience.
- 6.3 A copy of the North Yorkshire Fire and Rescue Authority response and their alternative proposal, 'Proposal for Representation Model', is in Appendix 2.

7. Assessment process

- 7.1 The Home Office states that any changes in governance proposed by a Police and Crime Commissioner must meet the tests laid down in the Policing and Crime Act 2017. These are that any changes are in the interests of:
- Economy
 - Efficiency
 - Effectiveness
 - Public safety.
- 7.2 The Association of Police and Crime Chief Executives (APACE) guidance states that as a minimum, the Local Business Case will need to demonstrate that there is no adverse impact on public safety.
- 7.3 The criteria used as part of the assessment of the options for a revised governance model, do not use the four tests in the Policing and Crime Act 2017 (of which public safety is one) as they stand. Instead, the four tests are translated into a series of design principles, none of which explicitly refer to public safety (page 58).
- 7.4 Please note that if one or both of the County Council and the City of York Council object to what is proposed, as the upper tier authorities in the area covered by the PCC, Police and Fire and Rescue Service, then the Home Secretary must obtain and publish an independent assessment of the proposal, and must have regard to that assessment and to the representations from relevant local authorities and others in deciding whether to make an order.
- 7.5 The City of York Council Customer and Corporate Services Scrutiny Management Committee is due to consider the Local Business Case at its meeting on the evening of 31 July 2017.

8. Timelines

- 8.1 The timeline for the consultation, analysis and submission of the preferred option for governance is as below:
- Consultation period - 17 July 2017 to 22 September 2017
 - Analysis of findings – 22 September 2017 to 2 October 2017
 - Consultation report published – around 16 October 2017
 - Submission to Home Office dependent on PCC final decision – before the end of October 2017

- Consideration by Home Secretary – 4 weeks where agreed by local tier 1 authorities
- Consideration by Home Secretary – 12 (8+4) weeks where no agreement and an independent assessment is required
- Secondary legislation – 8 to 12 weeks
- Earliest transfer date – April 2018.

8.2 There are 8 public consultation events scheduled across North Yorkshire and York.

8.3 As indicated above, the Police and Crime Commissioner is aiming for a new model of governance to be in place by 1 April 2018, at the earliest. The Association of Police and Crime Chief Executives (APACE) guidance advises that Police and Crime Commissioners allow at least nine months for completing the process, from drafting the business case to the Home Office laying the necessary order.

9. North Yorkshire Police and Crime Panel

9.1 The North Yorkshire Police and Crime Panel met on 20 July 2017 to review the Local Business Case as presented in the consultation documents. The Police and Crime Panel raised a number of concerns and reservations, based upon their initial review of the Local Business Case, as below:

- The robustness of the consultation process – running for only 10 weeks (not the 12 weeks that is accepted best practice) and over the summer period when people are on holiday
- The capacity and the capability of the Police and Crime Panel to take on an expanded role with responsibility for scrutiny of the Police and Crime Commissioner's governance of both the Police and the Fire and Rescue Service, particularly as no additional resources are being made available to do so nationally.

9.2 It was noted that the Police and Crime Panel have previously requested that the Police and Crime Commissioner consider taking up a seat on the Fire and Rescue Authority, prior to pursuing formal changes in governance arrangements. The rationale being that this would enable the Police and Crime Commissioner to test out whether such a low risk approach could help accelerate the pace and widen scope of collaboration between the Police and Fire and Rescue.

9.3 In addition, the Police and Crime Panel have noted that the North Yorkshire Fire and Rescue Authority would be providing an alternative proposal for governance changes. The Panel members have welcomed this and have stated that they would consider its recommendations as part of their review and analysis of the Local Business Case.

9.4 The meeting on 20 July 2017 took place only 2 days after the publication of the consultation documents. This meant that there was limited scope for the Panel members to undertake an in-depth analysis of and respond to the Police and Crime Commissioner at the meeting itself. As such, the Police and Crime Panel will meet again on 14 September 2017 to provide more detailed feedback to the Police and Crime Commissioner.

10. Accountability

- 10.1 As previously indicated, if the preferred option of the Police and Crime Commissioner for the adoption of the governance model is implemented, then the Police and Crime Commissioner will take on legal and overarching responsibility for the Fire and Rescue Service.
- 10.2 The Police and Crime Panel will have to expand its remit to cover matters relating to the Fire and Rescue Service as the Fire and Rescue Authority would cease to exist as a governing body.
- 10.3 The Corporate and Partnerships Overview and Scrutiny Committee would continue to have oversight of the work of the responsible authorities of their crime and disorder functions, as the Crime and Disorder Committee for North Yorkshire.

