

## 2016 and the future:

### Changing the governance paradigm as well as the operating environment if not the financial

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As we approach the end of 2016 with the Crime and Policing Bill completing its parliamentary passage onto the statute book, it seems appropriate to be concluding this book with a look at what has happened in 2016 before briefly looking to the future, and handing the analytic baton over to a future project.

In 2015, the UK had a general election which saw the return of a majority conservative government under the leadership of David Cameron. His short second administration continued with similar economic policies, and the same Chancellor of the Exchequer, George Osborne, as had the previous coalition government. As with the Coalition Government the economic strategy was dominated by policies of austerity and public sector spending restrictions. Even this however, was overshadowed by a bigger debate over the UK's membership of the European Union (EU), as a result of the Prime Minister promise, in the election manifesto, of a referendum on the country's continuing membership of the EU.

In May 2016, in what may come to be seen as a pivotal and momentous event, the country voted in the referendum and, with a relatively small margin by the standards of national referendums, to leave the European Union. David Cameron who had campaigned to 'remain' resigned as Prime Minister in June and as an MP in September. He was replaced in July 2016 by his former Home Secretary Theresa May. Since being appointed in 2010, Theresa May had been one of the longest serving Home Secretary's in modern history. In her own view she was responsible for an historical change in the nature of policing and had transformed the police services through a series of initiatives (Home Office 2016a, 2016b, 2016c).

She was also one of the three front runners for the leadership of the conservative party alongside the Chancellor of the Exchequer, George Osborne and the former Mayor of London, Boris Johnson. While the latter two spent much of 2015 and early 2016 as high profile opponents on either side of the EU debate, that was eventually to hamper them in the leadership contest, Mrs May discovered an extension to her policy agenda for police reform that had strong approval ratings within her own party and occasioned only muted opposition from the other political parties.

In 2012 Theresa May had introduced directly elected Police and Crime Commissioners which she subsequently perceived were politically popular across the major parties (Home Office 2015, 2016a, 2016c, 2016d). Despite historically low turnout for the first elections of PCCs, the Conservative manifesto for the 2015 had stated "we will enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners" (Conservative Party p.59). They also proposed that in order generate greater engagement and democratic legitimacy, as a result of expected higher voting turnout, that the second elections for PCCs should coincide with the local government elections in May 2016.

In September 2015, immediately after the summer recess, she therefore issued proposals through a consultation process (Home Office 2015) that was both limited and much derided (Murphy 2015). By January 2016, largely ignoring the response to this consultation, she announced that Government intended to allow directly elected Police and Crime Commissioners to take over responsibility for Fire and Rescue Services "where it is in the interests of economy, efficiency and effectiveness or public safety, and where a local case is made" (Her Majesty's Government 2016 p.10).

She was encouraged and empowered to do this, not only because of the weakness of the opposition and the distraction of the EU debate, but also because the government had recently decided to transfer responsibility for the Fire and Rescue Services back to the Home Office, where responsibility for the police resides, from the Department of Communities and Local Government (DCLG).

This transfer of responsibility followed two excoriating reviews by the National Audit Office (NAO) of DCLG's previous oversight of Fire and Rescue Services over the previous five years (NAO 2015a 2015b). Although this transfer did not avoid the review of the NAO's reports by the Public Accounts Committee, who were equally scathing (Public Accounts Committee 2016), it enabled Mrs May in her last major speech as Home Secretary to announce that new amendments would be included at the committee stages of the 2016 Policing and Crime Bill to enable PCCs to take over Fire and Rescue services, and to facilitate joint working between the emergency services. There would also be improved consistency in fire standards, increased joint procurement of equipment and publicly available performance information. Ironically all of these requirements resulted directly from the actions of the previous Coalition government and were ongoing under previous labour administrations. She also committed the government to re-establishing an independent fire inspector (Home Office 2016d) which had disappeared under labour in 2007.

Whether or not, the provisions of the draft Policing and Crime Bill would have been carried over to the new parliament after the EU referendum and the summer recess, became irrelevant, once Mrs May became Prime Minister in July 2016. The Policing and Crime Bill was reintroduced in September 2016 and by November 2016 it had passed through all remaining stages in both Houses of Parliament. It is likely to be enacted and implemented by April 2017.

During this time the Fire Industry Association, the Fire Service College and the Chief Fire Officers Association began to collectively work with the government on new fire standards and procurement. The Home Office commissioned Her Majesty's Inspectorate of Constabulary to 'scope' and provide advice on the proposed new Inspectorate and the Chief Fire Officers Association has revised its leadership and governance arrangements to enable the Association to play a more proactive role than has been the case since the 2004 Act.

### **Future funding of the Service.**

On the 23<sup>rd</sup> November 2016 Philip Hammond presented his first budget to Parliament as Chancellor of the Exchequer. This budget had three big fundamental elements that framed the rest of the budget. He announced revised growth targets for the future of the economy in 2017, a huge increase in government borrowing and more significantly but less obviously newsworthy that there would be no changes to central government's Departmental Expenditure Limits (DEL), from those previously announced for the period 2015-2020. He also announced that these levels of expenditure would not be increased in line with inflation until after 2020/21.

Members of the public are generally unfamiliar with the details or definitions of departmental expenditure limits and announced in this way, they occasioned no headlines in any part of the media. However, DELs are the amounts of money that individual central government departments are allowed to spend. In practice what the Chancellor said was that spending by the Home Office, like all the central spending departments, would be capped in cash terms and reduced in real terms for the remainder of the current electoral term up to 2020. The era of austerity in terms of limits on public expenditure is set to continue.

