



**NOTTINGHAMSHIRE**

**Fire & Rescue Service**

*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority

## **POLICING AND CRIME ACT 2017**

Report of the Chief Fire Officer

**Date:** 24 February 2017

**Purpose of Report:**

To present to Members the Policing and Crime Act 2017.

### **CONTACT OFFICER**

**Name :** John Buckley  
Chief Fire Officer

**Tel :** (0115) 967 0880

**Email :** john.buckley@notts-fire.gov.uk

**Media Enquiries Contact :** Therese Easom  
(0115) 967 0880 therese.easom@notts-fire.gov.uk

## 1. BACKGROUND

- 1.1 On 11 September 2015 the Government published a consultation document regarding collaboration between emergency services and the future governance arrangements for fire and rescue services.
- 1.2 At a meeting of the Policy and Strategy Committee on 13 November 2015 a response was ratified by Members and submitted as part of the consultation process.
- 1.3 During 2016 the resultant 'Policing and Crime Bill' was progressed through parliamentary process and on 31 January 2017 the Bill received Royal Assent and will become enacted as the 'Policing and Crime Act 2017'.

## 2. REPORT

- 2.1 The Policing and Crime Act 2017 (the Act) is a substantial document containing over 400 pages covering a number of areas with regards to policing. The intention of this report is to provide Members with a broad overview of the sections that affect the Fire and Rescue Authority. For completeness, a full copy of the Act can be found at:  
<http://www.legislation.gov.uk/ukpga/2017/3/contents/enacted>
- 2.2 **Part 1, Chapter 1: Collaboration Agreements.** The Act states it a statutory duty for Police bodies, Fire bodies and Ambulance trusts in England to consider if entering into collaboration agreements could be in the interests of efficiency or effectiveness of that, or those other services.
- 2.3 A collaboration agreement must be in writing and agreed by the relevant bodies. The Act does not preclude any of the bodies from entering in to collaboration with other parties. To provide transparency in this area it is proposed that all future reports to the Authority will include a specific section to identify any collaboration implications.
- 2.4 **Part 1, Chapter 2: Police and Crime Commissioners etc. Fire and Rescue Functions.** The Act enables a Police and Crime Commissioner (PCC) of an area to become the Fire and Rescue Authority (FRA) for that area. Furthermore, the PCC will have the ability to consolidate the Police and Fire Service in to one organisation, under the direction of a single Chief Officer (a 'Chief Constable' although this position will be open to senior Fire Officers). Schedule 1 of the Act defines the process for the PCC to become the FRA and create the single employer.
- 2.5 Where the PCC wishes to take on the responsibilities of a FRA, and if required, create a single employer, they must develop a proposal that demonstrates it is in the interests of economy, efficiency and effectiveness, or in the interests of public

safety. The FRA must cooperate in the preparation of the proposal through the provision of relevant information.

- 2.6 The PCC will also need to consult with the relevant local authorities (City and County Councils) and people in the PCC's police area, and publish their response to the consultation process.
- 2.7 Where there is agreement to the proposal from the relevant local authorities, it will be considered by the Secretary of State who may make an order to give effect to the proposal.
- 2.8 Where local agreement does not exist, the Secretary of State must obtain an independent assessment of the proposal, any representations made by the relevant local authorities, and the summary of views expressed by the people in the police area. The Secretary of State must have regard to that independent assessment before making an order to give effect to the proposal.
- 2.9 Where an order is made for the PCC to take on the responsibility of the FRA they will become the Police, Fire and Crime Commissioner, and the relevant Police and Crime Panel will have its' responsibilities extended to provide scrutiny for fire functions and be renamed the Police, Fire and Crime Panel.
- 2.10 Where the PCC does not wish to become the FRA they may request to be appointed to the FRA and associated committees, enabling them to speak and vote on functions of the FRA. The authority must consider the request and publish their reasons for agreement or refusal of the request.
- 2.11 **Part 1, Chapter 4: Inspection of Fire and Rescue Services.** The Fire Services Act 2004 is amended to enable Her Majesty to appoint a Fire and Rescue Inspector who must inspect and report on the efficiency, and effectiveness of Fire and Rescue Authorities in England as determined by the Secretary of State.
- 2.12 The Fire and Rescue Inspector must from time to time publish an inspection programme and framework setting out what they propose to inspect. Where an inspection takes place a report must be compiled and published.
- 2.13 The Fire Minister, in his speech to Reform on 07 February stated that a revised National Framework will be published that will provide greater clarity on the areas of focus for future inspections and reform.

### **3. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from the contents of this report, however, as the implications of Act are fully embedded it is possible that additional areas of work will be required, for example in preparation of an inspection. Where these implications arise members will be made aware through the normal governance processes.

#### **4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS**

There are no direct Human Resources and Learning and Development implications arising from this report.

#### **5. EQUALITIES IMPLICATIONS**

An Equality Impact Assessment has not been undertaken as this report does not seek to alter workforce policy or service delivery provisions.

#### **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications arising from this report.

#### **7. LEGAL IMPLICATIONS**

This report presents the Police and Crime Act 2017 which has a number of direct implications on the Authority. The relevant areas of the Act are discussed in the main body of the report, and all future decisions made by the Authority will need to give due regard to the Act.

#### **8. RISK MANAGEMENT IMPLICATIONS**

The Act has the potential to bring significant change and opportunity to the Authority. As more information is defined, for example through the publication of a revised National Framework or Inspection Programme further information and guidance will be provided to Members.

#### **9. RECOMMENDATIONS**

It is recommended that Members:

- 9.1 To note the enactment of the Policing and Crime Act 2017.
- 9.2 Approve the inclusion of a 'Collaboration Implications' section on all future Authority reports.

**10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None

John Buckley  
**CHIEF FIRE OFFICER**