11. Implications for North Yorkshire County Council

- 11.1 The direct implications of the preferred option of the Police and Crime Commissioner for the adoption of the governance model are likely to include:
- A significantly reduced input from County Councillors into the planning and delivery of fire and rescue services in the county, as the Fire and Rescue Authority ceases as a governing body (currently 12 County Councillors are members)
 - An increased burden upon the Police and Crime Panel, with no clarity around appropriate additional resources, as it expands its remit to cover matters relating to the planning and delivery of fire and rescue services.
- 11.2 Further work will be needed to fully understand the impact upon existing collaborative work that is currently undertaken by the Council's Adult Social Services and Public Health teams.
- 11.3 The Fire and Rescue Service has played an increasingly important role in protecting vulnerable people and promoting wellbeing, in partnership with the County Council, District Councils and the voluntary and community sector. A concern is that a strong collaborative focus on policing issues, as a result of the proposed change in governance, may undermine what has been achieved to date by working in partnership with the Fire and Rescue Service.

12 Lines of enquiry

- 12.1 In considering the Local Business Case and the Police and Crime Commissioner's preferred option of the Governance Model, members may wish to consider a number of lines of enquiry. Each of the queries raised below is referenced to the relevant section of the consultation document:

- | | |
|---|---|
| 1 | Is a revised model of governance really the answer or are there other ways of promoting increased collaboration between the Police and the Fire and Rescue Service? |
|---|---|

The local business case suggests that the only way in which significant financial benefits can be readily realised from accelerated collaboration is through addressing “the issues around sovereignty that have formed one barrier to greater pace and scale of collaboration in the past” (page 13). Is this really the case? Whilst a stronger central grip of governance across both services may help increase collaborative approaches, it is likely that the real challenge will be cultural.

- 2 Are we leaping to solutions without fully understanding what the issues are across all of those organisations that work in promoting community safety and wellbeing?

The Policing and Crime Act 2017 places a duty on police, fire and ambulance services to work together and enables police and crime commissioners to take on responsibility for fire and rescue services where a local case is made. It is reasonable to question why further work is not being done to promote collaboration across all three blue light services in the county, before reverting to the changes in governance for the Fire and Rescue Service.

A whole sector approach is referred to in the local business case a number of times but not fully explored, “service delivery needs to be increasingly focussed on preventing need than responding to it, with local public service delivery focussed on working holistically with the same communities that they serve” (page 39) and “whilst reliable quantitative data does not exist, we know that there is a high degree of overlap between police, fire, ambulance and local authorities in providing services to the same vulnerable communities. Further collaboration between agencies around joint priorities would support a joined-up approach that will provide greater efficiency and effectiveness, allow reinvestment in emergency services and improve public safety and outcomes for residents” (page 46).

- 3 Are the big wins for the Police and Crime Commissioner associated with further collaboration, integration and mergers of Police forces?

The local business case refers to the relatively low level of spend on collaborative arrangements by North Yorkshire Police with other Police forces: “Spend on collaboration by North Yorkshire Police is, however, below the national average. North Yorkshire Police forecast that it would spend £4.2m in 2016/17 on collaboration with other police forces. This is 2.9% of its net revenue expenditure (NRE), which is lower than the England and Wales average of 11.9%” (page 28). There remains a question as to whether further work could be done on regional collaboration between Police forces before pursuing changes to governance for the Fire and Rescue Service.

Equally, there may be opportunities for greater collaboration between the Fire and Rescue Service and the Ambulance Service prior to more in-depth and formal collaborative arrangements with the Police Service.

- 4 The local business case suggests that the current attempts at collaboration between the Police and the Fire and Rescue Service have not delivered at the level that was expected. If this is the case, then do we really understand why and will changes in governance be the solution?

In December 2013, the Police and the Fire and Rescue Service issued a Statement of Intent for Improving Public Safety. This listed a number of areas in which there were opportunities for collaboration. The local business case (page 26) acknowledges the progress that has been made but suggests that more could have been done: “Back in 2013, the fire service and police in North Yorkshire recognised that opportunities existed to improve public outcomes and signed a 'statement of intent' to collaborate. We set out a wide range of activities which we felt could be done better together. But if we're frank, success has been slow to come, and limited in scale” (page 6).

