PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

POLICING AND CRIME BILL

Fourth Sitting

Tuesday 22 March 2016

(Afternoon)

CONTENTS

Schedule 1 agreed to, with amendments.
Clauses 7 and 8 agreed to.
Schedule 2 agreed to, with amendments.
Clauses 9 to 11 agreed to.
Schedule 3 agreed to, with amendments.
Clauses 12 to 13 agreed to, one with amendments.
Schedule 4 agreed to, with amendments.
Clause 14 disagreed to.
Clauses 15 to 17 agreed to, one with an amendment.
Adjourned till Thursday 24 March at half-past Eleven o'clock.
Written evidence reported to the House.

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not later than

Saturday 26 March 2016

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

The Committee consisted of the following Members:

Chairs: †Mr George Howarth, Mr David Nuttall

† Berry, Jake *(Rossendale and Darwen)* (Con)
Berry, James *(Kingston and Surbiton)* (Con)
† Bradley, Karen *(Parliamentary Under-Secretary of State for the Home Department)*
† Brown, Lyn *(West Ham)* (Lab)
† Caulfield, Maria *(Lewes)* (Con)
† Cleverly, James *(Braintree)* (Con)
† Davies, Mims *(Eastleigh)* (Con)
† Dromey, Jack *(Birmingham, Erdington)* (Lab)
† Elphicke, Charlie *(Lord Commissioner of Her Majesty's Treasury)*
† Harris, Carolyn *(Swansea East)* (Lab)
† Jones, Gerald *(Merthyr Tydfil and Rhymney)* (Lab)
Jones, Mr Kevan *(North Durham)* (Lab)
† Milling, Amanda *(Cannock Chase)* (Con)
† Penning, Mike *(Minister for Policing, Fire, Criminal Justice and Victims)*
† Saville Roberts, Liz *(Dwyfor Meirionnydd)* (PC)
† Smith, Jeff *(Manchester, Withington)* (Lab)
† Whittaker, Craig *(Calder Valley)* (Con)

Ben Williams, Marek Kubala, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 22 March 2016

(Afternoon)

[Mr George Howarth *in the Chair*]

Policing and Crime Bill

Schedule 1

Provision for police and crime commissioner to be fire and rescue authority

Amendment moved (this day): 174, in schedule 1, page 113, line 12, leave out "or" and insert "and".—*(Lyn Brown.)*

This amendment ensures that when the Secretary of State decides whether to allow the Fire and Rescue Service to come under control of PCCs she must do so in the interest of "economy, efficiency and effectiveness" and "in the interest of public safety".

2 pm

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 181, in schedule 1, page 122, line 10, at end insert—

"with the cost of obtaining such information to be met by the police and crime commissioner.".

This amendment would require the police and crime commissioner to pay the costs the fire and rescue authority incurs in providing the police and crime commissioner with the information needed to prepare a proposal to transfer governance to the police and crime commissioner.

Amendment 172, in schedule 1, page 122, line 22, leave out sub-paragraph (a) and insert—

"(a) consult each relevant fire and rescue authority,

(ab) any local authority all or part of whose area forms part of the fire and rescue authority area, and

(ac) the relevant workforces.".

This amendment will make it a statutory obligation for the local authority Fire and Rescue Authority, and relevant workforces, to be consulted before being taken over by a PCC.

Amendment 170, in schedule 1, page 122, line 25, leave out "make arrangements to seek the views of" and insert "consult comprehensively with".

This amendment would require a police and crime commissioner to consult local residents about the proposal to transfer governance of the fire and rescue service to the police and crime commissioner.

Amendment 171, in schedule 1, page 122, line 26, leave out "commissioner's police" and insert "fire and rescue authority".

This amendment would mean that police and crime commissioners need only seek the views of people living in the affected fire and rescue authority rather than across the whole of the police force area.

Amendment 180, in schedule 1, page 122, line 43, after "proposal", insert

"from an independent panel of experts chosen by the relevant police and crime commissioner and local authorities,".

This amendment would guarantee the independence of panels tasked with assessing takeover proposals submitted by a PCC.

Amendment 173, in schedule 1, page 123, line 17, at end insert—

"(4) An order under section 4A, where modified or not by the Secretary of State, may only be made with the consent of the relevant local authority, relevant fire and rescue authority and relevant police and crime commissioner.".

This amendment makes it a statutory requirement for the Secretary of State to get the consent of the PCC, Fire and Rescue Authority, and local authority, before making an order.

Amendment 177, in schedule 1, page 123, line 17, at end insert—

"(4) Before submitting a section 4A proposal to the Secretary of State, a relevant police and crime commissioner must make arrangements to hold a referendum.

(5) The persons entitled to vote in the referendum are those who, on the day of the referendum—

(a) would be entitled to vote as electors at an election for the relevant police and crime commissioner, and

(b) are registered in the register of local government electors at an address that is within a relevant fire authority area.

(6) The referendum is to be held on—

(a) a suitable date corresponding to the regular electoral cycle, or

(b) if there are no elections scheduled within the next 365 days, such other date as the Secretary of State may specify by order.

(7) The police and crime commissioner must inform the Secretary of State of the result of the referendum.

(8) The Secretary of State may only grant an order if—

(a) the proposal was approved by a majority of persons voting in the referendum, and

(b) the turnout for the referendum is greater than 25 per cent of those eligible to vote.

(9) A police and crime commissioner may not hold another referendum within the period of ten years.".

This amendment would ensure that a PCC can only take over a Fire and Rescue Service with the approval of local people.

Amendment 178, in schedule 1, page 123, line 17, at end insert—

"(4) An order under section 4A, where modified or not by the Secretary of State, may only be made with either: consent of the relevant local authority and relevant fire and rescue authority, or a majority vote by local people through referendum.".

This amendment would ensure that a PCC can only take over a Fire and Rescue Service with the approval of local people or their local representatives.

Lyn Brown (West Ham) (Lab): I hope we all had a jolly good lunch—well, perhaps not too good a lunch.

Amendment 181 solves two problems: it clears up the ambiguity around who will pay for the costs incurred in putting together proposals, and it helps to mitigate the potential for hostile takeovers by the police and crime commissioner where the fire and rescue authorities do not want to be taken over but are bullied into submission by spiralling costs. If the Minister wants to ensure that PCC takeovers are in the best interests of the fire and rescue service and improving public services, I am sure he will be in full and happy accord with the amendment.

Amendments 170, 171 and 172 deal with the consultation process: amendment 170 states that it must be a full consultation; amendment 171 restricts the scope of the consultation to local residents who are served by the fire and rescue authority; and amendment 172 makes workers and fire and rescue authorities statutory consultees. They would ensure that the consultation process is comprehensive and does not ignore the views of local people, professionals working in the emergency services or the current fire and rescue authority.

The consultation exercise that preceded the Bill was a bit of a sham. It was packed full of leading questions and did not show any real interest in the views of experts and specialists on the substance of the proposals. It was a bit of an insult, if I may say so, to their

intelligence. I can see some scepticism on Government Members' faces, so I will take them through this. Question 1 of the consultation, on the duty to collaborate, was:

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

The question assumes that the duty to collaborate will have that effect. The wording is, "How do you think the duty would help drive collaboration?" rather than, "Do you think a duty is necessary to drive collaboration?"

Jake Berry (Rossendale and Darwen) (Con): Is the hon. Lady sure that the question was not, "How do *you* think the duty to collaborate will make a difference?"?

Lyn Brown: I am fairly certain that I read that right.

Question 2 is almost worse. The consultation exercise sets out a process by which a PCC could assume control of a fire and rescue service and then asks consultees what they think of that process. If we were really interested in people's views, we would ask what they think of giving PCCs those powers in the first place, but this Government are not interested in the views of the people they consulted, so they did not ask that question. Unfortunately, we cannot legislate against inadequately drafted consultation questions; I tried, but the Clerk of the Committee—nice man though he is—ruled it out of scope, which is a great pity.

The Bill's provisions for public and stakeholder consultation need to be tightened up considerably. As the Bill is worded, the consultation process could be weak and almost non-existent, and it does not require PCCs to discuss their proposals and seek the assent of all relevant stakeholders. The provisions for consultation are contained within paragraph 3 of proposed new schedule A1 to the Fire and Rescue Services Act 2004. Members will note that as it is worded, the Bill only requires the Secretary of State to

"make arrangements to seek the views"

of local people. That could mean something as little as an advert in a local newspaper with a dwindling circulation, a single public meeting or a notice on the Home Office website with an email address for responses. I fear that the clause is totally inadequate. It falls short of the language I would expect from legislation that intends the Home Secretary to engage in a full consultation with the widest community and to give local people the time, space and opportunity to have their views taken seriously. If the Minister would graciously accept amendment 170, we could get closer to having a decent, meaningful and comprehensive consultation process.

Amendment 171 seeks to ensure that all local people are consulted. At the moment, the Home Secretary has to seek the views of people in the police and crime commissioner's consistency. We think that it is appropriate that she consult those who live in the area covered by the fire and rescue authority that is to be taken over. For example, Thames Valley contains three fire and rescue authorities. If the PCC proposed to take on the responsibility of only one of them, it should be the residents of that authority's area, not the whole Thames Valley policing area, who are consulted. We need to seek the views of the people who will be affected. Their views should carry the most weight. These reforms are about the future governance of the fire and rescue service, so the people whose fire and rescue service is changing should have a say. What is the Minister's justification for choosing the entire policing area as the relevant constituency?

Amendment 172 deals with statutory consultees. At the moment, the Bill makes local people and the relevant local authority a statutory consultee. We are of the view that that is inadequate. Any consultation must include the fire and rescue authority that is to be taken over, as its staff are presently charged with guaranteeing fire safety and resilience in the local area. If the Minister stands up and says, "Of course the local fire and rescue authority will be consulted," I will accept that he imagines that to be the case. However, if he thinks that they will always be consulted, there is no harm in accepting our amendment and adding fire and rescue authorities to the list of statutory consultees. We will, however, safeguard against the unhappy event of a PCC taking over a fire and rescue service without its governors having a say. That would be the most hostile of hostile takeovers.

We are of the opinion that the relevant workforces ought to be statutory consultees. Why would they be left out? If the proposals are in the best interest of the fire and rescue services, the workforces will support them. I do not have to tell the Minister that they are the most dedicated and brave of our public servants, and they deserve a voice. The people working in our emergency services know the challenges that their services face better than anyone. Anyone with the future of the emergency services at heart should want to hear what they have to say. For that reason, I urge the Minister to accept the amendment. It is really not much to ask. I am sure he agrees with me on this.

If the Minister's proposed reforms are to work, he needs local people and staff to buy into any change of governance. Those people have the right to be assured that the changes are positive and in the best interests of the service and public safety. If the PCC is unable to persuade those stakeholders, it would be best if the merger simply did not go ahead. I urge the Minister to accept amendments 170, 171 and 172 to ensure that local people and stakeholders are properly consulted and to avoid the sense that these reforms are being imposed from the centre against the wishes of local people, professionals and our emergency services, and against the interests of the fire service and public safety. A top-down reorganisation without the agreement of local people and the workforce is the last thing that our fire services need.

Amendment 180 would ensure that the panel that the Home Secretary uses to guide her through a business case is genuinely independent. The amendment would ensure that the review of the business case for a PCC takeover is independent of the Secretary of State. It states that the panel must not be Government appointees. It would instead empower PCCs and local authorities to select the panel. It has been tabled with the support of the Local Government Association.

As worded, the Bill states that where the PCC has put together a proposal to take on the governance of the fire and rescue service, it has to consult with the upper-tier authorities in its area before submitting it. Where one or more of the upper-tier councils does not support the proposals, the Secretary of State has to seek an independent assessment of the PCC's proposals.

Paragraph 339 of the explanatory notes states:

"Such an independent assessment may be secured from HMIC, the Chief Fire and Rescue Adviser or any other such independent person as the Secretary of State deems appropriate".

[Lyn Brown]

The chief fire and rescue adviser, although a very decent bloke, is directly employed by the Home Office. Her Majesty's inspectorate of constabulary also receives its funding from the Home Office. There is therefore a question over how independent an assessment can be if it is carried out by Home Office employees on non-departmental public bodies funded by the Home Office.

Amendment 180 would mean that independent assessment is carried out by a panel of independent experts appointed at a local level rather than by central Government. The experts on the panel could include representatives from organisations such as the Chartered Institute of Public Finance and Accountancy, the Fire Service College, business schools and academic institutions, such as the London Business School or Cranfield University, the National Police Chiefs Council or companies with experience of advising and supporting the fire and rescue service and the police, such as Grant Thornton. There is a real danger that this is a recipe for a top-down reorganisation. It should not be left to the Secretary of State to appoint people to make the independent assessment. To avoid this danger, the Minister should accept Amendment 180.

Finally, Amendments 173, 177 and 178 deal with what consent requirements ought to be in place before a PCC can take over a fire and rescue service. We believe that this should not happen without the clear, unequivocal approval of local people, which is best measured by a vote or through the clear decision making of their locally elected representatives. Our amendments have been tabled to have that effect.

Amendment 173 would require the Home Secretary to gain the consent of the relevant fire and rescue authority and the relevant local authority before approving a takeover. As the Bill is currently drafted, a PCC can take over a fire and rescue service without the consent of the fire and rescue authority. We believe this is a recipe for hostile takeovers and should be avoided. Amendment 173 seeks to avoid conflict between arms of our emergency services, which could be both damaging and distracting for essential emergency services. It seeks to improve and make the process transparent by ensuring that the consent of a fire and rescue authority is a mandatory requirement of any PCC takeover.

Fire and rescue authorities are trusted experts on the fire service. Firefighters, fire officers and the public know that those who have served on the authorities have had the best interests of the fire service at heart. The councillors who serve on them have years of experience and a genuine deep knowledge and judgment gained by overseeing the strategic development of fire services in their local area. They know the integrated risk management programme intimately, and each lane and byway; the response time to all communities; and the extra value that firefighters bring to their communities through the additional work undertaken to care for the vulnerable or as a crime diversion. Surely there can be no doubt that they have done a good job and that their work has continued to provide safe communities, despite the swingeing cuts to service imposed over the past years.

The fire service has absorbed difficult financial reductions over the past years. Some 7,000 firefighters have been lost to the service over the previous Parliament as a result of a cumulative cash cut of £236 million. However, fire and rescue authorities have managed those reductions, hard as it has been, and have sought new ways to keep response times to a minimum and to focus, as much as humanly possible, on their governance work, playing an increased role in natural disaster relief and managing to remain one of the most trusted public services.

2.15 pm

This is not a failing governance model that needs to be broken up from the centre. Their views should be respected. Given the trust in and respect for local fire authorities, disempowering them in the takeover process risks creating the impression, for all those working in the fire service, that their views are considered to be only of secondary or no importance. If they are taken out of the equation, there will be nobody involved in the decision-making process who has only the interests of local fire resilience at heart.

From where I am standing, it seems as though the Government have learnt little from the chaos created by Lansley's NHS reforms. A top-down reorganisation without buy-in from local decision makers and workers is no way to go about public service reforms. The Minister really should ask himself whether he wants to see a PCC takeover of fire and rescue services without the consent of those charged with looking after the future of that service, because central imposition, indifferent to local and specialist concerns, is frankly what this Bill appears to point towards.

I also want to make a point about collaboration and teamwork. There is a real danger in how this part of the Bill is drafted that collaborative work between our emergency services will become harder and rarer. Let us imagine that we are sitting in the fire and rescue service and we are asked to collaborate in something by the local PCC. We would know that he or she has all the power in their hands and would feel constrained by that knowledge, whether we wanted to be or not. Some of us would resist collaboration, fearing that it was the first step in a takeover by the PCC. Others would choose to collaborate, fearing that not doing so would be like a red flag to an all-powerful bull and that it would consequently lead to a takeover. We need all the stakeholders to be equal so that good decisions can be made that are in the best interests of public safety and the fire and rescue service—I did have another Lepidus bit there, but I decided to take it out as nobody really got it this morning, and I thought, "You can flog a dead horse."

Unless all the key stakeholders are equally involved in the decision-making process and they all feel empowered to make the right decisions, different groups are bound to start looking at each other with suspicion and behaving, possibly, to counter the political landscape, rather than in the best interests of the service. When decisions are made about collaboration and directions of joint work and shared resources, we want them to be made for the right service reasons, and not because the fire and rescue authority is worried that the PCC might want its powers and thinks that its reaction to the request for collaboration will mean moving a step closer to a hostile takeover, fearing that if it does not do what the PCC wants, then the PCC will go over its head to the Secretary of State.

Amanda Milling (Cannock Chase) (Con): This morning, the hon. Lady mentioned Sir Ken Knight, who has referred to the patchiness of collaboration. Does she not recognise that the whole point of the Bill is to remove the patchiness and get people to work together?

Lyn Brown: I say gently to the hon. Lady that to get people to work together, we need to respect them, and each bit of the process needs to be treated equally. I also say gently to her that Sir Ken's report was written three years ago and since then, the landscape has changed significantly.

Amanda Milling: In Staffordshire, we waited six months for the fire authority to engage in discussions. Those were six months during which collaborative work could have taken place. Does the hon. Lady recognise that the Bill will speed up the process and lead to more effective collaboration?

