

Communities Committee

**Minutes of the Extraordinary Meeting Held on Wednesday 29 August 2018
10:00am, Edwards Room, County Hall, Norwich**

Present:

Mrs M Dewsbury – Chairman

Ms J Barnard
Mr D Bills
Mrs S Butikofer
Mr N Dixon
Mr R Hanton
Mr H Humphrey

Dr C Jones
Mr K Kiddie
Mr B Long – Vice-Chairman
Ms C Rumsby
Ms S Squire
Mr J Ward

The Chairman advised Members that the Chief Fire Officer was attending the meeting to answer any technical or service specific questions about current operations only and said it would not be appropriate for him to comment or answer any questions on the business case from the PCC or the County Council's response. The Chairman advised that other officers from the Community and Environmental Services Department were attending to answer any Member questions or queries.

1. Apologies and substitutions

1.1 There were no apologies.

2 Declarations of Interest

2.1 There were no declarations of interest.

3 Urgent business

3.1 There were no items of urgent business.

4 Public Questions

4.1 One public question was received from Mr T Allison, Unison Rep NFRS which is attached at Appendix A, together with the response.

4.2 As a supplementary question, Mr Allison asked if the Committee would give assurance that they would seek to protect support staff jobs in the light of the fact that there was a ratio of 9% in Norfolk compared to the national average of 17%. He added that support jobs had been lost in every budget cut to save frontline jobs and in his view, this loss was impacting on delivery of front-line services and also

added that support staff did not feel they were “in safe hands” and were likely to vote for the PCC move.

4.2.1 In response, the Chairman advised that Norfolk had a ratio of back office staff of 9.85% against a national average of 17% which equated to the 6th lowest average of support staff in the country. Members recognised this and that support staff were needed to continue the safe running of the service. They reassured Mr Allison that the Integrated Risk Management Plan (IRMP) process would need to be carried out to assess the impact of any changes that could affect front-line services.

4.2.2 The Executive Director of Community & Environmental Services said that Norfolk Fire & Rescue Service (NFRS) was part of Norfolk County Council, and therefore some core County Council staff regularly worked with NFRS. He highlighted recent examples of the significant contribution made in preparing the response to the PCC’s Business Case and the assistance in preparing for the HMICFRS inspection of NFRS, which was expected to take place in the next few months.

5 Local Member Questions

5.1 No Local Member questions were received.

6 Norfolk Fire and Rescue Service – public consultation on business case for changing the governance of the service.

6.1 The Committee received the report by the Executive Director of Community & Environmental Services, asking it to agree the County Council’s response to the Police & Crime Commissioner’s public consultation on a business case for changing the governance of the Norfolk Fire and Rescue Service.

6.2 The Committee received a presentation from the Head of Support and Development (CES) setting the scene for the item. A copy of the presentation is attached at Appendix B.

6.3 The following points were noted during the discussion:

6.3.1 The Executive Director of Community & Environmental Services stated that the Police & Crime Commissioner (PCC) had been clear about his intentions to produce an initial draft business case and he then decided to proceed to public consultation on a full local business case. He added that the PCC was under no obligation to submit the business case to Government if he considered the business case was not as robust as first thought; if the results of the consultation showed there was no public appetite for change; or if there was no strategic support from the County Council, which would make a change in governance difficult to implement. The Executive Director added that the decision was no fait accompli and that the PCC may decide not to submit a business case to the Home Office after he had considered all the responses to the public consultation.

6.3.2 Members felt there were substantial similarities between Suffolk and Norfolk and, as the Suffolk Police & Crime Commissioner had decided not to proceed with a proposed change of governance in Suffolk, they queried the differences in Norfolk that had made the Norfolk PCC decide to move to a formal business case.

- 6.3.3 The Chairman highlighted that the PCC had never asked to join the Fire Authority, nor had he attended any of its meetings. She also highlighted the many instances of collaboration between NFRS and the Police which were already taking place.
- 6.3.4 Some members expressed concern that the outline business case (titled Independent Review of Options for Police and FRS governance in Norfolk) published by the PCC previously had not been mentioned in the business case put forward by the PCC and agreed the following additional paragraphs be added to the NCC Response to the Business Case “Keep in Safe Hands”.