5 What will the OPCC, Police and Fire and Rescue Service look like in the county in five years' time?

The local business case argues that collaborative working with emergency services and others is essential in order to meet the many various challenges that these services face. It is reasonable to suggest that the proposed governance changes are only the starting point for more ambitious changes to service delivery over time. As such, is the end goal the adoption of the single employer model, whereby the functions of the Fire and Rescue Service would be transferred to a single Chief Officer for policing and fire and rescue? As stated in the local business case, “The Single Employer model could bring greater benefits than the Governance model, through providing the means to achieve deeper integration of fire and police assets while maintaining operational separation” (page 15).

6 What has been the role of the Fire and Rescue Service and the Fire and Rescue Authority in the development of the local business case and the identification of a preferred option?

The local business case appears to be heavily weighted towards the priorities of the Police and the Police and Crime Commissioner. References are made to a number of stakeholder groups (the Strategic Reference Group, the Check and Challenge Panel and the Business Case Development Group). It is unclear how these groups have worked and the extent to which they have influenced the development of the local business case.

7 What is the vision for the Fire and Rescue Service over the next 5 years?

There is a clear articulation of the Police and Crime Commissioner's vision for local policing (page 29) but little about the vision for the Fire and Rescue Service or what their strategic and operational intentions are over the next 5 years. This then suggests that there has been little consideration of the impact of the proposed changes upon the Fire and Rescue Service.

8 Will the PCC and OPCC have the skills, experience, knowledge and capacity to take on responsibility for an additional complex and high risk area of work?

The proposed change to governance would see the Police and Crime Commissioner take on legal and overarching responsibility for the Fire and Rescue Service. Both the Police and the Fire and Rescue Service are working in an increasingly challenging environment, with greater demands being made

upon their front line staff. They also have increasingly sophisticated, technical and specialised services and regional and national collaborative and inter-operability arrangements in place.

9 Has the public safety case been sufficiently articulated for the proposed changes to governance?

The Association of Police and Crime Chief Executives (APACE) guidance states that as a minimum, the Local Business Case will need to demonstrate that there is no adverse impact on public safety. The criteria used as part of the assessment of the options for a revised governance model, do not use the four tests in the Policing and Crime Act 2017 (of which public safety is one).

10 Is the Local Business Case simply too complex and detailed to be used as the basis of a public consultation? Are the implications of a change in governance clearly stated?

The Local Business Case is a very detailed document that runs to 119 pages. There is a concern that there may not be sufficient time for the public, district and county councillors and key stakeholders to undertake the necessary detailed examination of the evidence that has been provided. In particular, to be able to determine what the consequences may be, intended or otherwise, over the short, medium and long term.

11 It appears that a full Equalities Impact Assessment not been undertaken as part of the preparation of the Local Business Case. Why? If it is the case, then this is a serious omission.

It is good practice for a comprehensive Equalities Impact Assessment to be included as part of the consultation document. This then enables those people who are being consulted with to have a better understanding of what the impacts may be as well as being given an opportunity to respond directly. The section on page 105 suggests that this will only be done as part of the submission to the Home Office.

Recommendations

The committee is asked to make recommendations to Executive, based upon the evidence that has been presented at the meeting. Any recommendations made will need to directly address which is the preferred model for governance along with a clear rationale as to why.

The committee is also asked to authorise officers to assist with this process by preparing a full draft response for consideration by the Executive.

Daniel Harry
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Appendix 1 – relevant section from the minutes of the meeting of the Corporate and Partnerships Overview and Scrutiny Committee that was held on 3 April 2017

The verbal report of the Police and Crime Commissioner for North Yorkshire, Julia Mulligan, providing an overview of the process for the development of a business case for the closer collaboration of emergency services in the county.

This issue was scrutinised by the Committee in its role as the Crime and Disorder Committee for the purposes of Part 3 of the Police and Justice Act 2006.

Julia Mulligan stated that the title of the agenda item 'proposed merger of blue light services' was incorrect. No merger is being proposed or suggested as an option. Instead, the focus is upon improving outcomes through increased collaboration and overcoming barriers to collaboration by looking at stronger strategic join up and governance arrangements.

The governance options that are being developed as part of a business case are, in brief, as follows:

1. The representation model - the Police and Crime Commissioner is represented on the Fire Authority
2. The governance model - the Police and Crime Commissioner to take on responsibility for the Fire and Rescue Service
3. The single employer model - the functions of the Fire and Rescue Service would be transferred to a single Chief Officer for policing and fire and rescue.

A 'do nothing' option is also being considered.

PA Consulting has been engaged to develop the business case. The first draft is expected by the end of April 2017.