Lyn Brown: The hon. Lady obviously knows her own area better than I would ever presume to, but six months does not seem to be a horrendously long time to organise joint working if there are fundamental differences and it requires resources. I say to her again: one of the problems with the Government's approach is that an hon. Member or one of the PCC's staff can say, "I've been waiting six months for some collaboration to happen. It hasn't happened, so I'm going to make sure the PCC takes over." Decisions will be made in haste, with the sword of Damocles hanging over people's necks.

Earlier in Committee, I mentioned just a few of the many collaborative projects that are happening among our emergency services. Each successful project depends on the emergency services trusting each other as equal partners in a common cause. If PCCs are encouraged to work against, rather than with, their local fire and rescue authority, there is a genuine danger that such projects will fall by the wayside. A Government who are interested in partnership should be going out of their way to reinforce partnerships. In my world at least, the partnerships I am involved in are based on equality, respect and trust.

In the world of public services, the equal importance of all our public services and the equal status of those tasked with running them should be upheld. That is what we should be doing, rather than creating hierarchies that rouse only distrust. It could be highly counter-productive to create uneven partnerships, with people looking over their shoulders and questioning their partners' motivations.

Amanda Milling: Nobody would dispute that there are good examples of collaboration, but, as I say, it is patchy. Surely the Bill is about ensuring that there is good collaboration throughout the country. I am sure the hon. Lady will agree with me on that.

Lyn Brown: I say gently that I do not recognise the hon. Lady's description of the collaboration as patchy. Before the election, I was the shadow fire Minister. I went around the country and people in the fire and rescue services told me that there was real collaboration.

Jake Berry: Will the hon. Lady give way?

Lyn Brown: I am not going to defend London, so do not ask me to.

Jake Berry: In the first evidence session, many of the witnesses described collaboration as patchy. I asked whether the Bill would increase or reduce the amount of collaboration, and the witness said that it would increase it. Why does the hon. Lady disagree with the expert witness?

Lyn Brown: In my experience, collaboration often does not work when it is between forces of the same nature. There are often hard and fast boundaries between fire service areas and between police authority areas. I have, though, seen inter-service collaboration work really well. When the Committee asked the witnesses those questions, we did not specify the nature of the collaboration that the individual then described as patchy. There is some patchiness in collaboration between police forces and between fire authorities, but the best collaboration I have seen has been between the emergency services.

My anxiety about the decision in the Bill to give PCCs the right to take over fire and rescue services is that we will create unequal partners. In a world of unequal partners, decisions might get made for the wrong reasons. That is what I am trying to prevent. If the partners in an area that are talking about whether they can merge back offices, share a physical space or have the same telephone infrastructure are in a position of equality and agreement, it is of much greater benefit to the local area than if they are not.

Jake Berry: The hon. Lady is giving an excellent speech, but perhaps I may press her once more. The Opposition have said that the real difference is that, because of the nature of the services they provide, fire services are much smaller than police forces. Is she not therefore making the point that there could never be any collaboration between the fire service and the police force because the fire service, in and of itself, is smaller? If so, I profoundly disagree, because I think there is a real opportunity to collaborate, despite the disparity in sizes.

Lyn Brown: No. The disparity that I am talking about is not one of sizes, budgets or the nature of the services; it is a disparity in power. If one service has the right to take over another service, there is a disparity within the power relationship. The size does not matter. If we were saying that fire authorities had the right to take over police authorities, there would be a disparity in power, not in budgets or legal powers.

Our amendments are not only about involving local fire and rescue authorities; we think it is vital that any changes to the way in which our essential emergency services are governed have the support of the public. Amendment 173 would require such support to be gained through the approval of local representatives on the local authority. Amendment 177 would require that, should that approval not be obtained, consent must be gained through a referendum of local people.

I know that the Government have a strange relationship with referendums. At one moment, they seem to support referendums and think we should become a Switzerland of the north, deciding issues by plebiscite—with, for example, referendums on council tax rises—and not trusting the usual way of the ballot box, apparently on the grounds of localism. However, the Government seemed to fall out of love with the Swiss way in 2012 when they asked our 11 largest cities by referendum whether they wanted directly elected mayors, and all but one said no. The Chancellor, in his little way, decided to ignore that clear lack of mandate and is

[Lyn Brown]

absolutely insistent about getting the mayors he wants in our major cities, in exchange for the delegation of powers. The Government seem to like referendums, as long as they get the results they want.

I raise the issue of referendums because the Government seek to argue that the reforms in the Bill are locally led. In the past, when they have worn a localist hat—not that it fitted them very well—the Government have indicated that it is for local people to make decisions on major local governance issues via referendums, and that major governance decisions should not be made by a Whitehall figure such as the Home Secretary. The decision on mayors and on fire and rescue governance is fundamentally about the transfer of power from the collective representation of local authorities to a single individual. Indeed, many of the Minister's colleagues have said that they favour the reforms partly because they put power in the hands of a single person.

Amanda Milling: The hon. Lady has talked about a takeover a number of times. We are talking about a single individual who has direct electoral accountability to the public. If we had fire commissioners and were talking about the police coming under their remit, would she be pushing back on such a reform?

Lyn Brown: Yes, I would, for all the reasons I mentioned this morning. I can repeat them for the hon. Lady if she would like, but I have an idea that the Committee would lose its patience with me, and I would not particularly like to encourage that.

Jake Berry: Never.

James Cleverly (Braintree) (Con): No.

Lyn Brown: It has been known. I would object to such a reform, for all the same reasons.

The proposals are effectively about creating mini mayors. If this Government limp on after the European referendum, my guess is that we shall see other powers—probation, schools and who knows what else?—passed over to the PCCs. The Minister knows in his heart—I know he has a heart, although I am giving him a hard time today, for which I am sorry—that the reforms are about bolstering PCCs to the point where they become mini mayors. I do not think that he will say so, because he knows that there is no democratic mandate for it. There isn't one—not at all.

2.30 pm

To plug the democratic deficit and to make sure that we do not increase the fiscal one, I have proposed several sensible provisions in our amendments to ensure that the costs of a referendum are reduced as much as possible. For example, a referendum should only take place at the same time as other local elections. We do not want to see a referendum costing loads of money and having a less than 20% turnout, because that is not a good indication of a democratic decision.

We recognise that even if referendums are held at the same time as council elections, they can still be a burdensome cost. We have therefore tabled a compromise, amendment 178, which would require a referendum to be held only when local people's elected representatives do not agree to a proposal by a PCC to take over a fire and rescue service. At the very least, a referendum is necessary when people's elected representatives do not agree with the takeover of the fire service.

I genuinely do not think that fire services will flourish under PCCs, but the Minister disagrees, so let us ask the people. Who should have been consulted about the proposal in the first place? The public. The proposal was not transparently in the Conservative manifesto—it really was not. *[Interruption.]* Honestly, you would have to be one hell of a cryptographer to decipher the Government's plans for the fire service from what was written in the manifesto. I will read it out verbatim and you can tell me if it states clearly—

The Chair: I am not telling you anything.

Lyn Brown: Sorry. I will read from the manifesto and the Committee can tell me whether it states clearly that there is a plan to put fire and rescue services under PCC control:

> "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."

Honestly, that really does not say—

Jake Berry: On the hon. Lady's emphasis, as I mentioned in connection with the questions in the consultation, there is clearly no comma or pause in that sentence—it has an "and" in it. The statements are clearly linked, so there is a clear statement in our manifesto that this is our intention. I am proud to be part of a majority Government delivering a Conservative manifesto.

Lyn Brown: For the time being. I did not see that when I read the Conservative manifesto last year. When I was walking around the country talking to firefighters and trying to persuade them to vote Labour, if I had realised what the Government intended to do from reading that sentence, I am sure I would have persuaded an awful lot more of them to vote red, rather than blue.

For the benefit of openness and transparency, and so that we may underpin governance with democracy, I urge the Government to accept amendment 178. What kind of localism agenda do the Government have if they are willing to force through a takeover when they have the support of neither local representatives nor the relevant electorate? This proposal was not clearly stated in the Government party's manifesto. If the Minister rejects the amendment, his and the Home Secretary's centralist and non-democratic agenda will be clear for all to see.

I hope that the Committee can see that the Bill is a recipe for the hostile takeover of fire and rescue authorities. Experience has shown that reorganisation without local consent and approval can lead to chaos, low morale, disorganisation and dysfunction—we only have to look at what happened in the health service. As the health service has also shown, reorganisation can waste an awful lot of money. The Minister does not want to be responsible for a top-down reorganisation as dysfunctional and anarchic as Lansley's reforms of the NHS. He should take the opportunity to accept amendment 173. Our fire and rescue authorities need a say.

If the Minister truly believes in localism, he should also accept either amendment 177 or amendment 178. The Government have persistently argued that these reforms are part of a localism agenda, but they empower the Home Secretary to overrule the wishes of local people and their representatives. That simply cannot be right and it is not localism.

The Minister for Policing, Fire, Criminal Justice and Victims (Mike Penning): From a sedentary position I accused the shadow Minister of reading a speech written by the Fire Brigades Union. It clearly was not written by the FBU because there were some really big words in there. However, some of the language in there was quite similar to what I have heard from the FBU. That was not personal and we beg to differ.

Lyn Brown: I am glad they listened to me.

Mike Penning: I apologise to the Committee but I intend to speak at length on this part of the Bill, because the previous debate on clause 6 stand part was to introduce schedule 1. I had always intended to do that because I knew the shadow Minister had extensive comments.

I will not get into top-down discussions about what happened in other Departments. I remind the shadow Minister of what happened with fire control centres being regionalised. That was probably the biggest disaster and waste of money that the fire service has seen in our lifetimes. I am still dealing with the leases and trying to get rid of them. The fire Minister at the time, a good friend of mine, was highly embarrassed about that. He was moved on to other things, wrongly in my view because he was a damn good fire Minister who stood up for what he did.

At the end of the day, the decisions on whether PCCs should take control of fire authorities will be part of a negotiation package. Let me explain what the Bill says. A PCC would need to make a local case and canvass the views of local people, including the fire authorities. If, and only if, an agreement cannot be made, then he can ask the Home Secretary to have a look at it, who then would have an independent view. Anyone who knows Tom Winsor—the shadow Minister does—will know that Her Majesty's inspectorate of constabulary is mightily independent of the Home Office. It would be interesting for him to read that he is just a civil servant or Home Office apparatchik. He is very independent, so it does not need to be that way.

We are trying to look at this. Where collaboration has worked and where services want to come together, that is fine; and where collaboration has taken place and they do not want to come together, and nor does the PCC in that area, that is fine. Perhaps the fire authorities might want to look carefully at what is happening with the mayoral system. The shadow Minister freely admits that it has not worked in London. There will be a duly elected mayor who will be running the fire and police administratively, not operationally.

I listened carefully to what the shadow Minister had to say about councillors who have sat on committees for years. They are not elected to that role.

James Cleverly: Does the Minister recognise that if someone lives in a ward where the councillor does not sit on the local fire authority, there is nothing the elector can do to reward or punish the decisions of that fire authority? If that fire authority came under the remit of the local police and crime commissioner, every single voter in that area would have an opportunity to reward or punish at the ballot box? Does that not go to the heart of what local democratic accountability means?

Mike Penning: It does and it allows people who do not live in London or one of the larger metropolitan areas with a mayor to have that elected person responsible. It might be difficult for councillors who have been sitting on committees for years to turn around and impartially say, "Hey, we have been doing it this way for years. There may be a better way to do this." I fully understand why some of the councillors who have spoken to me do not want change. That is the same argument we had when police authorities were removed and the PCCs came in. The PCCs are an unmitigated success—they must be, because Her Majesty's Opposition are supporting them. Therefore, given that the Government had a manifesto commitment to push forward with giving them this role—it is there in black and white—why would we not do so?

To mitigate the concern raised several times by the shadow Minister that money that comes from the fire precept could be offset and used for police, those are two separate funding streams that cannot—

Lyn Brown: Currently.

Mike Penning: No, not currently, because under the legislation they cannot be used across. Of course, common sense could be used. For instance, if a new police station is being built, we could bring joint funding together for that, but the accounting officer would have to agree to that.

Why do we need to do that? In my visits around the country I have been shown brand spanking new police stations—lovely! When we asked whether there was a consultation with fire to see whether they could be in there, we were told, "Well, we did think about it, but actually we needed it quite quickly and we needed it here." The real difficulty is that we cannot put a fire station into a police station—those big, red engines do not fit in so well—but we can do it the other way around. We have seen that, and it has operated well. The rationale behind what we are trying to do is that when common sense cannot be agreed on, there must be a mechanism. The cost of a referendum would be astronomical and disproportionate. I did not hear of referendums when the fire control centres were regionalised either, but that was an unmitigated disaster.

I will touch on a couple of other points. The PCCs categorically have to make sure that they consult, because otherwise they will put their business case to the Home Secretary and when the independent review is provided their case will be rejected. The Bill confers a duty on PCCs to

"consult each relevant authority about the proposal".

That ensures that consultation requirements capture all local authorities that operate fire and rescue committees or nominate members to a combined or metropolitan authority. That is in the Bill—it is physically there.

The other thing that I thought was somewhat concerning in one of the amendments was the concept that we would have to combine a referendum with when a local

[Mike Penning]

election takes place. In my part of the world in Hertfordshire, if that was talked about just after county elections it would be four years before we would have the next all-up county elections, and I do not think that would be acceptable.

The Bill's concept is to try to ensure that taxpayers' money is spent more efficiently and to keep separate emergency services. The hon. Member for North Durham touched on where ambulance services were and, interestingly enough, plans are already coming forward to some PCCs for triage ambulances to be brought in by local health service commissioners. That will evolve, but we are trying to have two blue lights working closely and the ambulance service working in two-tier collaboration. With all due respect to the shadow Minister, I think all the amendments are a delaying tactic for people who do not want that. If we are really honest about it, that is what they are about.

I respect that the Labour party does not want PCCs to run fire authorities, but I humbly disagree. I want duly elected people accountable to the public running the fire and rescue service where agreements can be made, based on existing fire authorities. That is crucial. There are other areas where there will be difficulties, but why should it be different for someone who lives in a metropolitan area from someone who lives in Hertfordshire? That is fundamentally wrong, so I ask the Committee to reject the amendments, which in my opinion are a delaying tactic.

The Chair: When the hon. Lady responds, will she give some indication of which amendments—if any—she wishes to proceed with?

Lyn Brown: We would like to press amendment 178 to a vote. We do not believe that it was very clearly in the Government's manifesto that they wanted to place fire services under PCCs. When the Minister spoke today, he reiterated what worries me. He said things like, "If the fire service does not agree, it can go to the Home Secretary". No, it should go to the people. The people should decide whether they want their PCC to be in charge of the fire and rescue authority. It was not in the manifesto—if it had been, I would feel much better about this. I read out the manifesto, and it takes a cryptologist to understand what it means. I will not take up any more time, other than to say that I would like to press Amendment 178 to a vote. This side of the Committee believes in localism and democracy. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

2.45 pm

Lyn Brown: I beg to move amendment 179, in schedule 1, page 113, line 16, at end insert—

"(7) Where an order under this section is made, the Secretary of State must make provisions for the establishment of a local fire and emergency committee within three months of the order.

(8) A local fire and emergency committee shall be comprised of a balance of members from the local authorities of the relevant policing area and independent experts.

(9) The local fire and emergency committee must—

(a) keep under review the exercise of functions of the police and crime commissioner,

(b) submit proposals to the police and crime commissioner,

(c) review any draft documentation produced by the police and crime commissioner.

(10) The local fire and emergency committee may require a police and crime commissioner, and chief fire officer, to attend local fire and emergency committee proceedings and to produce to the committee documents under the police and crime commissioner's control or possession.

(11) The local fire and emergency committee may veto the appointment of a chief fire officer.".

This amendment would place PCCs who assume control of a FRS within a framework of scrutiny which is similar to that proposed for the London Mayor.

The Chair: With this it will be convenient to discuss the following:

New clause 13—*Inspectors of Fire and Rescue Authorities*—

"(1) The Secretary of State must appoint—

(a) a chief Inspector of Fire and Rescue Authorities; and

(b) such number of inspectors of fire and rescue authorities as the Secretary of State may determine.

(2) The Secretary of State shall determine and pay to the persons appointed under this section such remuneration.

(3) The Secretary of State must instruct the Chief Inspector of the Fire and Rescue Authorities to—

(a) inquire into a matter mentioned in subsection (4); and

(b) to submit to them a written report on that matter by a date specified by them.

(4) The matters under subsection (3)(a) are—

(a) the state and efficiency of relevant authorities generally;

(b) the manner in which—

(i) a relevant authority is carrying out any of its functions under this Act; or

(ii) relevant authorities are carrying out such functions generally;

(c) technical matters relating to a function of a relevant authority under this Act.

(5) The Secretary of State shall lay a copy of each report submitted under subsection (3)(b) before Parliament."

This new clause would require the Home Secretary to establish a national inspectorate for the fire and rescue service.

