

## Written Statement

### For Members of the Westmorland and Furness Joint Committee

#### Update on process and next steps for Police and Crime Commissioner's Business Case regarding Governance of Cumbria Fire and Rescue Service

8 April 2022

Following a period of public consultation, the Police and Crime Commissioner submitted the Cumbria Fire and Rescue Governance Options Analysis and Business Case to the Home Office on 31<sup>st</sup> March 2022.

The legislation that allows the PCC to take this action is the Police and Crime Act 2017 (PCA) which amended the Fire and Rescue Services Act 2004 (FRSA) to make provision for a PCC to take on the responsibilities of the Fire and Rescue Authority (FRA) in their area.

A PCC can only take on the role of FRA where it appears to the Secretary of State to be in the interests of economy, efficiency, and effectiveness or public safety.

An order under section 4A of the FRSA 2004 will be required to enable a PCC to take on responsibility for fire. An order cannot be made on the basis of economy, efficiency, and effectiveness if the Secretary of State thinks it would have an adverse effect on public safety.

The Business Case will now be considered by the Home Office and will require an Independent Assessment. The Assessment is undertaken by CIPFA and provides a view on whether the proposal meets the statutory tests i.e., it is in the interests of economy, efficiency and effectiveness and whether the proposal will have an adverse effect on public safety. It is estimated that this will take approximately a month. This is less than originally expected so may impact on later stages of the timeline (see below)

|   | Approximate timescale | Timeline           |
|---|-----------------------|--------------------|
| <b>Home Office consider proposal</b><br>(including tender process for Independent Assessment) | 6 weeks               | From March 2022    |
| <b>Independent Assessment (IA)</b>  | Approx 4 weeks        | April to June 2022 |
| <b>Consideration of proposal and IA together</b>  | 6 weeks               |                    |
| <b>Ministers and Home Secretary (HS) consider proposal</b>                                    | 6 weeks               | July 2022          |
| <b>HS announces decision</b>  |                       | July/August 2022   |

|  |                       |               |
|--|-----------------------|---------------|
| <b>Lay Statutory Instruments</b><br>(Timing depends on SI slots available) | Up to 40 sitting days | November 2022 |
| <b>Earliest possible date of transfer of Governance</b>                    |                       | February 2023 |

There are a number of factors which may impact on the timescales set out and possible transfer including the outcome of the independent assessment, the potential for a Judicial Review and any delays to the statutory processes.

**John Beard**

**Chief Fire Officer**

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