### **Fire and Rescue Governance and Police and Crime Commissioners**

The local leadership governance and management of Fire and Rescue Services is likely to take a number of disparate forms as a result of the Policing and Crime Bill. In London, where there is already an elected Mayor, and in Manchester, the West Midlands, Merseyside, Tees Valley, and Sheffield<sup>1</sup> where there are anticipated to be elected Mayors from 2017, the Mayor will assume responsibility for Fire and Rescue Services as a result of the combined authority and devolution deals agreed under the Cities and Local Government Devolution Act 2016. However, as the new Prime Minister has indicated that elected mayors will not henceforth be a requisite for future combined authority deals, it is unlikely that many more elected mayors will be forthcoming (Sherman 2016).

Other areas will have the discretion to transfer Fire and Rescue Services to PCCs if a ‘local case is made’ or alternatively, PCCs can be invited to sit on the Fire and Rescue Authority. As this can happen in single authorities, combined authorities or metropolitan authorities, the range and type of governance arrangements in England and Wales will inevitably increase.

In Scotland and Northern Ireland, neither the Local Government Act 2000 nor the 2016 Cities and Local Government Devolution Act apply, both have single Fire and Rescue services answerable directly to the devolved administration. In Wales, there are 4 Police Services and 4 PCCs although there are 3 Fire Authorities – all 3 of which are combined. There are no directly elected mayors in Wales. Although the Cities and Local Government Devolution Act 2016 applies to Wales as well as to England, its practical effect is limited to potential changes in voting age that would take effect in Wales as well as in England if a change is made.

In England and Wales there will be greater variety in the number and types of governance arrangements but it is still too early to predict the geographical pattern. As chapter 13 has demonstrated, there is a single service in Scotland which is coterminous with the ambulance service and the single police service. It has been operating well since it emerged from the amalgamation of the previous 8 services (Audit Scotland 2015)). Scotland also has its own independent Fire Inspectorate and external regulation arrangements and it is therefore possible to foresee a more stable future in comparison with England and Wales.

The second direct elections for PCCs were held in 2016 in 40 areas (London and Greater Manchester were excluded because of the Mayoralty situation. Table 1 shows the number of candidates standing and the political party representation. Both the number of candidates standing and the results (table 2) show how the second election was dominated by the main political parties and the number of independent PCCs dropped from 12 to 3, all of whom were re-elections of previous PCCs. The Conservative and Labour parties shared the vast majority of successes while Plaid Cymru won 2 out of the 4 Welsh elections with Labour taking the other 2.

40 Conservatives

40 Labour

34 UKIP

30 Liberal democrats

24 Independents

7 Greens

4 Plaid Cymru (4 Welsh areas)

4 English Democrats

3 Zero Tolerance policing ex chief

Table 1. Number of candidates standing in the 40 PCC elections in 2015

	Pre-election	Post Election
Conservative	16	20
Labour	13	15
Independent	12	3
Plaid Cymru		2

Table 2: Police and Crime Commissioners pre and post 2015.

27 of the existing 40 Commissioners re-stood and 20 were elected. Thus, there were 20 new commissioners.

Despite the elections being held at the same time and in the same polling stations as the local government elections the turnout averaged only 26% (previously 15%) and was noticeably higher where there was a local government election than when there wasn't. Thus extending the argument about the political and democratic mandate and legitimacy attached to the post and the post holders.

### **The European Agenda**

In the same month (November 2016) that the Policing and Crime Bill passed its parliamentary legislative process and the Treasury announced the future funding plans, an international group of organisations with a common interest in fire and rescue services, 'Fire Safe Europe'<sup>2</sup> called for the European Union to create a co-ordinated approach to fire safety in the EU. It claimed that the "EU is working mostly in an indirect and uncoordinated manner, on a number of issues that could have an adverse effect on fire safety of buildings and occupants, yet fire safety is rarely a consideration when these policies are developed" (Fire Safe Europe 2016, p.7). It suggests that there is a patchwork of measures at national level and that the nature of fires have changed because more combustible materials are causing fires to grow more quickly than ever before. This is aggravated by the trend towards "highly insulated airtight buildings with increased use of combustibles within the building envelope and structure" (2016, p4). At the same time:-

- The EU is introducing directives and regulations that adversely affect fire safety in buildings.
- Fire-related building regulations are inconsistent from country to country across the EU.
- Construction product testing protocols for fire safety are not continuously evaluated in relation to risks emerging from new construction trends as well as new threats, such as wildland fires. As a result some are outdated. Regulation cannot be considered 'better' if it does not address the risks EU citizens may face.

Pointing out that fire safety is an issue that affects many policy areas, and that almost one third of the European Commissions' Directorates General have disparate legislation that affects fire safety, it calls for better regulation and a European-wide strategy to ensure that new and renovated buildings across the EU are resilient to fires and that prevention programs and policies are co-ordinated across member states.

Once again it appears that Europe is set to address the variations, inconsistencies and challenges of improving fire safety while emphasising the distinctive nature and potential contribution of the service. Meanwhile, in England, the government is focussed on finance and governance and indirectly making it more difficult for the service to contribute to these sorts of international initiatives further compromising the historical reputation for international leadership that has always been a characteristic of the UK services.

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## Notes

1. These are the areas that have taken part in 'Devolution Deals' with central government, although there are not absolutely certain as, at the time of writing, some are subject to legal challenge.
2. Fire Safe Europe is a collaboration between: Brandfolkenes Cancerforening; Consumers safety International; CWB Fire Safety Ltd, European Fire Sprinkler Network; European Emergency Number Association; European Furniture Industries Confederation; European Organisation for Technical Assessment; Faculty of Civil Engineering University of Zagreb; Federation de L'Industrie du Breton; Fire Service College; Fire Sector Federation; Centre for Technological Risk Studies and Universitat Politècnica de Catalunya,