New clause 14—*Amendment of the Fire and Rescue Act*—

"Amend section 21 of the Fire and Rescue Act 2004 (Fire and Rescue National Framework), after subsection 2(a) insert—

"(b) must set out national standards for the discharge of fire and rescue authorities' functions including, but not limited to—

(i) response times;

(ii) preparedness for major incidences;

(iii) quantity and quality of preventive work

(iv) firefighter fitness

(v) equipment and PPE, and

(vi) training""

This new clause would establish national standards for fire and rescue services.

Lyn Brown: I apologise—I got completely confused that we were not having a vote.

The Chair: It comes later.

Lyn Brown: I know, I have worked that out, but I was still sitting here thinking, "Why aren't we voting?"

Amendment 179 would require the Home Secretary to set up proper scrutiny arrangements for those fire and rescue services taken over by PCCs. New clause 13 would require the Home Secretary to establish a national inspection regime for the fire and rescue service. Currently, the Bill provides for the police and crime commissioners to become fire and rescue authorities. We do not think the Government have made the case for this fundamental reform but, if it is to happen, there needs to be an overhaul of the scrutiny regime that they will face. There must be rigorous scrutiny of their performance to ensure proper accountability and effective public services. Amendment 179 would provide for that.

At present, a fire and rescue authority is made up of elected council members providing a diversity of opinion and internal parliamentary-style scrutiny. The make-up of the panel is politically balanced in relation to the relevant local council. Fire and rescue associations are made up of the councillors genuinely interested in improving the fire and rescue service and improving services for their community.

James Cleverly: The hon. Lady made a mistake in the list of functions when she said that the members of the fire authority were there to provide scrutiny. They are not scrutineers; they are the executive. They perform the executive function, not the scrutiny function. As I mentioned in my speech in the Chamber, this goes to the heart of a fundamental misunderstanding of the role of fire authorities. They are not scrutineers of the executive; they are the executive. Does the hon. Lady agree?

Lyn Brown: We have a diversity of authorities in the country. When a fire and rescue authority is part of a council, the council provides the scrutiny of the fire and rescue function. There is an in-built scrutiny of the fire and rescue services by the local authorities. The Bill requires a PCC to provide police and crime panels with relevant information regarding their role as the fire and rescue authority. Police and crime panels are currently comprised of members understandably concerned primarily with matters of policing, so the new role will present a considerable extension of the role of the police and crime panel.

The Home Office currently provides funding to cover the cost of operating police and crime panels under the new burdens principle. However, the Home Office is yet to confirm to panels whether the funding will be available from 2016-17. In addition, the Home Office funding currently amounts to only £53,000 per panel annually. The Home Office calculated the amount to be paid to panels on the basis that they would need to hold only four meetings a year to provide the PCC with the light-touch scrutiny that it was thought was needed. Panels have struggled to ensure that they provide appropriate scrutiny of the PCC and fulfil their statutory duty in just four meetings a year, and they will struggle even more if they are expected to scrutinise the PCC's role as a fire and rescue authority as well.

How, then, do the Government expect police and crime panels to deal with that extra burden of responsibility? Will independent experts, with knowledge of fire and rescue services, be co-opted on to panels? Will the co-opted policing experts be expected to scrutinise the PCC's job as the fire and rescue authority? If so, what training is in place to ensure that they develop the required expertise? I am concerned that this model of governance will not provide the level of scrutiny required. We will therefore have police and crime panels, which are already creaking under financial constraints, further lumbered with the requirement to scrutinise police and crime commissioners in their role as fire and rescue authorities—a subject outside their expertise. Is it any wonder that the fire and rescue service is concerned about becoming a Cinderella service?

In our amendments we are proposing to create a separate fire and emergency committee, to be set up with powers to properly scrutinise police and crime commissioners over their role as fire and rescue authorities. Given what the Government are proposing in London, it is clear that they should support my amendment, because it is all consistent. In the provisions for London, the Bill sets out a fire and emergency committee to scrutinise the fire commissioner, who is appointed by the Mayor. Why should the rest of the country expect less scrutiny? Our amendment would create analogous committees wherever a PCC takes over a fire and rescue service. That will ensure that the governors of all fire and rescue services get the necessary level of scrutiny. What is good enough for London is good enough for the rest of the country.

What would that look like, and what powers would they hold? We propose that when the Secretary of State makes an order for a PCC to take over the fire and rescue authority, she must make provisions to establish a local fire and emergency committee within three months of the order. The committee would be comprised of a balance of members from the local authorities in the relevant policing area. It will also be able to co-opt independent fire experts on to the committee. They would be responsible for keeping under review the exercise of functions of the PCC, submitting proposals to the PCC and reviewing any draft documentation produced by the PCC. In short, they would provide scrutiny of, and advice to, PCCs in relation to the performance of their fire responsibilities, and they would be a proper scrutiny body rooted in local democracy.

This amendment would also enable a local fire and emergency committee to require a PCC and chief fire officer to attend local fire and emergency committee proceedings and to produce to the committee documents under the PCC's control or possession. They would have powers as well as responsibilities. The Government will note that the proposals for the role of the fire and emergency committee is concurrent with its role in London. If the Government support it in the capital, they really should support this amendment.

The amendment would create a separate fire and emergency committee to rigorously scrutinise the PCC on its fire responsibilities. It would remove budgetary pressures from the police and crime panels and ensure that experts in the field of fire are given a scrutiny role. Furthermore, it would bring scrutiny of PCCs outside London in line with that in the capital. If the Minister believes that a fire and emergency committee is required in London, I urge him to support this amendment.

New clause 13 would require the Home Secretary to establish a national inspection regime for the fire and rescue service. I tabled it to put on the record my concern about the absence in the Bill of any form of independent inspection of the quality of fire and rescue services. Police forces are subject to review by Her Majesty's inspectorate of constabulary, which has a remit to ask

[Lyn Brown]

the questions that citizens would ask, publish the answers in an accessible form and interpret the evidence. That allows the public to compare performance, and enables the public and their elected representatives to push for improvements.

Some people will no doubt resent or even resist the remit of HMIC. I can hear them now saying, "Who inspects the inspectors? Who are they to lord it over us on the frontline who know what's what?". In the same way, some people in the education sector resent the existence of Ofsted—not something I want to examine in detail here, I am sure the Committee will be pleased to know. My point is that some form of independent inspection is part of the process through which the public, as well as decision makers, can be assured about the quality of the public services on which they rely. It is also a route that identifies questions that need to be asked, issues that need to be flagged, concerns that need to be aired and challenges that need to be posed.

The last Labour Government brought to an end the former fire and rescue inspection regime. We replaced it with a role for the Audit Commission in providing a view on the economy, efficiency and effectiveness of fire services. Of course, the coalition Government, in their bonfire of the quangos, abolished the Audit Commission. It is an excellent development that, following the abolition of the Audit Commission and the national performance framework, the Local Government Association developed the operational assessment and fire peer programme as the focus of sector-led improvement, providing a boost to local accountability.

It is great news that, since its launch in 2012, all 46 fire and rescue services have undertaken the review. I am sure the Minister has heard, as I have, from front-line fire chiefs and operators that the peer review has helped them to develop their services and challenged them on areas where they could make their performance better. It has helped to plug the gap that was left behind, although some of us might think it is a bit too soft, because the peer review stuff does not have any teeth if people do not choose to improve the services that they are providing.

I am and always have been a great believer in local accountability. As a councillor for 18 years before being elected to this House, I experienced at first hand the discipline and accountability of an election, and the role of the ballot box in enabling our communities to have a say in the quality and effectiveness of the services that are delivered to them. It is a very powerful tool. However, excellent as the peer review programme and the accountability of the ballot box are, when it comes to a function as vital to public safety and community well-being as the fire and rescue service, I do not think they are good enough.

Mims Davies (Eastleigh) (Con): I am thinking back to the point about accountability and scrutiny in the fire service. As a councillor for nearly six years—I did not do quite as many years as the hon. Lady—it was the one area that I felt I had very little connection with, despite being an elected member. As a Member of Parliament, I have connected with the fire service in Hampshire and seen great work where it has looked at its peers and worked very well with the police. As a local councillor, I felt that the fire service was the one area that the electorate were excluded from in respect of how it worked with the community through elected bodies. I understand where you are coming from on this, but I like the idea of the PCC having a direct link with the community.

The Chair: May I gently remind the hon. Lady that she does not understand where I am coming from? I am completely neutral in this.

Lyn Brown: I am grateful to the hon. Lady. I think that I have moved on from where she is coming from, but I would be happy to have a conversation with her in the Tea Room about it. I left local government in 2005, when I came to this place. Before that, I sat for 15 years on the executive of my council, so I have experienced the scrutiny of my peers and I can tell you that in a place that was 60-nil, it was sometimes a little uncomfortable.

The Chair: The hon. Lady can tell the hon. Member for Eastleigh, but she cannot tell me.

3 pm

Lyn Brown: Did I do it again? I am sorry. It has been a long day and it is getting longer. I understand where the hon. Lady is coming from, but we do need to see the scrutiny of public services by people who are not immediately involved in delivering those services. We have to find a way to ensure that there is challenge and inspection.

At the moment, if a PCC takes over the fire and rescue service, three quarters of the services covered by that PCC will have an inspectorate judging what is done. Less than a quarter—the fire and rescue service—will have no inspection at all. That is not healthy for the public service that is not being scrutinised or inspected, nor is it healthy for the whole. I do not think that, in those circumstances, the fire and rescue service—the bit not being inspected—would receive equal consideration and concern to the parts being inspected. Does that make sense?

Jake Berry: The argument the hon. Lady is making for new clause 13 might receive further support if we understood how much the new fire inspectorate would cost. Is she able to update the Committee on the saving that was made when the previous fire inspectorate was abolished and the Audit Commission went in? Finally, can she say whether the reintroduction of the fire inspectorate would have the support of the fire unions?

Lyn Brown: I do not speak on behalf of the fire unions and I genuinely do not know their view on this. The scrutiny and audit function of the PCC costs £58,000 a year, which is funded by the Home Office. I do not have any figures on the abolition of the Audit Commission, nor on how much it cost for it to do anything.

I should tell the hon. Gentleman that, as a member of Her Majesty's Opposition, one gets the Bill and then has the opportunity to read it and write one's notes in the evenings and at weekends. I do not necessarily have the resources that are available to the Minister, although I must say that this Minister was very generous in allowing one or two of his resources to visit me for a whole hour to discuss the Bill. That is the aid that we get, so I am sorry that I do not have the figures at my fingertips. I am sure that the Minister will write to the hon. Gentleman with that information.

Mike Penning: Actually, I will be very generous and write to the whole Committee. I say subtly to the shadow Minister that she may find, when I get a chance to speak, that I have a degree of sympathy with what she is saying, although I will probably not be able to accept the new clause.

Lyn Brown: That is the best news I have had all day, but I will still go on.

If I were the Minister, there are three features of fire and rescue services and flood services on which I would want to be assured, so that I slept well at night. In homage to the three E's of the post-1997 Labour Government of economy, efficiency and effectiveness—how could we forget?—I will name them the three R's. As a Minister, I would want to know the following. Is each fire and rescue service robust—does it have the capacity to carry out the functions expected of it? As for resilience, can it continue to function under conditions of emergency and strain? On resources, does it have an adequate and sustainable budget to provide the resources it needs to undertake its functions? Those are the matters that I would expect the chief inspector of fire and rescue to support. In speaking to new clause 13, I am inviting the Minister to share with us how he envisages being assured that the fire and rescue services in England and Wales are robust, resilient and resourced.

New clause 14 would make the scrutiny and inspection regime I am calling for more rigorous by introducing a set of national standards into the fire service. The standard of protection and care that somebody receives from the fire and rescue service should not depend on where they live. Fire and rescue services have the freedom to develop their own standards of emergency cover, and that means that there is no national coherence in service standards. Across the country, despite the hard work of our dedicated and professional fire service, response times are increasing and fewer hours are being spent on preventive work as a result of the budget cuts imposed by the Government.

Being an ex-firefighter himself, I know that the Minister is aware that when dealing with a risk to life, every minute counts. Studies on response times have shown that if a person survives near to a fire for nine minutes, by one minute later the fire can increase in size by such an extent that they will die. More worryingly, if that is possible, nine minutes after ignition, a fire might still be small enough for the first crew in attendance to put it out with a hose reel, whereas one minute later, the fire could have grown by so much that it cannot be extinguished until another crew arrives and more complex firefighting systems are set up. The difference between arriving after nine and 10 minutes is not just a minute worse—response times do matter. I know that the Minister agrees with me on that, so I will not embarrass him by asking him to agree. He has been a professional, and he understands the issue.

A Government who were interested in leadership and the improvement of public services would introduce minimum standards across the country to tackle that issue. Those would provide a warning sign when reductions in spending and service provision created an unacceptable level of risk. It might also encourage an improvement in the slipping response times if standards were set starting from the principle of providing genuine and progressive improvement in the service that is provided to the public. Sadly, given the budget reductions before us, things will get worse.

The National Audit Office produced a report in November last year on the sustainability of fire services. It found that the Government did not know whether service reductions were leading to increased risk, and that they will only become aware of imprudent service reductions after the fact. That, the National Audit Office argued, was in large part because the Government do not model risk and have not sufficiently scrutinised the processes.

New clause 14 would provide national standards below which no fire and rescue service should drop. We would like to see national standards for response times; preparedness for major incidents; the quantity and quality of preventive work; firefighter fitness; equipment, including personal protective equipment; and training. Such a move would deal with many of the alarming findings in the National Audit Office report.

James Cleverly: This is an opportunity for the hon. Lady to take a breather. Does she not recognise that there is something of a contradiction between the points she was making on some of the earlier clauses about decentralisation, localisation, local accountability and local budget holding, and the position she is taking with this new clause, where she wants a whole raft of nationally set guidelines? There were national guidelines for the fire and rescue service—I concede that I might be wrong on this—under a Government formed by her party. How does she reconcile the localism she put forward in earlier amendments with the centralisation in her proposed national policy framework?

Lyn Brown: I admit that the hon. Gentleman has a point, but service reductions are going so far that in some parts of the country fire chiefs are telling me that their services are no longer sustainable. Some fire chiefs tell me that it is taking them 20 minutes to get to a shout and that if a person lives in the middle of the country, it takes at least 20 minutes for a fire appliance to get to them if there is a fire.

I am arguing for transparency. If I lived in a home where I knew a fire appliance was not going to be able to get to me for 20 minutes to half an hour, I would first want to have a conversation with my elected representatives who sit on the fire authority or the PCC, whoever it is who is responsible and talk to them about that 25 minutes to half an hour. I would be painfully aware that x fire station that was closer to me had been closed down a few years ago because of budget reductions. I would also be in a position where I could, as a home owner, make sure that I had all the necessaries in my home. For instance, I might want to invest in a sprinkler system. I would want to make sure that I had alarms. I think transparency is essential.

We are trying to open up a discussion about response times and standards because I do not think that that discussion is happening in the country in an open way, and it is about time it did. This is a probing amendment and I will not press it to a vote. We need to have a conversation collectively about what standards we expect from our fire services.

Jake Berry: Will the shadow Minister concede that if she succeeds in amendment 179 about a local inspection framework or gets the best news she has been waiting for all day from the Minister if he moves slightly and

[Jake Berry]

accepts that this amendment, although a probing one, is unnecessary because the standards could be set locally by local inspection committee?

Lyn Brown: I accept that, which is why this is a probing amendment. We are trying to say to the Committee that there are consequences if a PCC takes over a fire and rescue service. Three quarters of the service that the PCC will be responsible for is inspected fiercely; one quarter is not. We are very worried that our fire services are going to become Cinderella services. We are raising mechanisms by which we can have some kind of faith that the fire service will be able to deliver the service that people expect it to deliver. Many people in our constituencies and communities would be highly concerned to hear that there was a 20 minute lull before a fire engine or appliance turned up at their doorstep to put out a fire if they had called for it. We need to be much more transparent about this.

James Cleverly: I appreciate that this is a probing amendment designed to stimulate discussion on a particular topic. I congratulate the hon. Lady on doing that very thing. If the Opposition's amendments are not successful in delaying more direct involvement for PCCs in the governance of fire, the hon. Lady and her colleagues could push for an explicit set of performance indicators for PCCs at election time so that they are held to account for the performance of their fire service. That might go a long way towards providing the assurances that she wants—I am trying to be helpful.

While I do not want to sound like a broken record, it reminds me that if I do not have a local councillor who actually sits on the fire authority—as I do in Essex—having that information under the current regime gives me no power whatever. I may be disgruntled about performance or pleased with it, but there is nothing I can do about it at the ballot box. Does the hon. Lady agree?

Lyn Brown: I have forgotten what the hon. Gentleman said at the beginning. He suggested that there should be performance indicators. If we had a set of national standards, they would in effect be a performance indicator for a PCC to work towards. I do not accept the issue around accountability: the idea that the person responsible for the fire service has to be a ward councillor in that area. We vote for individuals to serve on the council. The council is then elected. It is of a certain political colour or hue. That political colour or hue presumably determines whether x or y resources are put into a service. If I was unhappy with the performance of my fire service, I would vote for a different political representative, of a different colour or hue, who was elected to my council.

