

**HUMBERSIDE FIRE AUTHORITY
(SPECIAL MEETING)**

11 NOVEMBER 2016

PRESENT:

Representing East Riding of Yorkshire Council:

Councillors Chadwick, Finlay, Green, Jefferson JP, Sharpe, Smith and Turner

Representing Kingston upon Hull City Council:

Councillors Allen, Dad, Mathieson and Wilson

Representing North Lincolnshire Council:

Councillors Briggs (Chairperson), Grant and Sherwood

Representing North East Lincolnshire Council:

Councillors Burton, Shepherd and Sutton

Chief Fire Officer & Chief Executive, Deputy Chief Fire Officer/Executive Director Service Delivery, Executive Director Service Support/Section 151 Officer, Monitoring Officer/Secretary and Committee Manager were also present.

Mr M Allingham, Mr A Smith, Mrs J Thomlinson and Mr C Vertigans (Independent Co-opted Members of the Governance, Audit and Scrutiny Committee) also attended as observers.

Apologies for absence were submitted from Councillors Clarkson, Fudge, Jackson, Matthews and Waltham.

The meeting was held at the Humberside Fire and Rescue Service Headquarters, Kingston upon Hull. Meeting commenced at 10.30 a.m.

(The Chairperson welcomed the Independent Co-opted Members of the Governance, Audit and Scrutiny Committee, and all other persons who were present.)

5282 DECLARATIONS OF INTEREST – There were no declarations.

5283 MINUTES – **Resolved** – That the minutes of the meeting of the Authority held on 21 October 2016 having been printed and circulated amongst the Members, be taken as read and correctly recorded and be signed by the Chairperson.

5284 QUESTIONS BY MEMBERS - The Monitoring Officer/Secretary stated that no questions had been received from Members in accordance with Rule 12, Part 4 of the Constitution.

5285 PETITIONS AND DEPUTATIONS - The Monitoring Officer/Secretary stated that no petitions had been received and no requests for a deputation had been received under Rule 13, Part 4 of the Constitution.

5286 COMMUNICATIONS - The Monitoring Officer/Secretary stated that no communications had been received.

5287 COLLABORATION OPPORTUNITIES REVIEW – The Chief Fire Officer & Chief Executive submitted a report, further to Minute 5266, complying with a statutory duty under the Policing & Crime Bill which is due for enactment at the turn of the year in that it summarised the Authority's current position thereby 'keeping collaboration opportunities under review' and gave Members the necessary information to make a decision on the way

forward in preparation for the Bill becoming law in early 2017. The report set out a briefing for Members on the potential governance options including: the proposal for a 'fire-fire' merger with North Yorkshire Fire Authority; the exploration of changes to the make-up of the Authority to involve the Police & Crime Commissioner for Humberside, as well as maintaining the 'status quo'. The options emerged following information received regarding the preparation of a business case to progress a 'fire-fire' merger, namely:

- A letter dated 23 September 2016 from the Police and Fire Minister responding to a joint letter from the Chairpersons of Humberside and North Yorkshire Fire Authorities dated 11 August 2016,
- Information from all of the constituent unitary authority Leaders with regard to the merger proposal,
- An appraisal from a Humberside Fire and Rescue Service perspective of the draft business case for 'fire-fire' merger,
- An informal meeting between Members of the Authority and the Police and Crime Commissioner for Humberside on the 2 November 2016 to discuss governance options.

As Members were aware Humberside Fire and Rescue Service (HFRS) and North Yorkshire Fire and Rescue Service (NYFRS) had been working in partnership for many months in preparing a business case to be delivered to their respective Authorities, currently scheduled for their December 2016 meetings, outlining the creation of a single merged Fire Authority and Service for the existing Humberside and North Yorkshire fire and rescue service areas. The proposal arose in part from the Policing and Crime Bill ('the Bill') which when enacted would place the emergency services under a statutory duty to keep collaboration opportunities under review and to collaborate where that would improve efficiency or effectiveness. The duty was broad to allow for local discretion in how it is implemented, so that the emergency services themselves can decide how best to collaborate for the benefit of their communities. It was intended that there should be a clear expectation that collaboration opportunities should be fully exploited. Whilst a fire-fire merger remained a collaboration opportunity, that option was not explicitly mentioned in the Bill which focussed on alternative governance models around Mayoral and, predominantly, Police and Crime Commissioner (PCC) options for control of fire and rescue services. It was consistently believed that business cases for changes to fire governance could be submitted to the Secretary of State by interested parties and that these would be considered alongside each other to determine the best option based on economy, efficiency, effectiveness and public safety. Humberside Fire Authority's business case preparations with North Yorkshire Fire Authority to date had been predicated on that assumption. However, on 23rd September 2016 a response was received from the Police and Fire Minister to the joint Fire Authority Chairpersons letter of 11 August 2016 seeking clarity on the Government's direction given the complexity of merger v. devolution v. PCC takeover options in our area. A copy of both letters was reproduced for Members information in Appendix 1 to the report. In summary the response from the Minister set out the possibilities for governance change in current and forthcoming legislation and acknowledged the intent of the North Yorkshire PCC to submit a case for takeover of the North Yorkshire Fire Authority. However the response also detailed the Minister's expectations with regard to the business case which outlined the following key points:

- ...to incorporate the views of local leaders, including relevant PCCs
- ...stress I would not expect to see two competing business cases,
- ...you will be engaging with local MPs, council leaders and the relevant PCCs about the case for a fire merger
- ...collectively determine which approach delivers the best outcomes locally prior to submitting the case to the Home Office.

