

Leaders Committee

Proposed Changes to the Governance of the Fire Service

Item no: 7

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Date: 13 October 2015

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Summary The Government has recently published a consultation on 'enabling closer working between the Emergency Services'. Within this, particular measures are proposed in relation to LFEPA:

‘The Government intends to legislate to abolish the London Fire and Emergency Planning Authority and to enable the Mayor of London to take direct responsibility for fire and rescue governance’

This report sets out the basis for a potential London Councils response.

The closing date is 23 October 2015.

Recommendations Leaders' Committee is asked to

- 1) Comment on the proposals.

- 2) Consider whether a formal London Councils response be developed, drawing on the draft lines set out in paragraph 13.

Proposed Changes to the Governance of the Fire Service

Introduction

1. The Government is consulting on proposed reforms of fire service decision making in London. This is part of a broader consultation on a series of measures to transform the delivery of local fire and police services and drive greater collaboration between the three emergency services (police, fire and ambulance). The closing date for the consultation is 23 October 2015.
2. The Government has stated in its consultation that it intends to legislate to abolish LFEPA and to enable the Mayor of London to take direct responsibility for fire and rescue. The consultation also sets out proposals for alternative governance models for fire in London and asks about the organisation and delivery of London's resilience responsibilities. The London-specific section of the consultation is attached as Appendix A.

Background

3. The London Fire and Emergency Planning Authority (LFEPA) was established under the Greater London Authority Act 1999. It replaced the London Fire and Civil Defence Authority (LFCDA), a body that comprised one member from each London local authority. At the point of its initiation, LFEPA comprised nine Assembly members and eight borough representatives. Both groups were appointed by the Mayor, with the latter being appointed by the Mayor, *on the nomination of the London borough councils acting jointly*.¹ London Councils predecessor body the ALG took on the role of appointing the borough representatives from the outset. The Act required the Mayor to make appointments that reflected the balance of the parties on the Assembly for the Assembly representatives and amongst the councillors elected to the London boroughs for the borough representatives.²

¹ Greater London Authority Act 1999 Schedule 28 1(1) The Fire etc Authority shall consist of seventeen members, of whom—(a) nine ("the Assembly representatives") shall be Assembly members appointed by the Mayor; and (b) The remainder ("the borough representatives") shall be members of London borough councils appointed by the Mayor on the nomination of the London borough councils acting jointly.

² Ibid (2) The Mayor shall exercise his power to appoint members under sub-paragraph (1)(a) above so as to ensure that, so far as practicable, the members for whose appointment he is responsible reflect the balance of parties for the time being prevailing among the members of the Assembly.

(3) The London borough councils shall exercise their power to nominate members under sub-paragraph (1)(b) above so as to ensure that, so far as practicable, the members for whose nomination they are responsible reflect the balance of parties for the time being prevailing among the members of those councils taken as a whole.

4. The Greater London Authority Act 2007 amended the 1999 Act by reducing the number of Assembly representatives from nine to eight and the borough representatives from eight to seven. The Act also introduced two new places which are directly appointed by the Mayor.
5. The Mayor of London presented the Secretary of State with a business case for reform in 2014 and the Government subsequently consulted the proposals. At that time, the Mayor of London has suggested that the current governance arrangements were not sustainable and he sought a change in the composition of the membership on the grounds of:
 - Improved democratic accountability
 - Greater clarity in executive-scrutiny responsibilities
 - Better links to budgetary responsibility
 - Greater policy convergence across the GLA Group
 - Achieving efficiencies
 - Access to a wider pool of appointees
6. The GLA's business case also pointed to the recent CLG Select Committees' post Legislative Scrutiny of the GLA act 2007 and the Government's response, which indicate an openness to consider reform of fire service governance in London. The Select Committee recommended reconstitution of LFEPA along the lines of the Mayor's Office for Policing and Crime (MOPAC), with an appointed Deputy Mayor and a scrutiny role for the assembly.
7. London Councils Leaders' Committee considered the proposed reforms of fire service decision making in London at its meeting on 15 July 2014. The London Councils' Labour Group, supported by the Liberal Democrat representative, agreed that a response be submitted to the Secretary of State. The response asked that the Secretary of State did not proceed with the proposals made by the Mayor of London and called for any future proposals be based on a thorough assessment of the governance and accountability issues. The London Councils' Conservative Group did not support this response.