3.15 pm

To try to take from our locally elected representatives—of whatever political colour—the idea that they are locally accountable is unfair and wrong. The ones who are giving me the hardest time are the Conservatives who have been elected to their fire and rescue authorities. They give me a really hard time when I go to see them. I presume that it would be the opposite way round for the Minister.

Mike Penning: No.

Lyn Brown: I can well believe it. Where was I?

Mike Penning: Finishing.

Lyn Brown: In his dreams. Currently, each fire and rescue authority carries out its own integrated risk management plan. Using the level of risks and the resource available to the service, they set their own standards. Those standards can vary both in outcome and in how they are measured. For example, in 2013-14 Merseyside fire and rescue service had a three-tier target for response standards. The standard for incidents that were considered high risk was set at 5 minutes, 59 seconds; medium risk at 6 minutes, 59 seconds; and low risk, 7 minutes, 59 seconds. In the same year, Cheshire fire and rescue service replaced its variable response standards with a blanket 10-minute response standard for all incidents where someone's life might be at risk. That is particularly shocking in light of the information regarding response times I referred to earlier. It really is time for us to begin to think about what a standard response time should look like across the country. I know that the term "postcode lottery" has become a cliché when we talk about public services, but those figures show that the standard of service people are receiving really does depend on where they live. We do not accept that inequality in service in our schools or in our hospitals, and we should not accept it in our fire service.

There is another concern. While I believe that most people understand that the fire and rescue service is delivered by their local authority, people still have some concept of fire and rescue as a national service that should be delivered in a uniform fashion. Therefore, even where people understand that it is provided locally, failure to deliver a reasonable standard in one area will directly affect people's trust in their own fire and rescue service.

In conclusion, the system as it stands is unfair and quite possibly unsafe. National standards have worked in our schools and hospitals, but the Government have not introduced national standards in the fire service. This is not just about creating national standards for national standards' sake, but trying to use them to improve the service. They can be used as a tool to arrest slipping response times and ensure that everybody receives an acceptable level of service from their fire and rescue service. If the Minister truly wants to show leadership—and I know that he does—and if the Government are interested in improving public services, I urge him to support our new clause 14, along with new clause 13 and amendment 179. Inspection, scrutiny and standards are all central to public service delivery.

Mike Penning: I will deal with the bit I cannot agree with. We probably could have saved the Committee 25 minutes, because I agree with most of the latter part of the hon. Lady's comments, and we can do something about them. It was not the latter part of her speech that convinced me, but the first line, because it is common sense.

On amendment 179, when a PCC takes responsibility for the fire and rescue service, the remit of the associated police and crime panel will be extended to include scrutiny of the PCC's fire and rescue function. Under the balanced appointment objective, which was set out

in the Police Reform and Social Responsibility Act 2011, the panel has to have the skills to make sure that it can act, as the hon. Lady requested. Not one of them has come to me and indicated that they are so rushed that they could not do this. Bringing other skills to that panel would be really good.

On inspection, the present peer review is something that the Home Secretary and I, and all the chiefs I have spoken to, believe is not acceptable, and we are going to review it. I will not set up a brand spanking new one because it was abolished for a reason, as it was very expensive. However, we will have a non-peer review. If someone is reviewing their mates down the road, the assumption, although I know they are all professionals, is that they will look at what they want to look at, not at what they do not. We will look at that, although I am not certain I will have a provision ready for Report. We will work together on that, because it is particularly important. It is also important that we get together all the professionals in the fire service, including the unions, to ensure that we can do that.

I am sympathetic, too, to the point on national standards. This is where I will be gentle. We were not in government 13 years ago when national standards were abolished and it was decided to make decisions locally, as the hon. Lady remarked. However, we need to have something not dissimilar to the College of Policing, so that we can bring professionals together to have a better understanding of response.

This is a really complicated area. I am conscious that the workforce in the fire service has moved an awfully long way in the past couple of years. However, to get this right we may need to do more. In the north-west, referred to by the hon. Lady, there are only 24 retained firefighters in the whole of Merseyside. In my part of the world, we have an awful lot. As for the hon. Lady's constituency, there are none in London. It is ludicrous in the 21st century that stations are closing when we could have day manning—eight hours—and night retained.

I have said before that I was an Essex fireman. This is very important—not that I was a fireman, because I was not a very good one—because I was a qualified fireman who went to work and did my job. However, when something happened on the hon. Lady's patch and they needed mutual aid from Essex, believe it or not, we had to come from Southend, Leigh or Basildon to go to London ground, because London would not allow retained firefighters to come to London ground, even though they needed the help. I know the reason why but I will not bring it up in Committee because it would not help. They had to come and back-fill for us, so we as whole-timers came into London. In the 21st century, when so many of those retained firefighters are whole-time, certainly in my part of the world, that is the sort of thing we are looking at.

In the north-west, Lancashire has moved to an 8/8 system. The whole-time firefighters do the busy times—they are all there at the same time—then they move to a whole-time retained situation at night. That is why one size is not going to fit all for the whole country; it cannot. The hon. Member for North Durham, who is not in his seat at the moment, might be interested to know that there are police community support officers in that part of the world who are retained firefighters. I cannot think of anything more community spirited in this wonderful country where volunteering is widespread. I know we will talk about volunteering again later. What more could we want?

One size is not going to fit all, which is why 13 years ago, the Labour party abolished response times. It is for locals to make up their own mind. However, I take on board the fact that we need to look carefully, as we have done with the police and the College of Policing, at a better way to ensure that we have a common standard that includes recruit training. Admittedly, many fire services around the country have not recruited for many years, but they will do so eventually, because that is the nature of the job as people retire. We should also include training through the system and the ranks, as we get skills coming forward.

I fully understand that point, and I will do as much as I can to work together with the relevant bodies on that. I think the hon. Lady might agree, as she indicated this was a probing amendment, and withdraw it.

Lyn Brown: The Minister has just made my day. What can I say? I am a very happy shadow Minister standing here. It is lovely to be so loved. I also want to pay respect to the retained firefighters, but, if the Minister does not mind, I am not going to be drawn into a debate about crewing, although I recognise what he says about boundaries. For me, that is where the Bill does not do it. We need to make sure our borders are softer than they actually are in order to keep our communities safe. However, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Lyn Brown: I beg to move amendment 182, in schedule 1, page 113, line 36, after "rights", insert ", budgets".

The Chair: With this it will be convenient to discuss the following:

Amendment 183, in schedule 1, page 113, line 38, at end insert ", whereby any budget transferred must be maintained at that same level for a maximum period of five years."

Amendment 184, in schedule 1, page 113, line 41, after "rights", insert ", budgets".

This amendment would protect agreed FRS budgets.

Lyn Brown: These amendments would protect fire service budgets for five years after a PCC takes over management of a fire and rescue authority. We are concerned that PCCs who have taken on responsibility for the fire and rescue service will have done so possibly to use fire budgets to bolster the spending power they have in the police service. They will not do this because they are bad people or because they do not care about the fire service; they will do it because the police service has been experiencing severe cuts in recent years, and the police and crime commissioner's role and top priority is what it says on the tin: police and crime commissioner, not fire commissioner.

The police force is facing funding challenges. Budgets for next year have not been protected in real terms. They are being cut again for the sixth year in a row, at a time when crime is rising and the country is facing increasing risk. Some 18,000 police staff were cut during the previous Parliament, 12,000 of them front-line and

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operational staff. Such cuts are disproportionately affecting our metropolitan areas. For example, West Midlands police has been hit twice as hard as Surrey police. With six years of cuts behind them and another four years of cutbacks planned, the police are facing a whole decade of cuts to funding. It is no wonder that PCCs might be eyeing up the chance to take over the fire budgets to prop up their own dwindling resources, but this cannot be allowed to happen.

The fire and rescue service reduced spending by 12% during the previous Parliament—a cumulative cash cut of £236 million—and there will be more to come. We know from the local government funding settlement that fire and rescue services are expected to cut spending by a further £135 million by the end of the Parliament. A stretched service is going to get squeezed even tighter.

As I have said, the fire service is already experiencing significant budgetary pressures, and this is damaging services. Since 2009-10, there has been a huge cut in the number of whole-time firefighters. Durham fire and rescue service has cut its whole-time firefighters by 73, while Surrey has been cut by 91 and Cleveland by 120. Surrey fire and rescue service has also seen its number of fire appliances cut by a quarter, from 40 to 30. Hertfordshire lost a quarter of its fire stations in the same period. I wonder what the people of Hemel Hempstead think of that.

The Chancellor's budget cuts are having a real impact on our fire and rescue services. Despite the hard work and professionalism of our firefighters up and down the country, we have seen response times increasing. I know that the West Midlands fire service, despite its excellent work, has seen almost a minute added to its response times in all incident types since 2010. A minute might not sound a lot, but I know that if I am trapped in a car, crushed by the steering wheel, or in a house on fire, every minute will feel like a lifetime. The Minister, as a former firefighter, knows that a minute can make the difference between life and death. Every second counts. I know that not all changes to response times can be attributed to funding for the fire service—our roads are a heck of a lot busier—but when a local fire station closes, response times are likely to increase.

3.30 pm

Firefighters fear for the future of their services. When I met firefighters, some told me that their services would not be viable in future as a result of the cuts to their budget. We cannot reasonably expect them also to shoulder the burden of police cuts; their shoulders are simply not broad enough. I tabled the amendment in an attempt to protect already overstretched fire budgets by ensuring that they are not used to prop up police budgets facing massive cuts. At a time when both services are experiencing budgetary pressures, we must not allow PCCs to put the future of one service at risk in order to bolster the other. The amendment would safeguard against that, and I urge the Minister to accept it.

Mike Penning: Fire services, like the rest of local government, asked for a four-year settlement and were given one. They know exactly where their budgets are. The Government amendment to schedule 1, to which we will come later, ensures that there will remain clear, transparent accounting arrangements for fire funding, and that effective scrutiny and accountability arrangements are in place. I reiterate that a PCC will not be able to use a fire budget for policing or vice versa. It says specifically on the face of the Bill that that cannot be done. Nothing in the Bill indicates anything to do with privatisation. I never heard of the fire service being privatised in the whole time that I served in it. I know that a bit of scaremongering is going on, but the Bill is absolutely rigid on that.

It is for Parliament to decide the funding arrangements, but the funding is set in statute, and everybody knows exactly where they are. There will be separate paths. Of course accountability is necessary, for instance on procurement, as we discussed earlier. I intend to publish a procurement table soon, like the one I published for the police, so that everybody in the country will know the main items purchased by the fire authorities, how much they paid for them and any discrepancies, so we can bring things together. I have used white shirts as an obvious example. At the moment, I can guarantee that most white shirts are being bought by the police and not by the fire service. There is no collaboration in the purchasing requirements. Surely that is logical, but the accounting for that will not come out of one budget; naturally enough, it will be done across the piece.

I think that generally, the shadow Minister feels that money could be taken from one pot and put in the other, but it does not say that on the face of the Bill, and I give guarantees on the Bill. She looks at me very nicely, as if she might not believe me. The Bill is quite specific that there will be two separate funding streams, to be accounted for with the accountability and scrutiny required. Only when collaboration occurs do we want to consider joint purchasing, and then it will be separated out. I honestly do not see the need for the amendment. If people keep talking about privatisation of the fire service, somebody somewhere might believe it, although not anyone on the Government Benches.

Lyn Brown: I am grateful to the Minister for what he has said. It has gone further than what is written on the face of the Bill. I ask him to take our amendment away and think about it, and consider whether he can make what is on the face of the Bill just a little more convincing. At the moment, we are not convinced, and there are people out there who are not either. We would be grateful if he considered doing so, but we will not push the amendment to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 1, in schedule 1, page 114, line 34, at end insert—

'(3A) A fire and rescue authority created by an order under section 4A must appoint a person to be responsible for the proper administration of the authority's financial affairs (a "chief finance officer").

(3B) A fire and rescue authority created by an order under section 4A must appoint a person to act as chief finance officer of the authority if and so long as—

(a) that post is vacant, or

(b) the holder of that post is, in the authority's opinion, unable to carry out the duties of that post.

(3C) Section 113 of the Local Government Finance Act 1988 (qualifications of responsible officer) applies to a person appointed under subsection (3A) or (3B) as it applies to the persons having responsibility for the administration of financial affairs mentioned in that section."—*(Mike Penning.)*

This amendment and amendment 2 require a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 to appoint a chief finance officer who is responsible for the proper administration of the authority's financial affairs.

The Chair: With this it will be convenient to discuss Government amendments 2 to 24 and 26.

Mike Penning: I am pleased to say, based on my scribbled notes from earlier discussions, that these are consequential amendments.

Lyn Brown: I would like to speak about amendment 8, which is part of this group. If the Minister wanted to call for a comfort break and a cup of tea, I would not object.

The amendment states that a chief constable, when playing the role of a fire and rescue authority, must secure "good value for money" from the fire and rescue service and from persons exercising functions delegated by the chief constable. I genuinely do not understand why the Government have tabled the amendment. I honestly do not get it. Would a chief constable performing the role of a fire and rescue authority in this scenario not already be covered by the obligation for local authorities to seek best value? If so, what is different and additional about the amendment? It appears to have an exclusively monetary focus on value, but does the Minister really think that fire and rescue authorities are not already trying to deliver the best service they can with the budgets they are set? If he does, why is he not confident that chief constables will also be honest and diligent administrators under his single employer model?

I must say that the task of deciphering the Government's intentions is sometimes made more difficult by the process whereby they carry out legislation. The amendment was one among 56 pages of amendments that were dumped on my desk just a few days before this sitting. That meant that my whole weekend—Friday night, Saturday and Sunday—was taken up by working on the Bill. If the Bill had been in better order before it came before the Committee, the Minister would not have had to table so many amendments just before the sitting.

These are amendments, rather than original clauses, so they do not come with explanatory notes. I have not had the time to scrutinise or study them properly. I wonder whether this is the right way to go about parliamentary process. I have stood up to speak on this amendment so I can draw to the Committee's attention the concerns that have been brought to me. The amendment might be used as a justification for the outsourcing of front-line services. One could imagine a situation where a chief constable outsources services to a private contractor and argues that his hands were tied as the contractor could deliver the service at a lower cost than the direct provision by the fire and rescue service.

We will get to privatisation later, but I am sure that the Minister would like to take the opportunity to put those fears to bed by offering a comprehensive reason as to why the Government felt the need to table amendment 8.

Mike Penning: I cannot believe that we are talking about privatisation again, especially on this group of amendments, but let me reiterate what I said earlier. There is absolutely no pressure, innuendo or anything else in the Bill on privatisation. The shadow Minister mentioned best value and asked why we are doing this. When I became the Fire Minister, I took a look at type-approved procurement. Our police service desperately needs body armour, and there was nearly £300 difference between one force and another. Where is the best value there? On batons, there was a difference of nearly £80. I would love to say that every single force will do exactly what we would expect them to do and get best value for the taxpayer, but with the Bill we are ensuring that that is exactly what they do and that is what it says on the tin. It has nothing to do with private provision. I hope that I have helped the hon. Lady out once and for all, but perhaps not.

Lyn Brown: I will press the Minister further on privatisation a little later, but I genuinely do not understand: first, why amendment 8 was not in the Bill in the first place; secondly, why it does not come with an explanatory note; and, thirdly, why the chief constable is not already covered by the obligation on local authorities to seek best value. I genuinely do not get it, and I would be grateful if the Minister let me know why the amendment is here in this form. It is being added late to the Bill with no explanatory note and, because there is no explanatory note, it is open-ended.

Amendment 1 agreed to.

Lyn Brown: I beg to move amendment 188, in schedule 1, page 114, line 37, leave out "appoint" and insert "employ".

The Chair: With this it will be convenient to discuss amendment 189, in schedule 1, page 115, line 37, at end insert—

'(13) A police and crime commissioner who becomes a fire and rescue authority is not permitted to privatise any part of the fire and rescue service.

(14) For the purposes of this Bill, privatisation is defined as—

(a) the transfer of ownership of the fire and rescue service to a private sector entity, or

(b) outsourcing of the authority's frontline functions under this Act to a private sector company."

This amendment, along with amendment 188, would prevent a PCC from privatising the part of the fire and rescue service which they assume control of.

Lyn Brown: I am disappointed that the Minister could not answer the basic questions arising from the previous group of amendments, and I would be grateful if he wrote to me and the rest of the Committee on that. I genuinely do not understand why amendment 8 was not included in the Bill as introduced, why it had to be an amendment and why, being an amendment, it is not covered by an explanatory note, which would have made it easier for us all to understand.

Amendments 188 and 189 seek cast-iron guarantees from the Government that the reforms are not a back door for privatisation of the fire and rescue service. The Minister may claim that I am being alarmist in raising the threat of privatisation, but there is some evidence that the danger is real. In 2012, Cleveland fire and rescue service received funding from the Government's mutual support programme to look into becoming a social enterprise. We argued at the time that that was a backdoor to privatisation, and we were right. At the moment, there are core tasks of firefighting that, by law, can be carried out only by an employee of a fire and

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rescue authority. The then fire Minister, the hon. Member for Great Yarmouth (Brandon Lewis), wrote to the Select Committee on Regulatory Reform stating that he wanted to change the law to

"enable fire and rescue authorities in England to contract out their full range of services to a suitable provider".