Added into Section 3 under 3.3.5 –

More fundamentally, it does not appear that the outcome of the independent analysis carried out as part of the initial business case process has been taken into account. In particular, the initial business case included the following:-

“If a local consensus cannot be achieved, the deliverability score of Option 3 will be severely affected. It would remain possible for the PCC to make a successful case to the Home Office without local consensus – as is being attempted elsewhere in the country. However, in our view this approach would carry a higher level of risk, with implications for public safety and value for money. In this case, Option 1 – to continue with voluntary collaboration under refreshed and strengthened arrangements - would need to be considered as a viable alternative.”

Given the County Council’s views (as set out in this document) it is difficult to see how local consensus could be achieved, meaning that the ‘higher level of risk, with implications for public safety and value for money’ highlighted in this independent assessment are relevant and should be taken into account.

- 6.3.5 The Committee **agreed** the following additional recommendation:

Note that the business case includes a number of assumptions and costings that have not been verified or validated and to suggest to the PCC that, if he wishes to pursue the process, he first commissions a process similar to one used to develop the Integrated Risk Management Plan in order to first validate assumptions and assess risks.

- 6.3.6 The Committee highlighted the amount of collaboration already taking place with the Police, but expressed concern that collaboration with other Norfolk County Council departments, for example Resilience, Trading Standards, Adult Social Care and Children’s Services may be lost if the Service was disaggregated from Norfolk County Council.
- 6.3.7 The Committee raised serious concerns about public safety if the service moved under the control of the PCC, with some Members expressing the view that they remained unconvinced by the business case put forward and the implications of the risks involved, as the proposals had not yet been through the risk assessment process to allay concerns over public safety.
- 6.3.8 Members expressed concern about how the quoted figure of £10m could be saved, how this figure could be validated and how much money the change of

governance would cost.

- 6.3.9 In response to a question about the additional cost pressure for NFRS as a result of the recent wildfire incidents, the Chief Fire Officer said that the final figure was not yet available, but the current estimate was that approximately £200k additional budget had been spent, which consisted of:
- On-call retained staff.
 - Replacing damaged equipment.
 - Diesel
 - Overtime payments.
- 6.3.10 The Committee queried where additional money to deal with unexpected incidents would be found from under new governance arrangements, particularly as the Council Tax precept could only be raised by 2%. Norfolk County Council had reserves and contingency funds to fall back on to pay for emergency incidents. Although it was noted that the Government sometimes gave grants to cover emergencies, the grants did not cover the total costs incurred.
- 6.3.11 Members stated that £4.696m of the savings included in the PCC's business case was already being progressed by Norfolk County Council and would be delivered with or without a change in governance. This would reduce the £10m savings quoted in the business case.
- 6.3.12 The Committee **agreed** the following amendment to Recommendation 4:
- Confirm the County Council's commitment to continued close collaboration with Norfolk Constabulary, and other emergency services, for example further exploring One Public Estate opportunities.
- 6.3.13 Members **agreed** to request meetings of the Collaboration Board be established on a more formal basis, with meetings taking place twice yearly and reporting back to Communities Committee.
- 6.3.14 The Committee expressed concerns about the Police moving into NFRS buildings leading to police stations being sold, with the money benefitting the Police and not the NFRS. The Chairman highlighted that 7 stations were currently open 24/7, 2 opened during daytime only, with the remaining 33 housing fire engines for use by retained firefighters when they were called out to emergencies or for training, and so they were not open most of the time. The costs of using buildings, for example heating and lighting did not appear to have been factored into the business case.
- 6.3.15 The Chief Fire Officer responded to a question about the current level of NFRS collaboration with the Police and highlighted that the bulk of the NFRS headquarters team were located at the OCC building in Wymondham, with plans in the advanced stages of moving the control room there by the end of the year. The collaboration was effective, allowing information to be shared which led to improved responses to any emergency situation. The Chief Fire Officer also referred to the development of Reepham and Holt Fire Stations which were having extensions built to accommodate Police Officers.

The Chief Fire Officer also highlighted many examples of improved collaboration from an operational perspective, including using the same risk assessments meaning that when an incident occurred all 'blue light' services were ready to respond; the Norfolk Resilience Forum which had been proven to work effectively in recent wildfire incidents, the threat from the north sea with mechanisms being put in place to collaborate and respond effectively. He also highlighted assisting paramedics to gain access to properties on behalf of the police when necessary and the development of drones which had recently led to the successful rescue of a missing person.