Resilience

8. The London Fire Brigade provide pan London emergency planning and response work on behalf of the boroughs, as well as delivering statutory emergency planning functions which sit directly with LFEPA . These important pan-London arrangements cover

support on exercising and training, support for the pan London local authority co-operation arrangements (known as the Local Authority Gold arrangements) and the London Local Authority Co-ordination Centre (LLACC).

9. The senior officer level Local Authorities' Panel (LAP), which brigades local authority input pan-London emergency planning, is chaired by the chief executive of the City of London. The Panel has historically overseen the local authority-facing elements of the London Fire Brigade Emergency Planning (LFB-EP) team's work programme. The support of this function can be traced to an earlier top-slice of local authority funding, but has more recently been received through direct grant to LFEPA.

London's overall Devolution and Reform Proposition

10. London Councils has collaborated with the Mayor of London over the last two years in developing a proposition on devolution and reform of public services in London, culminating in the recent submission to Government. The proposition sets out how London's elected leaders and mayors at borough and London level would govern areas of devolved responsibility in partnership and how they would take decisions collectively. This pan-London partnership will be delivered through a structure based on the London Congress and the Congress Executive.
11. Within the overall proposition, there is a section on crime and Justice which contains a reference to 'enabling London to integrate emergency services, starting with MPS and LFB control room services to allow smarter deployment of emergency services and to achieve back office efficiencies and savings'.

Potential Response

12. Members may wish to consider the development of a London Councils response which:
 - Recognises that there are potential benefits that could be realised from greater collaboration between the Emergency Services. This would be consistent with the devolution proposition which we have agreed jointly with the Mayor.
 - Highlights the potential adverse consequences of abolition of the London Fire and Emergency Planning Authority.
 - Argues for mitigation through the early implementation of a shared governance arrangement between the Mayor of London and boroughs, to address these weaknesses. The shared governance could be based on the strengthened

London Congress arrangements, as set out in the London Devolution and Public Service Reform Proposition arrangement. This might offer a firmer foundation for consultation and oversight on a range of policing, fire and community safety issues. Nevertheless it would not offer the same degree of influence that is currently conferred through membership of LFEPA, for example over setting the LFEPA's budget and agreeing the London (Fire) Safety Plan.

- Argues that any future governance structure must ensure the maintenance of adequate pan London support for local authority emergency planning, with sufficient borough input into co-commissioning and oversight of this support.

13. If members wish to proceed with this approach, the following draft lines could form the core of a response:

- 1) We agree with the principle of driving collaboration between the emergency services and support the introduction of a new statutory duty on the three emergency services to collaborate with one another to improve efficiency and effectiveness.
 - We believe it is important to retain local discretion so that this duty can be implemented in London, and elsewhere, in a way that takes account of local conditions and working relationships with key partners, particularly local authorities, hence providing an opportunity to maximise effectiveness and efficiency across public services and the public service estate.
- 2) Any evolution of the governance of fire and rescue services should:
 - reinforce partnership working with London boroughs, which is more important in delivery terms than policy convergence across the GLA Group
 - ensure transparency of decision-making.
 - strengthen accountability
 - ensure robust decision-making
 - achieving efficiencies
 - have clarity about how executive and scrutiny roles are played out
- 3) We believe that if the Government were to proceed with abolition of the London Fire and Emergency Planning Authority, there would be significant consequences which would need to be addressed through shared

governance arrangements between the Mayor of London and London local government. The potential weakness that would emerge without this mitigation include:

- A weakening of democratic accountability and the loss of critical local influence on decisions about the budget and operating plans of the fire service in London. LFEPA currently raises some £138.2 million pounds p.a. from its share of the precept.
- The loss of built-in local authority expertise, talent and local knowledge.
- An erosion of constructive joint working on safety and resilience issues in localities.
- Reduced transparency of decision-making as a result of substituting elected members with direct responsibility for the Mayor of London.
- An erosion of important principle that the fire service and LFEPA are seen as part of the local government family in London as well as being part of the GLA group. The initial GLA settlement was consciously constructed using this model and it is not simply an accident that the governance arrangements are not the same as for other functional bodies, or for policing and crime.