Ostensibly, the measure was proposed to allow Cleveland fire and rescue service to become a social enterprise but, as we said at the time, the change in the law would have meant that there was nothing to stop fire and rescue authorities contracting out to other suitable providers. Profit-making firms would inevitably have followed, especially when we consider competition laws and the duties on authorities, such as that provided for by Government amendment 8, requiring them to seek best value for money. In fact, it makes me wonder why amendment 8 came so late.

The current Minister of State for Trade and Investment, Lord Maude, who was then Paymaster General, was unequivocal about the Government's support. He also expressed hope that more fire and rescue services, and indeed more public services in other areas, would follow suit:

"If a fire brigade can spin itself out as a mutual business, it shows there are few no-go areas of public service where this innovative approach to delivery cannot reach."

Few no-go areas of public service. A rare moment of clarity from a Minister.

In the face of opposition, the Government eventually got cold feet about turning Cleveland fire and rescue service into a social enterprise, but I have not forgotten their support and their attempts to change laws that prevent privatisation, nor have those working in the fire service. What reason do we have for thinking that the Government have since changed their intentions? Before the election, I spoke to independent consultants and experts about the future viability of the fire and rescue service. They told me that, under the Government's spending plans, the fire service could only go on by adopting one of three reforms. They could entirely abandon the model of full-time professional firefighters, they could be consolidated into one centrally managed national service, or they could privatise the services to allow them to make a profit from those who can afford to pay for extra fire provision. Since the election, we have seen that the Government wish the fire service to reduce spending by a further £135 million by the end of the Parliament, so I ask the Minister, "Which is it?" I know it is not a national service, or a part-time fire service, even in our urban areas. So is it privatisation?

3.45 pm

The story of privatisation following defunding is not new. In Cleveland, the push to privatise came as a result of budget cuts. Despite talk of mutualisation, it certainly was not a drive from firefighters, because they voted overwhelmingly against it. Ian Hayton, the chief fire officer of Cleveland, said:

"We are losing £5.8 million from our £30 million budget and our concern is to safeguard the services we deliver and the jobs of the people who deliver them. The alternative for us is to continue salami-slicing in a way that a number of other public services are doing."

When police and crime commissioners work out just what a hospital pass the Government are sending them in a severely underfunded fire service, who is to say that they will not reach the same conclusion as Mr Hayton? They might think it better to privatise so that they can sell services for profit rather than absorb unsustainable cuts in spending power, but I hope that no PCC makes that choice. Where privatisation has happened to the frontline of the fire service, it has not worked, and it is a completely inappropriate model of government for protecting against the risk of fire.

In the past decade, the London fire brigade and the Lincolnshire fire and rescue service entered into arrangements with the private company AssetCo. AssetCo provided the services with appliances and equipment, and even firefighting staff. The company was badly mismanaged, and it ended up £140 million in debt, despite having only £5 million of assets, and Lincolnshire and London had to cancel their contracts and re-plan the provision of services.

There are many reasons why the 2004 FiReControl project did not work, and it would be churlish to suggest that all the blame can be laid at the feet of the private providers. However, the National Audit Office's post-mortem of the project made it clear that the private consultants that the project relied on were unaccountable and hard to manage and that that was arguably one of the reasons the project failed. What a contrast to our accountable fire and rescue authorities, which, despite having to deal with a £236 million cash cut over the past Parliament, avoided any financial failure. Indeed, the National Audit Office has praised the financial management of fire and rescue authorities and has said that they coped well with the financial challenges they faced.

History suggests that democratically accountable administrators have performed better in fire than those who answer only to remote shareholders, but democratically accountable administration is only one reason to oppose privatisation. The most important reason is that it is a completely inappropriate model for a public good such as fire services.

James Cleverly: I appreciate the hon. Lady's giving way yet again; she is being generous with her time. Will she recognise that the contract that took the London fire brigade's fleet and its maintenance into private ownership was signed under a Labour-run Administration in a Labour-run fire authority, using exactly the model that she claims would prevent such problems occurring? If she is willing to concede those points, will she also concede that proposing the structures she does as a defence against badly drafted contracts is no defence at all?

Lyn Brown: I am now getting tired, and I do not understand what the hon. Gentleman is getting at.

James Cleverly: I am happy to clarify.

Lyn Brown: No, no, I do not need that, but I happily accept that the contracts I have spoken of came under a Labour Administration.

We all benefit from full and proper mitigation of the dangers posed by fire, flooding and other natural disasters. If a factory is ablaze, it is not just the factory owner and the workers who benefit from a swift response, but all

the people in surrounding buildings who do not see the fire spread. It follows that we put all that at risk when provision of fire services moves away from the desire to increase resilience and mitigate risk.

If resources are diverted away from unprofitable and risky objectives into covering profitable but comparatively less risky objectives, we all suffer and are slightly less safe. Make no mistake: if and when a fire service is allowed to be run for profit, that is what may well happen. Businesses with big pockets but relatively low fire risks will divert resources away from where they are really needed. We cannot allow that to happen. The principle that protection from the risk of fire is a public good and a universal public interest is what makes privatising the fire and rescue service a fundamentally bad idea.

When the Government abandoned their plans for back-door privatisation in Cleveland, the then Secretary of State for Communities and Local Government offered what was, to be fair, an unequivocal commitment to prevent privatisation of fire and rescue services in future. This is what he said:

"Let me be absolutely clear. We will make no move, directly or indirectly, that involves the privatisation of the fire service. It is not our intention, nor will we allow, private firms to run the fire service."

I invite the Minister to make a similar unequivocal statement today. In fairness, I have asked him to do so before, but I feel that he has ducked the question. If he does it again today, I put it to him that people have every right to be worried that the reforms are intended to be a pathway to back-door privatisation, especially if he rejects our amendments ruling out front-line privatisation.

If the reforms are intended as a back door to the privatisation of the fire and rescue service, that is a disaster. Privatisation is not in the interests of public safety, it is not popular and when it has been tried, it has failed. No wonder the Government would not contemplate privatising the service in the open. I hope that they do not try to get there covertly. I am looking for an absolutely clear statement that this Government will not allow privatisation.

Mike Penning: Let me make it clear that there are no plans to change the legislation to enable privatisation of the fire service—end of story. I completely agree with what the Secretary of State said. Hopefully, the scaremongering can now cease. However, I say to the shadow Minister that there are measures restricting what work can be done by our fire services that is presently being done by the private sector. I am looking very carefully at them, because I am not happy with them.

Going back all those years to when I was a young fireman, one thing that I used to do was fire prevention officer work. We would go out and do inspections of care homes and old people's homes. We had a relationship. Let me give the Committee an example of what happened in my own constituency. I got a phone call from the warden of a residential home saying that some of the residents were in tears and very upset because the fire brigade had been there to do an inspection and had told them they had to remove their mats, all the pictures from the corridor and their plastic flowers from the windowsills. Why would the fire service do that? I shot over there and said, "I have no idea why the fire service would dream of doing such a thing," because personally, as an ex-fireman, I could not see the risk. "Let me ask the chief constable." The chief constable wrote back to me and said, "It's a private company doing it for the local authorities. We can't bid for that work, because we are not allowed to show that we make a profit from it." That is not privatisation of the fire service; it is doing work at cost so that the private sector does not scare people in my constituency. That is one reason why I am considering the measures carefully.

To give another example, I went into the workshops in Hampshire; they have some fantastic workshops. They are not allowed to bid for work from local government agencies, because they are not allowed to make a profit. I do not think that the shadow Minister does not want those facilities to be used in the right sort of way, but I categorically reject the need for this change, because there are no plans to change the legislation, which is not in this legislation. For instance, a firefighter has a right of entry. That right is reserved to firefighters. That cannot be done. The police have rights and the fire service has rights. That is in statute.

I say, very respectfully, that we should just nip this in the bud here and now. I cannot be any more adamant. Actually, perhaps I could go a little bit further: I would not be the fire Minister should we privatise the fire service. I would not do that job. And there is no plan.

Lyn Brown: I am really grateful to the fire Minister for making that clear. What I do not understand is why he will not accept amendment 189.

Mike Penning: Because there is no need for it.

Lyn Brown: I do not care whether there is a need for it or not. I do not understand why the Minister will not accept it. I will push it to a vote, but I would be really grateful if he came back with a form of words that were his own and that he felt made this position absolutely clear in the Bill.

Mike Penning: I could not have been any more explicit. I do not think any Minister ever has been more explicit about the lack of a need for an amendment, because the legislation is not even here to allow that to happen. So why would I accept an amendment that is on a false premise? That is why not. I suggest the hon. Lady pushes the amendment to a vote—let the Committee decide.

Lyn Brown: The Minister understands where this is coming from, because he understands what fissures were rocketed through the fire service community when the whole Cleveland debate was happening, and when his own Ministers were talking so expansively about how this would be a jolly good thing.

Mike Penning: Then push it to a vote.

Lyn Brown: I know the former Secretary of State was quite clear and unequivocal in what he said, but surely the Minister can see the desire to have this in the Bill, because it would completely and utterly allay all worries.

The Chair: For the sake of getting the procedure right, I understand that the hon. Lady wants to have a Division on amendment 189, in which case she will now have to withdraw amendment 188.

Lyn Brown: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: 2, in schedule 1, page 114, line 37, after "such" insert "other".

See the explanatory statement for amendment 1.

Amendment 3, in schedule 1, page 115, line 37, at end insert—

"4DA Requirement for authority created by section 4A order to have fire fund

(1) Each fire and rescue authority created by an order under section 4A must keep a fund to be known as the fire fund.

(2) All of the receipts of a fire and rescue authority created by an order under section 4A must be paid into the relevant fire fund.

(3) All of the expenditure of a fire and rescue authority created by an order under section 4A must be paid out of the relevant fire fund.

(4) A fire and rescue authority created by an order under section 4A must keep accounts of payments made into or out of the relevant fire fund.

(5) Subsections (2) and (3) are subject to the provisions of—

(a) the scheme established under section 26 of the Fire Services Act 1947 (Firemen's Pension Scheme) (as continued in force by order under section 36),

(b) a scheme under section 34 (pensions etc), or

(c) scheme regulations within the meaning of the Public Service Pensions Act 2013.

(6) In this section "relevant fire fund", in relation to a fire and rescue authority created by an order under section 4A, means the fire fund which that authority keeps."—*(Mike Penning.)*

This amendment requires a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 to keep a fire fund and to pay receipts into and expenditure out of that fund.

Amendment proposed: 189, in schedule 1, page 115, line 37, at end insert—

"(13) A police and crime commissioner who becomes a fire and rescue authority is not permitted to privatise any part of the fire and rescue service.

(14) For the purposes of this Bill, privatisation is defined as—

(a) the transfer of ownership of the fire and rescue service to a private sector entity, or

(b) outsourcing of the authority's frontline functions under this Act to a private sector company."—*(Lyn Brown.)*

This amendment, along with amendment 188, would prevent a PCC from privatising the part of the fire and rescue service which they assume control of.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 2]

AYES

Brown, Lyn	Jones, Gerald
Dromey, Jack	Saville Roberts, Liz
Harris, Carolyn	Smith, Jeff

NOES

Berry, Jake	Elphicke, Charlie
Bradley, Karen	Milling, Amanda
Cleverly, James	Penning, rh Mike
Davies, Mims	Whittaker, Craig

Question accordingly negatived.

Amendments made: 4, in schedule 1, page 115, line 38, at end insert—

'( ) A fire and rescue authority created by an order under section 4A must exercise its functions efficiently and effectively."

This amendment places a duty on a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 to exercise its functions efficiently and effectively.

Amendment 5, in schedule 1, page 116, line 25, at end insert—

"4EA Section 4A order: transitional provision

(1) The transitional provision which may be made by an order under section 4A by virtue of section 60(2)(b) includes, in particular, provision of the kind described in the following provisions of this section.

(2) An order under section 4A may make provision for a specified person to be the shadow fire and rescue authority for the area to which the order relates for a specified period.

(3) A shadow fire and rescue authority is a person who has the specified functions of a fire and rescue authority in relation to that area, but is not otherwise the fire and rescue authority for that area.

(4) An order under section 4A which includes provision by virtue of subsection (2) may make provision about the operation of any enactment in relation to—

(a) the shadow fire and rescue authority, or

(b) any other person to whom the enactment would otherwise apply.

(5) This includes provision for the enactment to apply with modifications in relation to a person within subsection (4)(a) or (b).

(6) An order under section 4A may make provision about the operation of the Local Government Finance Act 1992 in relation to the fire and rescue authority created by the order during a specified period beginning with the time when the authority becomes the fire and rescue authority for the area to which the order relates.

(7) This includes provision for that Act to apply for that period with modifications in relation to—

(a) the authority, or

(b) any other person to whom that Act would otherwise apply.

(8) Provision under subsection (4) or (6) may, in particular, make different provision for different parts of an authority's area.

(9) In this section—

(a) "specified" means specified in an order under section 4A;

(b) "enactment" includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;

(c) references to the Local Government Finance Act 1992 include any provision made under that Act."—*(Mike Penning.)*

This amendment confirms that an order under new section 4A of the Fire and Rescue Services Act 2004 may make provision for the creation of a shadow authority to exercise preparatory functions in the lead-up to a fire and rescue authority assuming full responsibility for fire and rescue services in an area. It also allows an order to make provision about the application of the Local Government Finance Act 1992 to the authority for a specified period after it is fully in force.

4 pm

Lyn Brown: I beg to move amendment 175, in schedule 1, page 116, leave out from line 26 to line 35 on page 119.

This amendment would remove the 'single employer model' option from the Bill.

The Chair: With this it will be convenient to discuss amendment 176, in schedule 1, page 121, line 17, leave out paragraph 10.

This amendment will retain the prohibition on employing police staff to carry out any of the functions of the Fire and Rescue Service.

Lyn Brown: The Bill contains three models of PCCs managing the fire and rescue service. Amendments 175 and 176 would remove the single-employer model.

A large proportion of the work carried out by the fire service is preventive work. In 2013-14, fire and rescue authorities and partner organisations undertook more than 672,196 home fire safety checks—10% fewer than in 2012-13. When this preventive work is done, smoke alarms are checked, sprinklers are fitted and homes are made safer. As we heard earlier in the Committee, fire staff also perform public health functions, such as conducting temperature checks for the elderly and referring on vulnerable people who welcome them into their homes to public bodies that can help them. This preventive work is not an add-on to the fire service's work; it is at the core of what it does.

We need to be honest: there are some people who would not welcome a policeman into their homes without a warrant. Police officers are enforcers. It can be scary having them turn up on the doorstep, and we often fear the worst. There are fears that, under the single-employer model, it may be more difficult for the fire service to carry out its vital preventive work if a member of the public is concerned that the firefighter coming into their home might have to share information with or report back to their boss, the police. This is not an attack on the police—mine in West Ham are great—but we have to recognise that there is a fundamental difference between the humanitarian service that the fire and rescue service provides and the law enforcement service provided by the police. In order for the public to allow firefighters into their homes for preventive checks, trust in the fire service has to be at a level that is, quite simply, not paralleled in the police force.

There is also the issue of workers in the police force and the fire and rescue service enjoying different terms and conditions of employment, not least on the right to strike. There are legitimate fears that the single-employer model will be used as a means of cutting back on the workers' rights of those in the fire service. Furthermore, I am genuinely concerned that this model may lead to privatisation in the fire and rescue service. I know that the Minister is going to get grumpy with me, but I gently say to him that Ministers come and go, and although I would like to see him in his job forever—well, until I get there, of course—we need to make sure that we protect the fire service from encroaching privatisation.

There will be a duty on the chief constable to ensure that he is getting good value for money from the functions relating to the fire and rescue services that are conferred on the chief constable. That is sufficiently ambiguous—a bit like the Conservative party manifesto in this area—as to be interpreted as empowering the chief constable to find an alternative provider if they think they can get better value for money.

I urge the Minister to accept our amendments. The single-employer model is a danger to the independence of the fire service and is raising concerns that these changes are more about slashing workers' rights and privatising the public service than the public good. The single-employer model may undermine the trust between the fire and rescue service and the public, making vital preventive work more difficult. There is also concern that this part of the Bill might lead to privatisation through the back door.

Mike Penning: I beg the Committee's pardon, but I shall not respond to the comments on privatisation again; I have addressed them and we are where we need to be.

If I accepted amendment 75, it would remove a key advantage of the Bill: the ability of local areas to realise the benefits of the single-employer model where the local case is made. In doing so, it would restrict the options available to local areas in driving further collaboration between the police force and fire services. It would destroy a key part of the Bill.

Although the shadow Minister seems to think that I will be the Minister for ever such a long time, that is not the case, because I am an old man. It is imperative that we keep the three options as they are. The key to the Bill is giving the options for collaboration. The single-employer model is vital to that. I therefore urge the shadow Minister to withdraw her amendment. Otherwise, we will have to vote it down.

Lyn Brown: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: 6, in schedule 1, page 118, line 1, after "(7)" insert

"Subject to subsections (7A) to (7C),"

This amendment and amendment 7 apply where fire and rescue functions are delegated to a chief constable by an order under new section 4F of the Fire and Rescue Services Act 2004. They require the police force's chief finance officer to be responsible for the proper administration of financial affairs relating to those functions and enable other employees to be responsible for financial affairs relating both to fire and to policing.