- 6.3.16 As the Committee was unable to answer a question about how many police officer's salaries the business case had cost to produce, the Chairman suggested the question be put to the Police and Crime Panel at its next meeting.
- 6.3.17 Members asked who would be responsible for governance if the Police & Crime Commissioner was unavailable as there was no other elected representative available, unlike the current governance arrangements where the Communities Committee consisted of 13 elected representatives. The Chairman responded that the answer was unknown but decisions could possibly be delegated to the Chief Executive of the Office of the Police & Crime Commissioner. The Committee expressed concern about the lack of resilience in the business case and **agreed** to include the following paragraph into the proposed response:

Added into section3 under 3.4.4 -

"In addition, we are concerned about the resilience of governance arrangements under the PCC. At present, the Fire and Rescue Authority (the Communities Committee) consists of 13 elected Members. Given that the Deputy PCC role was abolished by PCC, under the proposed model governance would be vested in a single person – the PCC – which does not provide any resilience if, for example, the PCC was not available for any reason".

- 6.3.18 Some Members expressed concern about the lack of information available to members of the public during the PCC's roadshows which had been arranged so the PCC could meet members of the public to answer their questions about governance of the Fire Service. Members' queried how many people could have been influenced by the headline figures but had not actually read the whole business case before responding to the consultation.
- 6.3.19 The Committee **agreed** the following additional recommendations:
- Note that the business case includes a number of assumptions and costings that have not been verified or validated and to suggest to the PCC that, if he wishes to pursue the process, he first commissions a process similar to one used to develop the Integrated Risk Management Plan in order to first validate assumptions and assess risks.
- 6.3.20
- In submitting the County Council's formal response, ask the PCC to consider not progressing or submitting the business case to the Home Office, on the basis that there is insufficient evidence to demonstrate a case for change.

- 6.3.21 The Committee **agreed** that there were sufficient concerns to add an additional risk to the Communities Committee Risk Register titled 'Change of governance in the Fire and Rescue Service' and to recommend to Policy & Resources Committee that this should be a corporate risk due to the financial and reputational impact.
- 6.4 Upon each recommendation being put to a separate vote, the Committee unanimously **RESOLVED** to:
- 1 **Agree** that the proposal set out in the business case published by the PCC:-
 - Is not in the interests of economy, efficiency or effectiveness, and
 - Will negatively impact on the public safety of Norfolk.
 - 2 **Agree** that the County Council should respond to the PCC's consultation to 'disagree' with the proposal.
 - 3 **Agree** the County Council's detailed formal response to the PCC's consultation, as set out in Appendix A of the report (including the additional comments raised during the discussion at the meeting).
 - 4 **Confirm** the County Council's commitment to continued close collaboration with Norfolk Constabulary, and other emergency services, for example further exploring One Public Estate opportunities.
 - 5 **Ask** the Chair of the Committee to ensure that a copy of the agreed formal consultation response is submitted directly to the Home Secretary so that the County Council's views and concerns can be known.
 - 6 **Agree** to add a new risk titled 'Change of governance in the Fire and Rescue Service' to the Communities Committee risk register, as set out in Appendix C of the report and to recommend to Policy & Resources Committee that this be a corporate risk due to the financial and reputational impact.
 - 7 In submitting the County Council's formal response, **ask** the PCC to consider not progressing or submitting the business case to the Home Office, on the basis that there is insufficient evidence to demonstrate a case for change.
 - 8 **Note** that the business case includes a number of assumptions and costings that have not been verified or validated and to suggest to the PCC that, if he wishes to pursue the process, he first commissions a process similar to one used to develop the Integrated Risk Management Plan in order to first validate assumptions and assess risks.
 - 9 **Ask** the Chair of Communities Committee to write to the PCC to request a copy of the full set of responses to the public consultation so that the Fire and Rescue Authority is able to view and consider any comments relating to the Fire and Rescue Service, to ensure any suggestions and learning can be captured and acted on.

The meeting concluded at 11.30am.

Chairman

**Communities Committee
Wednesday 29 August 2018**

4 Public Question Time

4.1 Question from Tim Allison, Unison Rep NFRS:

The council has identified a 'potential' £874k saving described as a pro-rata share of the budget shortfall for 2019/20.

Will there be an honest and transparent assessment of the impact, on any level of saving, to the service and will this include stakeholders such as employees of the service and union representation?

Response from the Chairman of Communities Committee:

Thank you for asking about this. We have had a number of questions about this figure (£874k) which was included in the business case published by the PCC and welcome the opportunity to explain it.