These weaknesses should be addressed through shared governance arrangements, based on the strengthened London Congress arrangements, as set out in the London Devolution and Public Service Reform Proposition arrangement. Any such arrangement must involve strong representation for London Local Government in setting the strategic direction of the fire service and broader safety work, together with a transparent system for reporting and oversight of performance. This might offer a firmer foundation for consultation and oversight on a range of policing, fire and community safety issues.

4) Any future governance structure that encompasses strategic oversight of resilience must ensure the maintenance of:

- Adequate pan London support for local authority emergency planning, including a programme of exercising, training and service improvement.

- Effective co-ordination of local authority response and communication arrangements, including the Gold rota.

This must be underpinned by an effective role for London Local Government in:

- Co-commissioning and overseeing the above aspects of the pan London resilience offer to boroughs.
- Strategic co-ordination of London's overall resilience and emergency planning activities.

Conclusion

Leaders' Committee is asked to:

- 1) Comment on the Secretary of State's proposals
- 2) Consider whether a formal London Councils response be developed, drawing on the draft lines set out above.

Financial Implications:

There are no direct financial implications for London Councils.

Legal Implications:

There are no direct legal implications for London Councils. The immediate proposition is that the Secretary of State for Communities and Local Government be asked to invoke an order using the power provided by the GLA Act whereby the composition of LFEPA can be amended.

Equalities Implications:

There are no equalities implications for London Councils.

Recommendations:

Leaders' Committee is recommended to note the report and consider whether it wishes to respond to the Mayor's consultation.

Appendix A : Extract form the Consultation

Appendix B: Consultation Questions

The full consultation can be found here <https://www.gov.uk/government/consultations/enabling-closer-working-between-the-emergency-services>.

Appendix A : Extract from the Consultation

London Fire and Emergency Planning Authority

In December 2013, the Department's response to the Communities and Local Government Committee's report on the Greater London Authority Act 2007 and the London Assembly on the potential reorganisation of the London Fire and Emergency Planning Authority noted that Ministers would be willing to consider alternative governance models for fire in London. Since publication of that response, it has become increasingly clear that the current arrangements in London are unsustainable and reform of fire decision making in the capital is needed. There are now too many instances of the Mayor having to use his powers to direct the London Fire and Emergency Planning Authority on the exercise of its functions. Having to repeatedly issue directions to a decision making body that has shown itself unable to engage responsibly with its city's directly elected Mayor is inappropriate, time consuming and costly to the taxpayer.

The Government believes that abolishing the London Fire and Emergency Planning Authority 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 London Fire and Emergency Planning Authority in respect of decisions relating to fire provision. It would also mean that the position in London will be consistent with the Government's proposals for metro mayors and Police and Crime Commissioners elsewhere in England to be able to take on the governance of fire and rescue services.

Therefore, the Government intends to legislate to abolish the London Fire and Emergency Planning Authority and to enable the Mayor of London to take direct responsibility for fire and rescue.

In the event of London Fire and Emergency Planning Authority being abolished, oversight of the London Fire Brigade on behalf of the Mayor/Police and Crime Commissioner will need to become the responsibility of another body. There are different ways in which fire responsibilities could be incorporated into the mayoral structure. For example, they could be given to the existing Mayor's Office for Policing and Crime; a new Mayoral agency for fire and rescue could be created; or the Greater London Authority could perform the function.

The London Fire Brigade undertakes a pan-London resilience and emergency planning function on behalf of London's local authorities. London Fire and Emergency Planning Authority also has the day-to-day operational responsibility for the London Resilience Team which supports the work of the London Resilience Forum and delivery of the Mayor of London's responsibilities for resilience. The Government will discuss with the Mayor's Office, the Greater London Authority, London Councils and the local authorities how strategic oversight for resilience in the capital and continued co-ordination of London's resilience and emergency planning activities are maintained.

Appendix B Consultation Questions

It is proposed that the London Councils response concentrate on the following questions (the full set is listed below):

How do you think this new duty (collaboration between the emergency services) would help drive collaboration between the emergency services?

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?

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?

Full set of Consultation Questions

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

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

Are there 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?

Do you think these proposals would have any effect on equalities issues?