Amendment 7, in schedule 1, page 118, line 5, at end insert—

'(7A) Where an order under section 4F is in force in relation to the chief constable of the police force for a police area, the person who is for the time being the police force's chief finance officer is to be responsible for the proper administration of financial affairs relating to the exercise of functions delegated to the chief constable under the order.

(7B) Subsection (7) does not prevent a person who is employed as a finance officer for fire functions from being at the same time employed as a finance officer for police functions.

(7C) In subsection (7B)—

"finance officer for fire functions" means a member of a chief constable's fire and rescue staff who—

(a) is not a chief finance officer of the kind mentioned in subsection (7A), and

(b) is employed to carry out duties relating to the proper administration of financial affairs relating to the exercise of functions delegated to the chief constable under an order under section 4F;

"finance officer for police functions" means a member of a chief constable's civilian staff within the meaning of the Police Reform and Social Responsibility Act 2011 who—

(a) is not a chief finance officer of the kind mentioned in subsection (7A), and

(b) is employed to carry out duties relating to the proper administration of a police force's financial affairs."

See the explanatory statement for amendment 6.

Amendment 8, in schedule 1, page 118, line 45, at end insert—

'( ) The chief constable must secure that good value for money is obtained in exercising—

(a) functions which are delegated under the order, and

(b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.

( ) The chief constable must secure that persons exercising functions delegated by the chief constable under the order obtain good value for money in exercising those functions."

This amendment places a duty on a chief constable to whom functions are delegated under an order under new section 4F of the Fire and Rescue Services Act 2004 to secure good value for money in the exercise of the chief constable's fire and rescue functions.

Amendment 9, in schedule 1, page 118, line 48, leave out "and" and insert—

"() secure the exercise of the duties relating to fire and rescue services which are imposed on the chief constable by or by virtue of any enactment,"

This amendment and amendments 10 and 11 ensure that a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 may scrutinise the exercise of fire and rescue functions conferred on a chief constable by any enactment as well as functions delegated to the chief constable under an order under new section 4F of that Act.

Amendment 10, in schedule 1, page 119, line 2, at end insert ", and

() secure that functions relating to fire and rescue services which are conferred or imposed on the chief constable by or by virtue of any enactment are exercised efficiently and effectively."

See the explanatory statement for amendment 9.

Amendment 11, in schedule 1, page 119, line 4, leave out

"the functions which are delegated under the order"

and insert "such functions".

See the explanatory statement for amendment 9.

Amendment 104, in schedule 1, page 120, line 11, at end insert—

In section 5A (powers of certain fire and rescue authorities) in subsection (3) (authorities to which powers apply)—

(a) omit the "or" at the end of paragraph (c), and

(b) at the end of paragraph (d) insert ", or

(e) created by an order under section 4A.""

This amendment and amendment 105 make provision for the general powers of fire and rescue authorities in section 5A of the Fire and Rescue Services Act 2004 to apply to a fire and rescue authority created by an order under new section 4A of that Act.

Amendment 105, in schedule 1, page 120, leave out lines 13 to 27.—*(Mike Penning.)*

See the explanatory statement for amendment 104.

Amendment proposed: 178, in schedule 1, page 123, line 17, at end insert—

'(4) An order under section 4A, where modified or not by the Secretary of State, may only be made with either: consent of the relevant local authority and relevant fire and rescue authority, or a majority vote by local people through referendum."—*(Lyn Brown.)*

This amendment would ensure that a PCC can only take over a Fire and Rescue Service with the approval of local people or their local representatives.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 3]

AYES

Brown, Lyn	Jones, Gerald
Dromey, Jack	Saville Roberts, Liz
Harris, Carolyn	Smith, Jeff

NOES

Berry, Jake	Elphicke, Charlie
Bradley, Karen	Milling, Amanda
Cleverly, James	Penning, rh Mike
Davies, Mims	Whittaker, Craig

Question accordingly negatived.

Amendments made: 12, in schedule 1, page 125, line 39, leave out "and (2)" and insert ", (1B), (2), (5A) and (5B)".

This amendment and amendment 13 require a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 to consult people in its area and ratepayers' representatives on its proposals for expenditure in each financial year.

Amendment 13, in schedule 1, page 126, line 6, at end insert—

( ) in subsections (1B) and (5) the references to a police area listed in Schedule 1 to that Act were to the area of a relevant fire and rescue authority,"

See the explanatory statement for amendment 12.

Amendment 14, in schedule 1, page 127, line 19, leave out "and (2)" and insert ", (2) and (4) to (7)".

This amendment and amendments 15 to 18 apply the provisions in section 17 of the Police Reform and Social Responsibility Act 2011 about the duties of a police and crime commissioner in carrying out the commissioner's functions to a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004.

Amendment 15, in schedule 1, page 127, line 25, at end insert—

( ) the reference in subsection (1) to policing in an elected local policing body's area were to fire and rescue services in the relevant fire and rescue authority's area,"

See the explanatory statement for amendment 14.

Amendment 16, in schedule 1, page 127, line 26, after "reference" insert "in subsection (2)"

See the explanatory statement for amendment 14.

Amendment 17, in schedule 1, page 127, line 29, after "reference" insert "in that subsection"

See the explanatory statement for amendment 14.

Amendment 18, in schedule 1, page 127, line 33, at end insert ", and

( ) the reference in subsection (7) to elected local policing bodies were to relevant fire and rescue authorities."

See the explanatory statement for amendment 14.

Amendment 19, in schedule 1, page 128, line 19, at end insert—

"Scrutiny of appointment of chief finance officer

(1) Paragraphs 9(1)(b) and (2) and 10 to 12 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 (scrutiny of appointment of chief finance officer) apply in relation to a relevant fire and rescue authority as they apply in relation to a police and crime commissioner, subject to sub-paragraph (2).

(2) As applied by sub-paragraph (1), those paragraphs have effect as if—

(a) the references in paragraph 9 to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),

(b) the reference in paragraph 9(1)(b) to the commissioner's chief finance officer were to the relevant fire and rescue authority's chief finance officer within the meaning of section 4D of this Act,

(c) the references in paragraphs 10, 11 and 12 to the police and crime panel or a police crime panel were to the relevant police and crime panel, and

(d) paragraph 10(9) defined "relevant post-election period" as the period that—

(i) begins with the day of the poll at an ordinary election under section 50 of the Police Reform and Social Responsibility Act 2011 of the police and crime commissioner for the relevant police area, and

(ii) ends with the day on which the person elected as that police and crime commissioner delivers a declaration of acceptance of office under section 70 of that Act.

(3) In sub-paragraph (2)(d)(i) "the relevant police area" means the police area—

(a) which corresponds to the area of the relevant fire and rescue authority, or

(b) within which the area of the relevant fire and rescue authority falls."

This amendment applies the provisions in the Police Reform and Social Responsibility Act 2011 about the scrutiny of the appointment of a chief finance officer by a Police and Crime Commissioner to the appointment of a chief finance officer by a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004.

Amendment 106, in schedule 1, page 129, line 3, at end insert—

"Local Government Act 1966 (c. 42)

12A In section 11 of the Local Government Act 1966 (grants for certain expenditure due to ethnic minority population) in subsection (2) (bodies to which the section applies) after "This section shall apply to" insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Leasehold Reform Act 1967 (c. 88)

12B The Leasehold Reform Act 1967 is amended as follows.

12C In section 28 (retention or resumption of land required for public purposes) in subsection (5)(a) (application to local authorities) after "any combined authority established under section 103 of that Act," insert "any fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

12D In Schedule 4A (exclusion of certain shared ownership leases) in paragraph 2(2) (leases granted by certain local authorities: bodies to which the exclusion applies) after paragraph (b) insert—

"(ba) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Local Government Grants (Social Need) Act 1969 (c. 2)

12E In section 1 of the Local Government Grants (Social Need) Act 1969 (grants for special social needs) in subsection (3) (meaning of "local authority") after "shall also include" insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

12F In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance: employers to which the exemption applies) after "a combined authority established under section 103 of that Act," insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Local Authorities (Goods and Services) Act 1970 (c. 39)

12G In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) in subsection (4) (interpretation) after "any combined authority established under section 103 of that Act," insert "any fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Local Government Act 1972 (c. 70)

12H The Local Government Act 1972 is amended as follows.

12I In section 138C(1) (application of provisions about religious etc observance and involvement with religious etc events) after paragraph (p) insert—

"(pa) a fire and rescue authority created by an order under section 4A of that Act, but only for the purposes of section 138B;".

12J In section 222 (power of local authority to prosecute or defend legal proceedings) in subsection (2) (application to bodies other than local authorities) after "the Common Council" insert ", a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

12K In section 223 (appearance of local authorities in legal proceedings) in subsection (2) (application to bodies other than local authorities) after "a combined authority," insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Employment Agencies Act 1973 (c. 35)

12L In section 13(7) of the Employment Agencies Act 1973 (persons to whom the Act does not apply) after paragraph (fh) insert—

"(fi) the exercise by a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 of any of its functions;".

Local Government Act 1974 (c. 7)

12M In section 25(1) of the Local Government Act 1974 (authorities subject to investigation) after paragraph (bg) insert—

"(bh) a fire and rescue authority created by an order under section 4A of that Act;".

Health and Safety at Work etc Act 1974 (c. 37)

12N In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information: meaning of local authority) after "a combined authority established under section 103 of that Act" insert ", a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

12O In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part 1) in paragraph (a) of the definition of "local authority" after "a combined authority established under section 103 of that Act" insert ", a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

Rent (Agriculture) Act 1976 (c. 80)

12P In section 5(3) of the Rent (Agriculture) Act 1976 (tenancies which are not statutory tenancies) after paragraph (bbb) insert—

"(bbc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

Rent Act 1977 (c. 42)

12Q In section 14(1) of the Rent Act 1977 (tenancies which are not protected tenancies) after paragraph (cc) insert—

"(cd) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

Protection from Eviction Act 1977 (c. 43)

12R In section 3A(8)(a) (excluded tenancies and licences: licences to occupy local authority etc hostels) after "the Inner London Education Authority," insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Local Government, Planning and Land Act 1980 (c. 65)

12S The Local Government, Planning and Land Act 1980 is amended as follows.

12T In section 99 (disposal of land at direction of Secretary of State - supplementary) in subsection (4) (authorities who may make representations about directions) after paragraph (dbb) insert—

"(dbc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

12U In Schedule 16 (bodies to whom Part 10 applies) after paragraph 5BC insert—

5BD A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004."

Acquisition of Land Act 1981 (c. 67)

12V In section 17(4) of the Acquisition of Land Act 1981 (local authority and statutory undertakers' land: interpretation) in paragraph (a) of the definition of "local authority" after "the Common Council of the City of London," insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

12W The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

12X In section 33 (enforceability by local authorities of certain covenants relating to land) in subsection (9)(a) (meaning of "principal council") after "the London Residuary Body," insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

12Y In section 41 (lost and uncollected property) in subsection (13) (interpretation) in the definition of "local authority" after paragraph (ezb) insert—

"(ezc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

12Z In section 45 (arrangements under Employment and Training Act 1973) in subsection (2) (local authorities to which section applies) after paragraph (c) (but before the "and" at the end of that paragraph) insert—

"(ca) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

County Courts Act 1984 (c. 28)

12AA In section 60(3) of the County Courts Act 1984 (right of audience of local authority: interpretation) in the definition of "local authority" after "a combined authority established under section 103 of that Act" insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Housing Act 1985 (c. 68)

12AB In section 4(1)(e) of the Housing Act 1985 (other descriptions of authority: local authorities) after "a combined authority" in both places insert ", a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

Landlord and Tenant Act 1985 (c.70)

12AC In section 38 of the Landlord and Tenant Act 1985 (minor definitions) in the definition of "local authority" after "a combined authority established under section 103 of that Act" insert ", a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

Local Government Act 1986 (c. 10)

12AD The Local Government Act 1986 is amended as follows.

12AE In section 6(2)(a) (meaning of "local authority" for the purposes of Part 2) after the entry relating to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 insert—

"a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

12AF In section 9(1)(a) of the Local Government Act 1986 (meaning of "local authority" for the purposes of Part 3) after the entry relating to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 insert—

"a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Landlord and Tenant Act 1987 (c.31)

12AG In section 58(1) of the Landlord and Tenant Act 1987 (exempt landlords) in paragraph (a) (local authorities) after "the Common Council of the City of London," insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Local Government Act 1988 (c. 9)

12AH In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities) in the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 and other fire and rescue authorities, after "applies" insert ", a fire and rescue authority created by an order under section 4A of that Act".

Housing Act 1988 (c. 50)

12AI The Housing Act 1988 is amended as follows.

12AJ In section 74(8) (transfer of land etc to housing action trusts: meaning of "local authority") after paragraph (fb) insert—

"(fc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

12AK In Part 1 of Schedule 1 (tenancies which cannot be assured tenancies) in paragraph 12(2) (local authority tenancies: meaning of "local authority") after (e) insert—

"(ea) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

Road Traffic Act 1988 (c. 52)

12AL In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from the requirement for third party insurance) after "the Inner London Education Authority," insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,".

Local Government and Housing Act 1989 (c. 42)

12AM The Local Government and Housing Act 1989 is amended as follows.

12AN In section 1(9) (meaning of politically restricted post under a local authority) at the end insert ", and every member of staff of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004."

12AO (1) Section 4 (designation and reports of head of paid service) is amended as follows.

(2) In subsection (4) after paragraph (a) insert—

"(aa) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, to the authority and to the police and crime panel for the police area—

(i) which corresponds to the authority's area, or

(ii) within which the area of the authority falls;".

(3) After subsection (5A) insert—

"(5B) It shall be the duty of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 to consider any report under this section by the head of the authority's paid service and to do so no later than three months after the authority is sent a copy of the report."

(4) In subsection (6)(a) for "and an elected local policing body" substitute ", an elected local policing body and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

12AP (1) Section 5 (designation and reports of monitoring officer) is amended as follows.

(2) In subsection (3) after the second paragraph (a) insert—

"(aa) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, to the authority and to the police and crime panel for the police area—

(i) which corresponds to the authority's area, or

(ii) within which the area of the authority falls;".

(3) In subsection (5)(a) after sub-paragraph (i) insert—

(ia) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, no later than three months after the authority is sent a copy of the report;".

(4) In subsection (8) in paragraph (a) of the definition of "relevant authority" for "and an elected local policing body" substitute ", an elected local policing body and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

12AQ In section 21 (interpretation of Part 1) after subsection (1) insert—

"(1A) In the following provisions of this Part references to a local authority include a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004—

(a) section 1 (disqualification and political restriction of certain officers and staff),

(b) section 2 (politically restricted posts), and

(c) section 7 (all staff to be appointed on merit).

(1B) In the application of section 1(1) to a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 by virtue of subsection (1A) the reference to being or remaining a member of a local authority is to be read as a reference to becoming or remaining such an authority."

12AR In section 152(2) (meaning of "relevant authority" for the purposes of sections 150 and 151) after paragraph (f) insert—

"(fa) a fire and rescue authority created by an order under section 4A of that Act;".

12AS In section 155(4) (emergency financial assistance to local authorities: meaning of "local authority") after paragraph (h) insert—

"(ha) a fire and rescue authority created by an order under section 4A of that Act;".

12AT Until the coming into force of the repeal of section 67 of the Local Government and Housing Act 1989 (application of provisions about companies in which local authorities have interests) by the Local Government and Public Involvement in Health Act 2007, subsection (3) of that section has effect as if after paragraph (h) there were inserted—

"(ha) a fire and rescue authority created by an order under section 4A of that Act;".

Town and Country Planning Act 1990 (c. 8)

12AU In section 252 of the Town and Country Planning Act 1990 (procedures for highways orders) in the definition of "local authority" in subsection (12) after "a combined authority established under section 103 of that Act," insert "a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,"."

This amendment makes consequential amendments to a number of Acts as a result of the provisions for the creation of a fire and rescue authority in new section 4A of the Fire and Rescue Services Act 2004.

Amendment 20, in schedule 1, page 129, leave out lines 4 to 8

This amendment removes an amendment in the Bill which would have prevented section 2 of the Local Government, Planning and Land Act 1980 from applying to a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 by virtue of being a best value authority. As amendment 24 means that such an authority will not be a best value authority, the amendment to section 2 is not needed.

Amendment 21, in schedule 1, page 129, line 10, after "14" insert—

'( ) The Local Government Finance Act 1992 is amended as follows."

This amendment and amendments 22 and 23 exclude a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 from the requirement in section 65 of the Local Government Finance Act 1992 to consult ratepayers on its proposals for expenditure. The consultation requirements in section 96 of the Police Act 1996 will apply instead (see amendments 12 and 14).

Amendment 22, in schedule 1, page 129, line 10, leave out "of the Local Government Finance Act 1992"

See the explanatory statement for amendment 21.

Amendment 23, in schedule 1, page 129, line 13, at end insert—

'( ) In section 65(3) (duty of relevant authority to consult ratepayers: meaning of "relevant authority") after "apart from a police and crime commissioner" insert "or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004."."

