

SELECT COMMITTEE

30th August 2017

Present – The Chairman (Councillor Staveley) and Councillors Brown, Graham, Mason, Moorby, Pighills, Shuttleworth, Solloway, Sutcliffe, Thompson and Whitaker. Also in attendance Councillors Heseltine and Ireton.

Officer – Committee Officer

Start: 6.30pm

Finish: 7.41pm

The minutes of the Committee's meeting held on 26th July 2017 were confirmed and signed by the Chairman.

Minutes for Report

OS.392

FUTURE GOVERNANCE OF THE NORTH YORKSHIRE FIRE AND RESCUE SERVICE

Further to Minute OS.391/17-18, the Member Services Manager submitted a report presenting the Police and Crime Commissioner's Business Case for a change in the governance arrangements for the North Yorkshire Fire and Rescue Service.

Members were reminded that the Policing and Crime Act 2017 had placed a duty on police, fire and ambulance services to work together and enabled police and crime commissioners to take on responsibility for fire and rescue services where a local case was made. Options specified in the Act to enable greater collaboration between the blue light emergency services were 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, subject to the Authority's consent the Commissioner has full voting rights.
- 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.

In response, the Police and Crime Commissioner (PCC) for North Yorkshire had undertaken a review of the governance of the North Yorkshire Fire and Rescue Service and her preferred option for promoting improved collaboration between the Police and the Fire and Rescue Service in North Yorkshire was the Governance Model. Consultation on the Commissioner's business case for the change would close on 22nd September, 2017, after which she would make her final decision, taking into account feedback, on which model to put to the Home Secretary. If a change to the Governance Model was ultimately approved by the Home Secretary the Fire and Rescue Authority would cease to exist as a governing body. Any decision to move to the governance model could not be reversed.

If North Yorkshire County Council and City of York Council were in agreement with the Commissioner's business case the Home Office would review the case against statutory tests to determine whether the proposal was in the interest of economy, efficiency, effectiveness or public safety, and recommend a decision to the Home Secretary. However, if one or both of the County

Council and the City of York Council objected to the proposed, the Home Secretary would seek and publish an independent assessment of the proposal, and would have regard to that assessment, and to the representations of relevant local authorities and others in reaching a decision. On 15th August 2017 North Yorkshire County Council's Executive had agreed to favour a representation model which did not preclude further changes should they prove necessary calling for a stepped approach to changes to the way in which North Yorkshire Fire and Rescue Service is overseen North Yorkshire County Council. It was understood that the City of York's Executive would be considering a similar recommendation on 31st August 2017.

The Chairman welcomed County Councillor Andrew Backhouse, Chairman of the North Yorkshire Fire and Rescue Authority, who had been invited to the meeting to present and discuss with the Committee the Fire Authority's counter proposal to the Police and Crime Commissioner's Business Case for the future governance of the Fire and Rescue Service. A copy of the Authority's counter proposal had been circulated with the Member Services Manager's report.

In addressing and responding to Members comments / questions, Councillor Backhouse stated that

- the Fire Authority believed that a move to the Representation Model was the most appropriate way forward as it balanced costs, savings, collaboration and public safety in a risk assessed way. This option enabled the Representation Model to be operated for a period of time then progress made reviewed and options for change considered at that point. This enabled a progressive stepping up of arrangements, informed by experience.

- audits had shown the North Yorkshire Fire and Rescue Service to be high ranking on performance and it had a good track record of collaborating with other partners; given the financial climate savings were need in order to protect the frontline and the Authority was always looking to see how the service could work better, but in seeking to progress resistance had been encountered in some quarters to loss of identity and there were a number of reasons as to why the agreement signed with North Yorkshire Police in 2015 to work more closely had failed to progress. Collaboration discussions with Humberside Fire and Rescue had stalled in the period leading up to the Police and Crime Act being enacted and the Humberside Commissioner's clear indication that he would be looking to pursue the governance model.

- there was an appetite for collaboration including the sharing of assets and buildings, where possible, many of the potential savings and areas for collaboration referenced in the Commissioner's business case could be achieved under the representation model; some were actually already under consideration by the Authority.

- In recognition that under the Representation Model the Commissioner would be only one vote among many, the Fire Authority had created a collaboration committee, with delegated authority to make decisions relating to collaboration. The Commissioner would sit on the committee as one of only two voting members meaning she had an equal say about collaborations which the Fire and Rescue Service entered into and with whom. In this respect the Fire Authority would be effectively cede some of its decision making to the Commissioner. In addition, other partner agencies were invited to attend the committee, meaning that the arrangement would provide the opportunity to consider all potential collaborations to determine which were in the best interests of the community.

Note : In responding to a question as to how stalemate, given that there were only two voting members, would be addressed and given the potential for stalemate why there were not three voting members, for example an ambulance service representative, Councillor Backhouse stated that he would take the point back and seek to establish why the voting membership had been set at two, and whether the ambulance service had been previously asked to participate as a voting member.

- as Chairman of the Fire Authority if the representation model was adopted and failed to produce results, and there was no evidence to justify continuation he would not oppose at that time a move to the governance model.

- figures within the business case were not robust and it failed to provide evidence for the majority of the savings. There were a number of assumptions made with clear caveats that they were initial ideas with no assessment of operational benefits or viability.

- through its membership the Fire Authority brought the geographic knowledge and community interests from across the whole county to the table, it took time to understand the service and the representation model facilitated this and would be of benefit to the commissioner should a decision be taken subsequently to move to a governance model. There were no time pressures within the 2017 Act.

- It was understood the Commissioner had indicated that going forward she would look to establish some form of committee with a membership including elected members.

- on the question of scrutiny oversight, the North Yorkshire Police and Crime Panel had issued a press release expressing concerns regarding its ability to resource scrutiny of the Commissioner's extend role should the governance model be adopted.

During the course of the above discussion some Members expressed concern at what could be seen as a weakening of local democracy if a governance model was to be adopted. In thanking Councillor Backhouse for his attendance and drawing the meeting to a close the Chairman reminded Members that the Committee would be meeting the Police and Crime Commissioner, Julia Mulligan, on 6th September 2017 to enable her to present and discuss her business case.

Chairman.