Julia Mulligan confirmed that three groups had been setup to support the work, providing opportunities for peer challenge and stakeholder engagement:

- Strategic Reference Group
- Check and Challenge Group
- Business Case Development Group.

Julia Mulligan stated that the driver for this work came from central government and the scope and principles were laid down in the Policing and Crime Act 2017. She reiterated that a police officers and firefighters had clear and distinct roles and there was no intention to blur these roles.

Initial consultation and engagement on opportunities for increased collaboration was already underway with key stakeholders and a more formal consultation would take place over a 12 week period after the May 2017 local government elections.

Post-consultation, the collaboration proposal would be sent to the Minster for consideration. Where local consultation has raised significant concerns, then an arbitration process would be started.

Cllr Tony Randerson raised concerns about the ability of the Office of the Police and Crime Commissioner to manage such a complex process, bearing in mind the difficulties that had been experienced with the management of the 101 system. He also raised concerns about the cost of engaging PA Consulting.

In response, Julia Mulligan agreed that further work was needed to improve the 101 system and that she would circulate a copy of report that outlined findings from a recent piece of work that the OPCC had done on the issue. Julia Mulligan also confirmed that the vast majority of the cost associated with engaging PA Consulting would be picked up by the Home Office.

A number of Committee Members queried why this piece of work was being undertaken at all, suggesting that any barriers to collaboration between blue light services could be overcome within the existing governance structures for those services.

In response, Julia Mulligan noted that there was evidence of good joint working between emergency services in the county but that there was scope for much more to be done. All of which would improve outcomes whilst also saving money.

Cllr John Blackburn queried whether the process was being rushed.

Julia Mulligan stated that the time being taken was similar to other areas and that in North Yorkshire the process has been extended by a month.

Committee Members then raised a number of queries including:

Cllr John Blackburn then asked what the next steps were and where blue light services would be in five years. He suggested that the proposals for changes to governance arrangements were only the starting point for further developments.

Cllr Bob Packham asked why the governance arrangements were being reviewed in isolation of the operational arrangements, suggesting that both needed to be considered in parallel.

Cllr Tony Randerson remarked that the proposals, as outlined to date, did not seem capable of delivering any improvements to blue light services.

In concluding, Julia Mulligan referred to the following key document:

Emergency Services Collaboration Working Group – National Overview 2016:
<http://www.apccs.police.uk/wp-content/uploads/2016/11/Emergency-Service-Collaboration-Working-Group-National-Overview-2016.pdf>

Resolved -

- a) That the verbal update be noted
- b) To support the principle of collaboration between emergency services in the county, where there is a strong business case that supports it and where it delivers improvements in outcomes

- c) That Julia Mulligan attend a future meeting of the Committee to provide an update on progress with the development of the business case and proposals for increased collaboration between North Yorkshire Constabulary and North Yorkshire Fire and Rescue Authority
- d) Consideration be given to inviting a representative of the Fire Authority to give an insight into the proposals for increased collaboration, from their perspective.



Proposal for Representation Model

Introduction

This document sets out the North Yorkshire Fire and Rescue Authority's alternative proposal to that set out in the business case developed by the Police and Crime Commissioner (PCC) for a transfer of governance from the current Authority to the PCC.

Whilst there is no requirement for a formal business case to change the governance arrangements to the Representation Model (whereby the PCC is a voting member of the Fire Authority). It is assumed that people interested in this will also be considering the PCC's business case.

The Authority's alternative proposal, below, sets out the high-level reasons for change (the Strategic Case) and why the North Yorkshire Fire and Rescue Authority is proposing to change to a 'Representation Model' (the Economic Case).

The Authority believes that the proposal to move to the Representation Model is the most appropriate way forward which balances costs, savings, collaboration and public safety in a risk assessed way.

Case for Change

The Fire Authority recognises that there is a case for change in order to drive improvements and the delivery of public services. The recent legislation (Policing and Crime Act 2017) enables certain changes that the Fire Authority would like to take full advantage of in respect of closer working with Police. This will assist progression of collaboration with the Police that has been part of the Authority's plans over the last few years, but has not always been achievable.

However, the Fire Authority's ambition extends further than this and it wishes to move to a model whereby collaboration with all partners, including local authorities and the health sector, as well as with the Police,

North Yorkshire Fire and Rescue Authority has a strong track record of collaborating with partners. At the February Authority meeting, a new collaboration strategy was agreed in order to further drive the pace of collaboration. A Collaboration Committee was also established (to include the PCC as one of two voting members and with other partners invited), and this committee oversees the collaboration work.