See the explanatory statement for amendment 21.

Amendment 107, in schedule 1, page 129, line 13, at end insert—

"Local Government (Overseas Assistance) Act 1993 (c. 25)

14A In section 1 of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance) in subsection (10) (other bodies) after paragraph (a) insert—

"(ab) a fire and rescue authority created by an order under section 4A of that Act;".

Deregulation and Contracting Out Act 1994 (c. 40)

14B The Deregulation and Contracting Out Act 1994 is amended as follows.

14C In section 70(1ZB) (functions of local authorities: application to certain fire and rescue authorities) after "applies" insert "or a fire and rescue authority created by an order under section 4A of that Act".

14D In section 79A (local authorities in England) after paragraph (n) insert—

"(na) a fire and rescue authority created by an order under section 4A of that Act;"."

This amendment makes consequential amendments to the Local Government (Overseas Assistance) Act 1993 and the Deregulation and Contracting Out Act 1994 as a result of the provisions for the creation of a fire and rescue authority in new section 4A of the Fire and Rescue Services Act 2004.

Amendment 108, in schedule 1, page 129, line 19, at end insert—

"Crime and Disorder Act 1998 (c. 37)

15A The Crime and Disorder Act 1998 is amended as follows.

15B In section 5(5) (authorities responsible for strategies: interpretation) in the definition of "fire and rescue authority" after paragraph (a) insert—

"(aa) a fire and rescue authority created by an order under section 4A of that Act;".

15C In section 17(2) (duty to consider crime and disorder implications: authorities to which duty applies) after the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies insert—

"a fire and rescue authority created by an order under section 4A of that Act;".

15D In section 115(2) (disclosure of information: meaning of relevant authority) after paragraph (i) insert—

"(ia) a fire and rescue authority created by an order under section 4A of that Act;".

Freedom of Information Act 2000 (c. 36)

15E In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: local government) after paragraph 14 insert—

14A A fire and rescue authority created by an order under section 4A of that Act.""

This amendment makes consequential amendments to the Crime and Disorder Act 1998 and the Freedom of Information Act 2000 as a result of the provisions for the creation of a fire and rescue authority in new section 4A of the Fire and Rescue Services Act 2004.

Amendment 24, in schedule 1, page 129, leave out lines 20 to 24.

This amendment removes the provision for a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 to be a best value authority. Such an authority will instead be under a duty to exercise its functions efficiently and effectively as a result of amendment 4.

Amendment 109, in schedule 1, page 129, line 38, at end insert—

"Local Government Act 2003 (c. 26)

17A (1) The Local Government Act 2003 is amended as follows.

(2) In section 23(1) (local authorities to which the provisions about capital finance etc and accounts apply) after paragraph (m) insert—

"(ma) a fire and rescue authority created by an order under section 4A of that Act;".

(3) In section 33(1) (expenditure grant: interpretation) after paragraph (l) insert—

"(la) a fire and rescue authority created by an order under section 4A of that Act;".

(4) In section 95(7) (power to trade in function-related activities through a company: interpretation) in the definition of "relevant authority" after paragraph (ab) insert—

"(ac) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

(5) In section 97(11) (power to modify enactments in connection with charging or trading: interpretation) in the definition of "relevant authority" after paragraph (aa) insert—

"(ab) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;".

Local Government and Public Involvement in Health Act 2007 (c. 28)

17B In section 104 (partner authorities) of the Local Government and Public Involvement in Health Act 2007 in subsection (5) (meaning of "fire and rescue authority") after paragraph (a) insert—

"(aa) a fire and rescue authority created by an order under section 4A of that Act;".

Equality Act 2010 (c. 15)

17C In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities) after the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies insert—

"A fire and rescue authority created by an order under section 4A of that Act."."

This amendment makes consequential amendments to the Local Government Act 2003, the Local Government and Public Involvement in Health Act 2007 and the Equality Act 2010 as a result of the provisions for the creation of a fire and rescue authority in new section 4A of the Fire and Rescue Services Act 2004.

Amendment 110, in schedule 1, page 132, line 20, at end insert—

"Localism Act 2011 (c. 20)

23A In section 43(1) of the Localism Act 2011 (meaning of "relevant authority" for purposes of provisions on pay accountability)—

(a) omit the "or" at the end of paragraph (h), and

(b) at the end of paragraph (i) insert ", or

(j) a fire and rescue authority created by an order under section 4A of that Act"."

This amendment makes consequential amendments to the Localism Act 2011 as a result of the provisions for the creation of a fire and rescue authority in new section 4A of the Fire and Rescue Services Act 2004.

Amendment 26, in schedule 1, page 132, line 31, at end insert—

"Local Audit and Accountability Act 2014 (c. 2)

25 (1) The Local Audit and Accountability Act 2014 is amended as follows.

(2) In Schedule 2 (relevant authorities) after paragraph 22 insert—

22A A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004."

(3) In Schedule 7 (reports and recommendations by local auditor) in paragraph 5(7) (duty of certain authorities to consider report or recommendation) for "or the Mayor's Office for Policing and Crime" substitute ", the Mayor's Office for Policing and Crime or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004"."—*(Mike Penning.)*

This amendment brings a fire and rescue authority created by an order under new section 4A of the Fire and Rescue Services Act 2004 within the local audit regime in the Local Audit and Accountability Act 2014.

Schedule 1, as amended, agreed to.

Clause 7

Involvement of police and crime commissioner in fire and rescue authority

Lyn Brown: I beg to move amendment 185, in clause 7, page 6, line 16, after "functions", insert

", with the decision of the monitoring officer in that authority being final in the event of a dispute on fire related business,"

This amendment would empower the monitoring officer to deal with any disputes in county or unitary fire and rescue authorities about what matters a police and crime commissioner could vote on.

As drafted, the Bill fails to deal with any disputes in county or unitary fire and rescue authorities about what matters a police and crime commissioner should be able to vote upon. Amendment 185 would remove any ambiguity and empower the relevant monitoring officer to rule on any disputes. This is a dead simple amendment, and I would be really surprised if the Minister did not accept it.

Clause 7 would allow a police and crime commissioner to attend, speak and vote at meetings of county or unitary fire and rescue authorities where the business relates to the functions of the council as a fire and rescue authority. This is the so-called representation model: PCCs have a role in the governance of fire and rescue services. In the case of the 15 county fire and rescue authorities—such as Cumbria, Gloucestershire, Northamptonshire and Suffolk, as well as the case of Cornwall—that means they could attend full council meetings when business relating to the functions of the fire and rescue authority was being discussed.

For some items of business, it will be easy to decide whether the business relates to the function of the fire and rescue authority, and therefore whether the PCC is able to speak and vote on it. However, there is a danger that a PCC may use his or her voting rights on fire matters to proliferate their influence throughout local government. Even if they do not wish to do so, there is plenty of scope for dispute about what voting and speaking rights they have. A PCC could potentially make the case that almost any area of business relates to the fire service. Planning could have an effect on response times. Should a PCC be able to speak and vote, therefore, on all matters relating to planning? The fire service clearly has a role to play in any local government public health strategy. Does that empower a PCC to speak on any matter pertaining to public health?

At council budget-setting meetings in February each year, councils discuss their whole budgets. One may decide to invest more in adult social care and less in the fire and rescue service as part of a balanced budget package. During the meeting, the council will vote on whether to agree the overall budget proposals. The PCC may not wish to see reductions in the fire and rescue service budget. Is the PCC entitled to vote on the budget as a whole? That would have implications for who gets social care, the safeguarding of children, waste disposal and even road repairs.

It is not sensible for us in Westminster to try to answer such questions legislatively. They are better answered locally by those who intimately understand how their council works. Our amendment would give the local authority's monitoring officer the final adjudicating authority in county or unitary fire and rescue authorities about what matters the police and crime commissioner can and cannot vote on. They will do so by weighing up what business relates to the functions of the council as a fire and rescue authority. I look forward with much interest to what the Minister has to say about our excellent amendment.

Mike Penning: If clause 7 were not in the Bill, I would expect the shadow Minister to introduce it. The clause provides for PCCs to request to be represented on the fire and rescue authorities where they do not take responsibility for governance of the fire and rescue service. Where such a request is accepted, PCCs would have full voting rights to ensure that they take part in the business of the fire and rescue authority in a meaningful and effective way. Where the county or unitary FRAs do not have a dedicated committee for fire, the Bill provides for the PCCs' ability to attend, speak and vote to be restricted to matters relating to the functions of a fire and rescue service authority, and local appointing committees to consider how these arrangements work in practice.

4.15 pm

Monitoring officers, as alluded to by the shadow Minister, have existing duties under section 5 of the Local Government and Housing Act 1989 to report to the local authority if at any time it appears to them that the actions of the authority are or would be in contravention of the legal provisions. It would be a conflict of interest for the PCCs to take a role in arbitrating on decisions. As a further safeguard, PCCs will be subject to the local authority's code of conduct for the purposes of their representation on the FRA.

If such provisions were not in place, I would understand where the shadow Minister was coming from, but they are in the Bill and we do not need the amendment.

Lyn Brown: I am grateful to the Minister for his clarification. I am happy to beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 7 ordered to stand part of the Bill.

Clause 8

The London Fire Commissioner

Question proposed, That the clause stand part of the Bill.

Lyn Brown: We support the reforms to the governance of the London fire brigade. I will not oppose the clause, but I will speak with some sadness about why we have come to support the abolition of the London Fire and Emergency Planning Authority.

It is fair to say that the effectiveness of the authority has been hampered by the London Mayor and his use of direction. He has repeatedly used direction to overturn the democratic decisions of the fire authority members. The power of direction was intended to be used only in exceptional circumstances; unfortunately, the Mayor has used it almost routinely. He has made more than a dozen formal directions, including to secure the biggest cuts to the London fire brigade in its 150 years, closing 10 fire stations, losing 552 firefighters' posts and axing 14 fire engines. Alternative proposals would have meant that stations did not need to close, but despite nine out of 10 of those taking part in a public consultation being opposed to the closures, the Mayor prevailed.

The Mayor did not stop there. Fire authority members have a duty to sell former fire stations for the best consideration, but they were unable to sell them, for example, for key worker or social housing. I understand that the Mayor then intervened in the sales process, trying to sell former fire stations to the Education Funding Agency for free schools at lower than the market price. The Mayor's involvement even politicised the process to recruit a replacement commissioner for the London fire brigade. Traditionally, there has been cross-party consensus on the approach to take, but now the whole recruitment process has been deferred until after the election this May, in effect creating a two-year hiatus. There are more examples, but the point is clear: Labour supports the clause and the abolition of the London Fire and Emergency Planning Authority because the Mayor has made the existing arrangements untenable through disregard of the views of other elected representatives.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Schedule 2

The London Fire Commissioner

Mike Penning: I beg to move amendment 27, in schedule 2, page 132, line 36, at end insert—

"In section 21 (disqualification from being the Mayor or an Assembly member) after subsection (1) insert—

'(1A) Subsection (1)(a) does not prevent a person appointed under section 67(1)(b) as the Deputy Mayor for Fire, or appointed under section 67(1)(b) and designated as the Deputy Mayor for Fire, from being elected as or being an Assembly member.'"

This amendment has the effect that a person who is appointed or designated by the Mayor of London as the Deputy Mayor for Fire may be elected as, or may continue to be, a member of the London Assembly.

The Chair: With this it will be convenient to discuss Government amendments 28 to 36.

Mike Penning: These are technical amendments that are required to clarify certain details about the two new roles.

Amendments 27, 31 and 32 will ensure that the person appointed or designated a deputy mayor for fire may still be elected as a member of the London Assembly or continue to be a member, if already elected. Amendments 28 to 30 require that confirmation hearings, which apply to certain appointments by the Mayor of London, will apply to the deputy mayor for fire. Amendment 33 will amend the Localism Act 2011, and amendments 34 to 36 ensure that the London fire commissioner is required to consider reports and recommendations from the local auditor.

Amendment 27 agreed to.

Lyn Brown: I beg to move amendment 187, in schedule 2, page 132, line 39, at end insert—

"(2A) Amend section 38 (delegation) as follows—

(a) in subsection (2) (persons to whom functions exercisable by the Mayor may be delegated) after paragraph (db) insert—

'(de) London Fire Commissioner;'.

(3) In subsection (7) (power to exercise delegated functions where no existing power to do so) after paragraph (bb) insert—

'(bc) London Fire Commissioner,'.

(4) After subsection (8B) (further delegation, and Mayor's power to continue to exercise delegated functions) insert—

'(8C) An authorisation given by the Mayor under subsection (1) above to the London Fire Commissioner in relation to a function does not prevent the Mayor from exercising the function.'".

This amendment would delegate the GLA's general power to do anything which it considers will further the promotion of economic development and wealth creation, social development to the improvement of the environment in Greater London to the London Fire Commissioner. This is in line with the powers delegated to MOPAC.

The Chair: With this it will be convenient to discuss amendment 186, in schedule 2, page 139, line 21, after "Commissioner" insert—

"on all matters relevant to the London Fire Commissioner."

This amendment would ensure that the fire and emergency planning committee would have the power to scrutinise the entire remit of the London Fire Commissioner.

Lyn Brown: Amendment 186 would expand the remit of the fire and emergency planning committee, which is the body that the Bill will create to scrutinise the performance of the London Mayor, the deputy mayor for fire and the London fire commissioner on fire matters. Amendment 187 would slightly expand the role of the London fire commissioner by giving him or her equivalent delegated powers over economic development and the environment to those held by the Mayor's Office for Policing and Crime.

I tabled amendment 186 because the Bill envisages a very narrow remit for the fire and emergency planning committee. Under the Government's proposals, the committee will be able to look only at fire matters. That does not acknowledge the changing nature of the fire service in London, which, like brigades up and down the country, is increasingly playing a role in resilience and flooding issues as part of its day-to-day role. For example, we recently saw the London fire brigade take a lead on Exercise Unified Response, which brought together key stakeholders in the capital to test their ability to deal with a large-scale building collapse.

In the last month, the London fire brigade has launched a co-responding trial in four boroughs in the capital—Merton, Lambeth, Wandsworth and, happily, the amazing borough of Newham—as part of the national joint council's workstream on the 21st-century firefighter. If the trial is a success, the new committee will want to scrutinise closer working with the ambulance service in London to promote accountability and good-quality service delivery.

Given the changing role of the fire service and the greater collaboration we are likely to see in the capital, we propose that the committee should be able to investigate and consider all matters relevant to the London fire commissioner. That would ensure that the London Assembly's scrutiny was as robust as it could be and allow members of the committee to cover everything from prevention and community safety to closer working with the other emergency services and local authority partners.

The Government and the Opposition support greater collaboration between the emergency services. We need to ensure that where that collaboration takes place, there is not a gap in the scrutiny of our public services, with the various scrutiny bodies staring at each other and wondering whether the projects fall under their remit. I hope that the Minister will take this opportunity to clarify his plans on how we will deal with those situations, both in London and elsewhere in the country.

Amendment 187 would ensure that the London fire commissioner had the delegated powers he needs to use the fire service to help Londoners. Section 30 of the Greater London Authority Act 1999 gives a general power to the GLA to do anything it considers will further any one or more of its principal purposes—namely,

"promoting economic development and wealth creation in Greater London; promoting social development in Greater London; and promoting the improvement of the environment in Greater London."

The Mayor has the ability to delegate those powers to MOPAC, which is the equivalent office to the London fire commissioner, but for policing. That enables the police to engage in any work that they think is for the good of London.

Allowing the Mayor to delegate those powers to the London fire commissioner would mean that the London fire brigade could do the same. It is really important that we accept the amendment for two reasons, and I reckon that the Minister can find it in his heart to give Londoners what they want. First, all of us want to see all of our emergency services working together to serve their communities. That is the spirit behind the duty to collaborate, and it is the spirit behind this amendment. Secondly, it is important that we accept the amendment so as to formally recognise the parity of esteem that fire has with the police service, which is something I have tried to talk about this afternoon—I think I have managed to get Government Members to understand that that is what I am attempting to do.

There is no reason to think that the London fire brigade is not just as capable of finding innovative ways to serve and aid Londoners as the Metropolitan police. To do that, its commissioners require equivalent powers. I look forward with interest to what the Minister has to say, with great hope that he will accept our amendments.

Mike Penning: As always, the shadow Minister has put her amendments forward in good faith. In respect of amendment 187, however, I think that she is slightly misguided about the current powers. The London Fire and Emergency Planning Authority does not have the GLA's general powers delegated to it, and nor does the Mayor's Office for Policing and Crime. On that basis, I could not bring that across to the London fire commissioner, as I think she understands.

On amendment 186, under proposed new section 327I(3), which will be inserted into the Greater London Authority Act 1999 by schedule 2, the fire and emergency committee will be able to scrutinise any actions, decisions or matters relating to the functions of the London fire commissioner and any officer of the London fire commissioner. The powers are already in the legislation, and surely we do not need more legislation.

Lyn Brown: On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: 28, in schedule 2, page 133, line 3, after "4" insert—

"( ) Section 60A (confirmation hearings etc for certain appointments by the Mayor) is amended as follows.".