Firstly, this is not a saving figure or even a potential saving figure.


The Committee will consider budget proposals for 2019/20 at our meeting in October, following the same process the Council has taken for a number of years. That is when the Committee will come to a view about potential budget changes. Any decisions will be taken in the public domain, and a public consultation on the Council's proposals will start later in the year so that Norfolk people, stakeholders and employees can have their say about the proposals before any final decisions are taken. This is an open, honest and transparent process.

To clarify, the £874k figure is a pro-rata share of the total 2019/20 budget shortfall that the County Council needs to address. This is a figure that the PCC's office asked us for so that they could include in their business case.

You may already be aware that the Council's approach to budget savings does not involve allocating each service a pro-rata share and requiring them to deliver it. If we did work in this way, the Fire and Rescue Service would have needed to deliver much more significant levels of saving over the past few years. Instead, we have sought to protect Fire and Rescue budgets by only taking forward savings and efficiencies that can be delivered without any impact on the front-line services provided. At the same time, we have also continued to make significant investment in the service.

Norfolk Fire and Rescue Service – public consultation on business case for changing the governance of the service

Communities Committee – 29 August 2018



Norfolk
County Council

Policing and Crime Act 2017

Placed a new duty on police, fire and rescue and ambulance services to collaborate.

Also enabled the involvement of Police and Crime Commissioners in Fire and Rescue Services. Provision for three alternative models for the governance of fire and rescue services.

- 1. Representation model**
PCC represented on their local fire and rescue authority
- 2. Governance model**
PCC to take on governance of fire and rescue – as a separate entity to the Police
- 3. Single employer model**
PCC to take on governance of fire and rescue – with a single chief officer for both policing and fire and rescue

Norfolk
County Council

Policing and Crime Act 2017

Schedule 1 - extract
4A Power to provide for police and crime commissioner to be fire and rescue authority

(4) An order under this section may be made only if the relevant police and crime commissioner has submitted a proposal for the order to the Secretary of State.

(5) An order under this section may be made only if it appears to the Secretary of State that—

- it is in the interests of **economy, efficiency and effectiveness** for the order to be made, or
- it is in the interests of **public safety** for the order to be made.

(6) The Secretary of State may not make an order under this section in a case within subsection (5)(a) if the Secretary of State thinks that the order would have an adverse effect on public safety.

Norfolk
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The national picture - examples

Combined authorities

Essex
Business case agreed by Home Secretary, New Police, Fire and Crime Commissioner in place since October 2017.

North Yorkshire, Staffordshire
Business cases agreed by Home Secretary.

Cambridge & Peterborough, Shropshire, Hereford & Worcester
Business case agreed by Home Secretary, Fire and Rescue Authority challenging decision under Judicial Review.

Devon & Somerset and Kent
PCC sits on the Fire and Rescue Authority.

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County Council

The national picture - examples

County fire authorities

Suffolk
PCC commissioned independent review. Outcome was insufficient evidence to suggest a change – PCC decided not to pursue.

Hertfordshire
Business case submitted to Home Secretary, not supported by County Council. Business case submitted August 2017. To date no decision by Home Secretary.

Northamptonshire
Business case approved by Home Secretary. Context of failing authority (two S114 notices) and change to unitary status.


Norfolk
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A Case for Change

A better way of working for a safer Norfolk

Under a Police, Fire and Crime Commissioner:

- Joint working between fire and rescue and police will be simpler, faster and better.
- Better joint working will mean more efficient services.
- Improved efficiency can release £10 million over 10 years.
- Financial benefits will be reinvested in frontline services to improve public safety in our communities.
- The fire and rescue service will retain its cultural identity and gain operational and financial independence.
- Independence will mean greater transparency and accountability over where your money is spent.



Norfolk
County Council

Norfolk Fire and Rescue Service -

Keep in safe hands

- Removing the fire and rescue service from the County Council presents a significant financial risk to the service, and therefore a risk to public safety.
- The claimed £10m efficiency figure is speculative and misleading.
- The medium term financial plan figures are flawed.
- It is not clear which Service will benefit from any claimed savings and additional investment.
- The proposal makes a number of assumptions and untested claims.
- The cost and disruption of change is unquantified and untested.
- The proposed changes to operational response are not clearly articulated and have not been risk assessed, and therefore there is a significant risk to their deliverability and ultimately public safety.
- The claimed benefits could be achieved without a change in governance, and without the associated cost and disruption.



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