Collaboration

There are many examples of existing collaboration between NYFRA and a wide range of partners to directly or indirectly improve public safety. These include:

- Shared Transport and Logistics facility with North Yorkshire Police
- Shared virtual Control Room with Cornwall Fire and Rescue Service
- Emergency First Responder scheme with Yorkshire Ambulance Service
- Joint Fire Investigation provision across the regional fire and rescue services
- Community safety partnerships across North Yorkshire and City of York
- 95 Alive with North Yorkshire, City of York, North Yorkshire Police, and other partners



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- Service level agreements with NYCC to provide support services
- LIFE courses (youth engagement and diversion) delivered by FRA, funded by local authorities and OPCC

NYFRA is outward facing and is constantly seeking new opportunities for collaborative working. These include:

- Safe and Well visits (home fire safety checks with additional checks around health and well-being related issues) being developed with Clinical Commissioning Groups and local authority Public Health
- Ongoing discussions with health partners around increasing the fire and rescue response to medical emergencies, including cardiac arrests and falls in the home
- Ongoing discussions with health partners and the voluntary sector around fire and rescue delivering health advice
- Driver training co-location with NYP at NYFRA premises
- Opportunities for sharing premises with a wide range of partners.

As can be seen from the above, the collaborations that will deliver the best community outcomes are often with a range of partners. The recent focus, nationally, as well as in North Yorkshire and York, has been on the fire and rescue service becoming more involved in the delivery of health initiatives, as there is a growing body of evidence that demonstrates the benefits of this work.

In all respects other than collaboration, the Authority is high performing and has driven forward change.

History of assessments, audit and performance

North Yorkshire Fire and Rescue Authority is consistently high performing, as evidenced by independently external opinion:

- In 2006 in the Comprehensive Performance Assessment (CPA), NYFRA was rated “good” (range = excellent, good, fair, weak or poor).
- In 2007, under a direction of travel assessment, NYFRA was rated as “performing well” (consistently above minimum requirements; range = inadequate performance, adequate performance, performing well, performing strongly).
- In 2009 under Comprehensive Area Assessment (CAA), NYFRA was rated as “performing well” (as above).
- In 2013 NYFRA underwent a Peer Review. This is not an assessment, but a process to provide external challenge and support improvement. The team were asked to consider a number of areas, including new management structures and the Service’s response to flooding. The report provided some useful direction (which for example resulted in the Fire Cover Review being undertaken), but on the whole was positive about the Service and Authority.
- In 2014/15 and 2015/16 the external auditors issued an “Unqualified Value for Money” conclusion. Prior to that, under different guidelines from the National Audit Office, the auditors reported each year that the “Authority had proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources”.
- Performance indicators shows that NYFRA is consistently high performing and demonstrating continuous improvement year on year.

In other areas of work, the Authority has shown consistent innovation. Recent years have seen increasing flexible use of these staff through temporary transfers to whole time



contracts and the introduction of new duty systems (including self-rostering, the use of mid shifts and variable hours (part time) contracts). The introduction of the Tactical Response Vehicles, which is a new model of operational response, also uses staff more efficiently as these vehicles respond to the same types of incident as standard fire engines, but with fewer staff.

Therefore, the changes that are required are only those that will further enable the collaboration with partners. In all other respects the evidence is that the current governance arrangements are resulting in a high performing organisation.

Why the Representation Model?

The starting point for considering a new governance model should be about how the proposals will improve outcomes for citizens living in the area in terms of better multi-agency working, increased effectiveness and resilience and the delivery of efficiencies.

The Authority believes that local leaders are best placed to determine the sort of collaboration that is in the best interests of the communities they are elected to serve. We are committed to steps that will enable the police, fire and rescue, and other emergency services to collaborate where it helps us to achieve the outcomes we aspire to for our communities and where it brings greater efficiency and effectiveness in achieving those outcomes.

We can however get there more easily and more quickly. We do not need to rely on time-consuming structural reform to get better collaboration. We can look for local solutions to collaboration on all aspects of public protection that use the legislation's criteria for ways of working together, namely economy, efficiency, effectiveness, and public safety.

The Representation Model is one where the PCC is a voting member of the Fire Authority. However, in recognition that this would be only one vote among many, this Authority has taken what we believe to be a unique step, in creating a Collaboration Committee, with delegated authority to make decisions relating to collaboration. The PCC sits on this committee as one of only two voting members. This means that the PCC has an equal say about collaborations that Fire and Rescue Service enters into and with whom. In this respect the Fire Authority has effectively ceded some of its decision making to the PCC. In addition to that, other partner agencies are invited to attend the committee, meaning that this arrangement will provide the opportunity to consider all potential collaborations to determine which are in the best interests of the community.