In light of the above the Chairperson arranged meetings with the Leaders of the four constituent unitary authorities that make up the Fire Authority and as a result had concluded that none of the Leaders would support the proposal to merge with North Yorkshire Fire Authority. This position was confirmed at a meeting of the Chairperson and Chief Fire Officer & Chief Executive with the four Leaders on 3 November 2016.

The report indicated that on 2 November 2016 the PCC for Humberside had met informally with Members of the Authority to discuss options for governance change within the scope of the Policing and Crime Bill. Members were encouraged by the PCC's stance and agreed that a way forward should have the best interests of the communities both Humberside Fire and Rescue Service (HFRS) and Humberside Police serve at its heart. The 'Representation' option (Appendix 3 to the report refers) outlined in the draft Bill appeared to serve this objective best in the view of the Members and the PCC. It was also noted at the meeting that Members, if they approve the recommendations, should initiate work to publicise the excellent work of the Fire Service in Humberside and how that might be enhanced by closer working relationships with colleagues in Humberside Police.

In terms of the views of other interested parties as outlined in the Minister's reply to the respective Chairpersons it was noted that the PCC for North Yorkshire intended to submit a business case to the Home Secretary to take over North Yorkshire Fire Authority under what is termed the 'Governance' option (Appendix 3 to the report refers). North Yorkshire Fire Authority were opposed to their PCC's intention and wished to pursue the submission of a business case for a fire-fire merger with Humberside Fire Authority. Local MPs had not been fully engaged on this matter at this stage nor had there been any public consultation on a fire-fire merger in Humberside.

On 3 November 2016 the Chairperson and Chief Fire Officer & Chief Executive were invited to address the Unitary Leaders meeting where the current merger situation and the meeting with the PCC were summarised. The Unitary Leaders acknowledged the excellent work of the HFRS and the many collaborative opportunities they had already translated into strong delivery across a range of partners. They also expressed a preference for the status quo and that the provisions in the Policing and Crime Bill for PCCs involvement in FRS governance were unnecessary, whilst acknowledging that the status quo option would realistically be unsustainable going forward. In conclusion the Unitary Leaders unanimously supported the proposal to explore options such that the PCC might join the Fire Authority under the 'Representation' option as outlined in the Bill.

In terms of the key elements of the draft business case (Appendix 2 to the report refers) Members were made aware following their meeting of 21 October 2016 of the 'positives' and 'negatives' of the proposal from a purely Humberside perspective as summarised below:

Positives

- Response Standards maintained
- Increased organisational resilience
- Efficiencies from shared management teams
- Efficiencies from shared support functions
- Demonstrates collaboration (albeit not in line with Government's direction indicated in the new Bill)
- Possible significantly reduced Council Tax levy for existing Humberside communities

Negatives

- Any scope for further efficiencies are likely to be disproportionately in the existing Humberside area
- The need for Council Tax equalisation is highly likely to create an additional need to save (potentially up to a further £3m) for the merged organisation

- The reduction in staff from efficiency proposals are likely to be disproportionately impactful on existing Humberside staff
- The resulting geography of a merged service creating an area to serve of over 4500 sq. miles
- No support from constituent Humberside Authorities and PCC

The report concluded that the new information outlined in the report now submitted had impacted on the proposal to pursue a business case for a fire-fire merger to the extent that Members should take account of it and consider whether they wish to explore the other governance options available in the period between now and the next Authority AGM. The recommendation to keep open the option of 'status quo' was as a result of early discussions with North Yorkshire Fire Authority in which both Authorities agreed that if the status quo option was available to either Authority then it would be preferred. Status quo remained an option in the Policing and Crime Bill. The report stated that Members should carefully consider whether adopting that option at the expense of all others is the best way forward given the information summarised in the report.

Resolved - That the Authority notes the content of the report now submitted and in doing so:

- (i) Does not progress the option of a 'fire-fire' merger with North Yorkshire Fire Authority but will continue to explore all collaboration opportunities with North Yorkshire Fire Authority short of a full merger;
- (ii) In the period between now and the next Authority AGM (June 2017) receives update reports and considers proposals for changes in governance, as discussed at the meeting of the Members of the Authority with the Police & Crime Commissioner for Humberside on 2 November 2016, around the 'Representation' option, and
- (iii) Maintains open an option of 'status quo' depending on the outcome of (ii) above.

Meeting closed at 10.50 a.m.