Assessment of Representation Model

The PCC's business case sets out a number of "critical success factors" against which the various options are tested. A summary of the Fire Authority's Representation Model against each factor is set out below.

- *Accelerates scale and pace of change.* The Representation Model can deliver collaborative change effectively and quickly. This is due to the Collaboration Committee, which includes the PCC, and the fact that the representation retains close links with local authorities.
- *Brings benefits in terms of transparency and accountability.* There is increased transparency and accountability that would accrue under the Representation Model. This is because the local councillors retain their elected accountability to the residents of North Yorkshire and York, over a large geography, including areas of deep rurality. Therefore, the challenges resulting from our geography means that it would be more beneficial to have a number of elected representatives and the PCC



to represent the views and concerns of our diverse communities. This is better than either alternative of elected members or PCC alone.

- *Is deliverable.* The Representation Model is highly deliverable. The Collaboration Committee has already been set up, and the necessary secondary legislation to allow the PCC to become a voting member of the Fire Authority is currently being put in place.
- *Mitigate strategic risks.* There are a number of risks identified in the PCC's business case of moving to the Governance Model. These include "a long term risk that strategic commissioning becomes more geared towards achievement of police objectives than fire". Also, "the PCC will need to put appropriate resource into maintaining links with local government". Finally, "there is also a risk that there is a perceived lack of separation and therefore lack of challenge between police and fire, particularly when it comes to allocation of cost. The PCC would need to put robust controls and independent scrutiny of the cost allocations in place." The Representation Model manages these risks by having the PCC as part of the decision making process, but with the check and challenge of the other elected members of the Fire Authority.

An Irreversible Change

One of the key points in respect of any governance change under the legislation, is that a move directly to the Governance model (which is the PCC's preference) is irreversible. The three options of Representation Model, Governance Model and Single Employer Model can be seen as sequential, in that it is possible to move through the different models of governance, if the experience of one model fails to deliver the anticipated benefits i.e. scale and pace of collaboration, financial savings etc.

However, and this is a crucial point to note, in the event that the Governance Model is implemented, but then fails to deliver the benefits purported in the PCC's business case, or if the risks cannot be mitigated, it is not possible in law to move to the Representation Model (the Fire Authority's preferred model). In this regard it is analogous to a one-way street.

Therefore, it appears that the risk appropriate way of dealing with governance change to a critical and highly effective, public safety organisation, would be to move through those stages to test the assumptions that are made in each case. The Authority is suggesting that the Representation Model will deliver all the benefits of the governance model, in terms of collaboration and improved outcomes for citizens. If that model fails to deliver all of those benefits, then a change to the Governance Model can be considered. A move to the Governance Model now would be premature as the Representation Model has not been tested, and high risk as it cannot be reversed.

Financial benefits of Representation Model

One of the principles underlying the Representation Model, is that any collaboration can occur under this model with the Police or the PCC. Many of the projects set out in the PCC's business case, such as a shared HQ, are already being considered in the Authority's plan.

The PCC's business case does not consider in detail any of the proposals, and indeed says that there will need to be business cases produced for each project. This is exactly the approach taken by the Authority currently, and any such case must deliver value for money and therefore must consider all possible options, including collaboration with other partners.

The PCC's business case contains a number of assumptions that are not supported by evidence. The business case itself recognises this and makes clear that detailed further



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analysis and consultation is required to identify the true costs and potential benefits of any change. This makes these benefit claims theoretical at best and suggests that supporting a major governance change on these basic estimates would be premature.

Due to the lack of detail on each of the projects in the PCC's business case, the Authority is unable to determine how the level of savings set out for the Governance Model have been arrived at. However, given that the Representation Model will be able to deliver the same collaboration projects, it follows that similar levels of savings will accrue from the Representation Model.

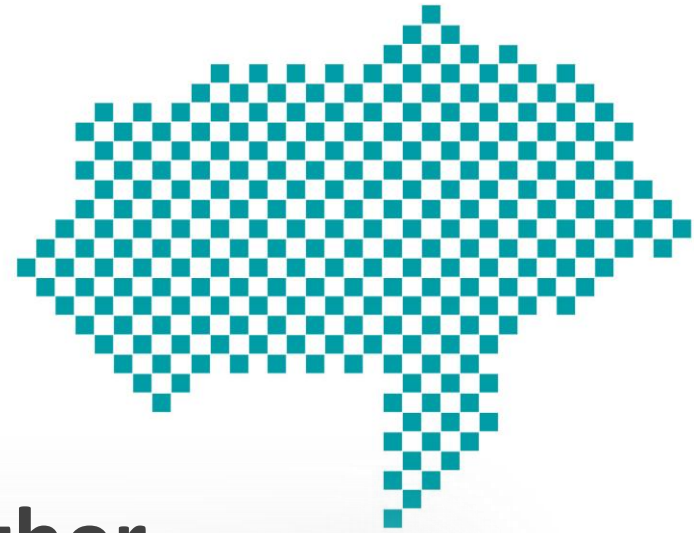
Conclusion

North Yorkshire Fire and Rescue Authority's proposal for a change of governance to the Representation Model represents a risk appropriate change that balances costs, savings, collaboration and public safety. It does not preclude further change, including to the Governance Model.

Councillor Andrew Backhouse



Police and Crime Commissioner North Yorkshire



Working Better Together



**Options to improve collaboration between Fire
and Police services in North Yorkshire**

Context













- PCCs can now become responsible for their local Fire and Rescue Service
- Statement of intent signed in 2013 - very limited progress
- Coterminous boundaries
- Stand alone fire service with own support functions
- PCC asked PA Consulting to assess potential for improvement in public safety and efficiency
- A business case has been developed and is now out for consultation until 22 September
- A final decision as to whether to submit the business case to the Home Secretary will be taken following consultation

Video

<https://youtu.be/59lXXZi4vIU>

Summary of Findings

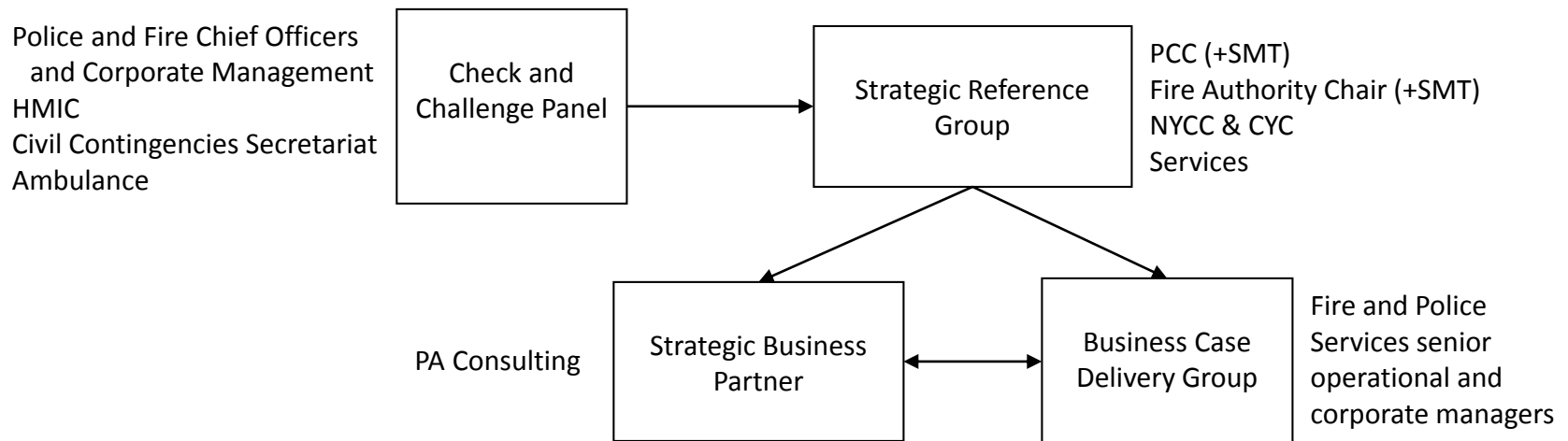
Benefits Assessment

	Representation	Governance	Single Employer
Effectiveness			
Economy and efficiency			
Public safety			
Ease of delivery			
Estimated benefit over 10 years	£1.3m	£6.6m	£7.5m

* taken from the local business case - www.telljulia.com

Our process

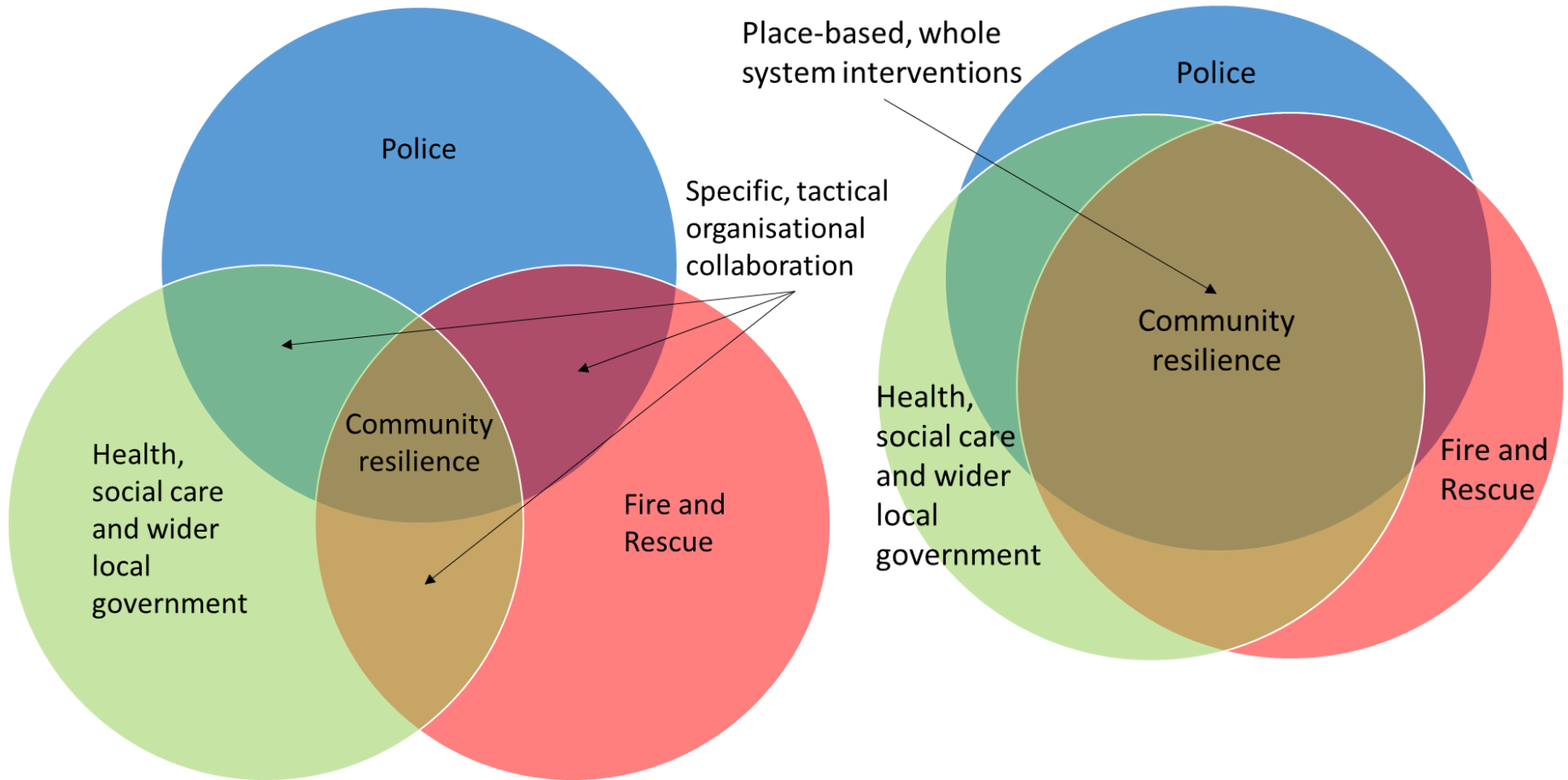
- Act makes no provision for process
- Here as collaborative and inclusive as possible
- Independent scrutiny throughout



3 options

- Agreement that the status quo has not delivered
- 3 options:
 - Representation – PCC becomes 17th member of FRA
 - Governance – PCC replaces FRA as PFCC, separate services
 - Single Employer – PFCC, but single Chief Officer
- Is change in the interest of economy, efficiency, effectiveness or public safety?
 - Accelerate pace and scale of collaboration
 - Benefit transparency and accountability
 - Balanced against the complexity and cost

Current situation, future vision



Wider opportunities

Benefits:

- Stronger and safer communities
- Reduce harm and crime
- Protect the most vulnerable
- Reinvest savings in frontline services

How:

- Joint procurement and budget management
- Joined-up community safety roles
- Improved prevention
- Integrated back-office services
- Maximising shared buildings
- Reassessment of Fire Cover Review

Timeline