This amendment and amendments 29 and 30 ensure that the provisions for confirmation hearings in the Greater London Authority Act 1999 apply where a person is appointed as a member of the staff of the Greater London Authority by the Mayor of London and is later designated by the Mayor as the Deputy Mayor for Fire.

Amendment 29, in schedule 2, page 133, line 3, leave out from "In" to "applies" in line 4 and insert

"subsection (3) (offices to which section 60A".

See the explanatory statement for amendment 28.

Amendment 30, in schedule 2, page 133, line 11, at end insert—

"( ) After subsection (4) insert—

(4A) This section also applies in any case where the Mayor proposes to designate as the Deputy Mayor for Fire a person appointed under section 67(1)(b).

(4B) References in section 327H and Schedule 4A to appointment of a person as the Deputy Mayor for Fire (however expressed) include such a designation.".

See the explanatory statement for amendment 28.

Amendment 31, in schedule 2, page 133, line 21, leave out "(see section 327F)" and insert

", or appointed under section 67(1)(b) and designated as the Deputy Mayor for Fire,".

This amendment and amendment 32 ensure that a person who is appointed as a member of the staff of the Greater London Authority by the Mayor of London, and later designated by the Mayor as the Deputy Mayor for Fire, may be elected as a member of the London Assembly.

Amendment 32, in schedule 2, page 133, line 26, leave out from "Fire" to "from" in line 27 and insert

", or

( ) a person appointed under section 67(1)(b) and designated as the Deputy Mayor for Fire,".

See the explanatory statement for amendment 31.

Amendment 111, in schedule 2, page 145, line 23, after "Commissioner" insert

"but only for the purposes of section 138B".

This amendment has the effect that certain provisions of the Local Government Act 1972 about religious observance do not apply to the London Fire Commissioner, as they can only apply to a body which has meetings of its members.

Amendment 112, in schedule 2, page 148, line 37, at end insert—

"( ) for ', a combined authority established under section 103 of that Act' substitute 'and a combined authority established under section 103 of that Act',".

This amendment and amendments 113 to 116 replace the consequential amendments to insert references to the London Fire Commissioner into the Housing Associations Act 1985 with amendments to remove existing references to the London Fire and Emergency Planning Authority from that Act. This is because the provisions to which the amendments relate apply only to Wales.

Amendment 113, in schedule 2, page 148, line 38, for "for" substitute "omit".

See the explanatory statement for amendment 112.

Amendment 114, in schedule 2, page 148, line 39, leave out "substitute 'and the London Fire Commissioner'".

See the explanatory statement for amendment 112.

Amendment 115, in schedule 2, page 148, line 40, for "for" substitute "omit".

See the explanatory statement for amendment 112.

Amendment 116, in schedule 2, page 148, line 41, leave out "substitute 'the London Fire Commissioner'".

See the explanatory statement for amendment 112.

Amendment 117, in schedule 2, page 149, line 38, at end insert—

"In section 1(9) (meaning of politically restricted post under a local authority) for 'and every member of staff of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004' (as inserted by paragraph 12AN of Schedule1) substitute 'every member of staff of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 and every member of staff of the London Fire Commissioner'."

This amendment brings staff of the London Fire Commissioner within the definition of persons holding a politically restricted post under a local authority in section 1 of the Local Government and Housing Act 1989 for the purposes of the provisions on disqualification and political restriction in that section.

Amendment 118, in schedule 2, page 150, line 3, leave out from "after" to "insert" in line 4 and insert

"paragraph (aa) (as inserted by paragraph 12AO(2) of Schedule1)".

This amendment and amendments 119 to 126 make modifications to the amendments to the Local Government and Housing Act 1989 in Schedule 2 to the Bill to take account of the amendments to that Act to be inserted into Schedule 1 by amendment 106.

Amendment 119, in schedule 2, page 150, line 7, leave out "(5)" and insert

"(5B) (as inserted by paragraph 12AO(3) of Schedule1)".

See the explanatory statement for amendment 118.

Amendment 120, in schedule 2, page 150, line 12, leave out first "an elected local policing body" and insert

"a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004' (as inserted by paragraph 12AO(4) of Schedule1)".

See the explanatory statement for amendment 118.

Amendment 121, in schedule 2, page 150, line 12, leave out second "an elected local policing body" and insert

"a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

See the explanatory statement for amendment 118.

Amendment 122, in schedule 2, page 150, line 16, leave out from "after" to "insert" in line 17 and insert

"paragraph (aa) (as inserted by paragraph 12AP(2) of Schedule1)".

See the explanatory statement for amendment 118.

Amendment 123, in schedule 2, page 150, line 20, leave out from "sub-paragraph" to "insert" in line 21 and insert

"(ia) (as inserted by paragraph 12AP(3) of Schedule1)".

See the explanatory statement for amendment 118.

Amendment 124, in schedule 2, page 150, line 26, leave out first "an elected local policing body" and insert

"a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004' (as inserted by paragraph 12AP(4) of Schedule1)".

See the explanatory statement for amendment 118.

Amendment 125, in schedule 2, page 150, line 26, leave out second "an elected local policing body" and insert

"a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004".

See the explanatory statement for amendment 118.

Amendment 126, in schedule 2, page 150, line 31, leave out "(1)" and insert

"(1B) (as inserted by paragraph 12AQ of Schedule1)".

See the explanatory statement for amendment 118.

Amendment 127, in schedule 2, page 150, line 39, at end insert ", and

( ) section 10 (limit on paid leave for local authority duties)."

This amendment applies the provisions on limits on paid leave for local authority duties in section 10 of the Local Government and Housing Act 1989 to employees of the London Fire Commissioner.

Amendment 33, in schedule 2, page 153, line 32, leave out from "authority')" to end of line 34 and insert

"omit paragraph (g) (the London Fire and Emergency Planning Authority).".

This amendment has the effect that a reference to the London Fire and Emergency Planning Authority is removed from section 27 of the Localism Act 2011 rather than being replaced with a reference to the London Fire Commissioner. Section 27 concerns the conduct of members of a relevant authority, but as a corporation sole the London Fire Commissioner will not have members.

Amendment 34, in schedule 2, page 154, line 13, after "120" insert—

"(1) The Local Audit and Accountability Act 2014 is amended as follows.".

This amendment and amendments 35 and 36 apply paragraph 5(7) of Schedule 7 to the Local Audit and Accountability Act 2014 to the London Fire Commissioner. The effect is that the requirement to consider a report or recommendation of a local auditor at a meeting is replaced with a requirement for the Commissioner to consider the report or recommendation.

Amendment 35, in schedule 2, page 154, line 13, leave out

"of the Local Audit and Accountability Act 2014".

See the explanatory statement for amendment 34.

Amendment 36, in schedule 2, page 154, line 16, at end insert—

"( ) In Schedule 7 (reports and recommendations by local auditor) in paragraph 5(7) (duty of certain authorities to consider report or recommendation) (as amended by paragraph 25 of Schedule 1) for 'or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004' substitute ', a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 or the London Fire Commissioner'."—*(Mike Penning.)*

See the explanatory statement for amendment 34.

Schedule 2, as amended, agreed to.

Clause 9 ordered to stand part of the Bill.

Clause 10

Local policing bodies: functions in relation to complaints

Question proposed, That the clause stand part of the Bill.

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): It is a pleasure to serve under your chairmanship, Mr Howarth, although it has taken quite some time today for me to have the chance to say that. I am delighted that the hon. Member for West Ham will now get a bit of a break, because she has been working exceptionally hard today.

For the benefit of the Committee, I propose to say a few words about part 2 of the Bill. I do not propose to make further comments on clause stand part, but I will of course address any comments about the amendments.

4.30 pm

The Chair: Order. I am not entirely clear what the Minister proposes to do.

Karen Bradley: Mr Howarth, I propose to make a few comments now. I will not make further comments on clause stand part as we go on, because my comments will cover the generality of what we are doing. I will, however, address the amendments. I hope that is clear.

The Chair: I am grateful for that clarification.

Karen Bradley: Thank you, Mr Howarth.

Almost three quarters of people who complain to the police are not satisfied with how their complaints are handled. The current arrangements are seen by the police and public alike as too complex, too adversarial, too drawn out and lacking in sufficient independence from the police.

The Bill will amend part 2 of the Police Reform Act 2002 to make the police complaints system more transparent and robust. It will give the police a new duty to resolve complaints in a reasonable and proportionate manner, while giving them greater flexibility in how they meet that duty. We will inject a greater level of independence into the system, strengthening PCCs' oversight role and making them the appellate body for appeals that are currently heard by chief constables. PCCs will be able to take on responsibility for other aspects of the complaints handling process, including the recording of complaints and keeping complainants informed of the progress of their complaints.

The definition of a complaint will change. We are extending the definition of a complaint beyond conduct matters to make the system less about apportioning blame and more customer focused. We are retaining and clarifying the focus on immediate resolution of customer service-related complaints where appropriate.

We will enable the Independent Police Complaints Commission to initiate investigations more quickly, ensuring that crucial evidence is not lost and that the public perceive the IPCC as being responsive to events that may attract significant public attention. We will allow the IPCC to reinvestigate a complaint, recordable conduct matter, or death or serious injury matter if it is satisfied that there are compelling reasons to do so.

The Bill also provides for volunteers with policing powers to be captured under the police complaints and discipline systems. We are simplifying the decision-making process so that the IPCC will always make decisions about disciplinary proceedings following its investigations, which will speed up the process, and we are providing that the IPCC must lead independent investigations into certain matters that relate to the conduct of a chief officer or the deputy commissioner of the Metropolitan police.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Clause 11

Definition of police complaint

Jack Dromey (Birmingham, Erdington) (Lab): I beg to move amendment 160, in clause 11, page 13, line 27, at end insert—

"(d) a member of the civilian staff of a police force in relation to whom the conduct took place when in the capacity of a private citizen."

This amendment is to allow police staff to make complaints to the IPCC in relation to police conduct which impacts on them when not at work and in their capacity as a private citizen.

First, may I pay tribute to my hon. Friend the Member for West Ham, the shadow fire Minister, for her epic efforts in holding the Government to account throughout what has been, at times, a lively debate?

We tabled the amendment following discussions with representatives of both the police service and Unison, the principal union that represents police support staff. It would allow police staff to make complaints to the IPCC when they are not at work—there is an existing procedure through which they must go—in their capacity as private citizens.

We seek an explanation from the Government as to why, when off duty, police staff who suffer a case of police misconduct should not be able to raise it with the IPCC. There could be a range of issues where they live, socialise and shop. Sadly, incidents sometimes take place and they should have the right to pursue a complaint and use the IPCC's machinery.

Unlike police officers, police staff are not sworn into office, so they are not limited as police officers are in respect of activities such as political campaigning during their free time. That is reflected in officer pay and employment contracts for the police service. However, under the current provisions, police staff are essentially denied an opportunity that is freely provided to members of the public. It is our view that in accepting a job, a member of police staff should not have to sign away their right to make a complaint to the IPCC regarding a member of the force with which they take the job.

In conclusion, other than where there are legitimate restrictions, for example in respect of police officers and their existing contract of employment, we cannot see a reason why police staff should be so constrained, and we therefore very much hope that the Minister will move on the matter.

Karen Bradley: The shadow policing Minister knows that a number of levels of complaint can be made against police staff and servicing police officers, and the IPCC is there to investigate the most serious cases of wrongdoing—almost the final arbiter, one might say. The police complaints system should be there for members of the public who want to express dissatisfaction with their interaction with the police. The hon. Gentleman knows that there are existing provisions regarding recordable conduct matters and whistleblowing for when a person serving with the police needs to raise a conduct issue about someone else in their force. Every police force has a professional standards department, with strong powers to investigate wrongdoing. Officers and staff members can report concerns directly to those departments, most of which offer an anonymous online reporting system.

Jack Dromey: The Minister comprehensively catalogues the arrangements as they stand in respect of a member of police staff, their terms and conditions of employment, and their rights and responsibilities in the course of their employment, but we are talking about events outwith the course of their employment. Why should Joe or Josephine Soap, a member of police staff, be constrained in making complaints to the IPCC when there are grounds so do to?

Karen Bradley: I remember Joe and Josephine Soap from the Serious Crime Bill last year. I seem to recall that they featured prominently in many of our discussions.

The point I was coming on to is that the Bill significantly strengthens people's ability to make complaints. For example, clause 21 provides the IPCC with a new power to initiate whistleblowing investigations when a concern is reported directly to it, without waiting for a referral from the police force. In cases where they cannot raise a complaint, members of police staff are explicitly covered by the new definition of a whistleblower.

It is important to repeat, however, that the IPCC cannot and should not handle all complaints at any level of seriousness raised by police staff in their capacity as private citizens. Its role is to investigate the most serious and sensitive cases. All other complaints, whether made by a member of the public or a member of police staff, should be handled by the force or a local policing body. Through the reforms, I want to see the IPCC be the best it can be at ensuring that those serious cases are dealt with. I do not want it to be distracted by issues, albeit important ones, that can be dealt with at a local force level, and I therefore hope that the hon. Gentleman will be minded to withdraw the amendment.

Jack Dromey: Briefly, the clause means that we have a category of citizen who works in support of the police but is denied the opportunity to make complaints about the police in their private life. That situation is deeply unsatisfactory, but we have had an exchange in which we have aired the issues.

Karen Bradley: I also make the point that the IPCC has a dedicated phone line and an email address for people serving with the police who wish to report something to it. What I am suggesting is that the IPCC should perhaps not take on cases that could be dealt with at police force level. We want the IPCC to deal with the most serious wrongdoings of the police.

Jack Dromey: I agree, but the problem remains that police staff in their private lives will not be able to make complaints like every other citizen is able to do. I regret that, but we have had an exchange on the issue and I very much hope that the Government will look at it again before Report. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 11 ordered to stand part of the Bill.

Schedule 3

Amendments consequential on the amended definition of police complaint

Karen Bradley: I beg to move amendment 37, in schedule 3, page 154, line 32, at end insert—

"2A (1) Section 16 (payment for assistance with investigations) is amended as follows.

(2) In subsection (2)(a)—

(a) before sub-paragraph (i) insert—

'(ai) an investigation of a complaint where the complainant expressed dissatisfaction with the other force,';

(b) in sub-paragraph (i), after 'investigation' insert 'of a recordable conduct matter'.

(3) In subsection (2)(b)—

(a) before sub-paragraph (i) insert—

'(ai) an investigation of a complaint where the complainant expressed dissatisfaction with a force other than that force,';

(b) in sub-paragraph (i), after 'investigation' insert 'of a recordable conduct matter'."

This amendment is consequential on the changes to the definition of complaint in section 12 of the Police Reform Act 2002 that are made by clause 11 of the Bill.

The Chair: With this it will be convenient to discuss Government amendments 38 to 40.

Karen Bradley: I will not detain the Committee for long. These are additional consequential amendments to the 2002 Act to reflect the new definition of a complaint.

Amendment 37 agreed to.

Amendments made: 38, in schedule 3, page 155, line 5, after "force" insert

"with which dissatisfaction is expressed by the complainant".

This amendment clarifies who the appropriate authority is in cases where a complaint under Part 2 of the Police Reform Act 2002 is not a complaint relating to the conduct of a person serving with the police (but rather some other expression of dissatisfaction with a police force).

Amendment 39, in schedule 3, page 155, leave out lines 12 and 13 and insert—

"(b) in a case where the complaint or purported complaint was made on behalf of someone else, to the person on whose behalf it was made;'."

This amendment clarifies who the complainant is in cases where a complaint under Part 2 of the Police Reform Act 2002 is made on behalf of someone else.

Amendment 40, in schedule 3, page 155, line 14, leave out sub-paragraph (5).—*(Karen Bradley.)*

This amendment removes an amendment of section 29(4)(b) of the Police Reform Act 2002 which it has been concluded is no longer needed.

Schedule 3, as amended, agreed to.

Clause 12

Duty to keep complainant and other interested persons informed

Karen Bradley: I beg to move amendment 41, in clause 12, page 14, line 22, at end insert—

"(4A) The generality of subsection (4)(a) and (b) is not affected by any requirement to notify the complainant that is imposed by any other provision of this Part.'"

This amendment provides for the references to the progress and outcome of the handling of a complaint in new subsection (4) of section 20 of the Police Reform Act 2002, which is about keeping the complainant informed, to be unaffected by any specific requirements to notify the complainant imposed elsewhere in Part 2 of that Act.

The Chair: With this it will be convenient to discuss Government amendments 42 to 50.

Karen Bradley: Again, these are technical amendments. They will ensure that we consolidate the reform work as intended by streamlining and consolidating as far as possible the notification arrangements regarding a complaint.

Amendment 41 agreed to.

Amendments made: 42, in clause 12, page 14, line 26, leave out "(2) or (3)" and insert "(1) or (2)".

This amendment corrects an incorrect cross-reference to provisions of section 20 of the Police Reform Act 2002.

Amendment 43, in clause 12, page 14, line 27, after "findings of" insert

"a report submitted under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or".

This amendment reproduces the effect of paragraphs 20C(4) and 20F(4) of Schedule 3 to the Police Reform Act 2002, which are repealed by Schedule 4 to the Bill.

Amendment 128, in clause 12, page 14, leave out lines 32 and 33 and insert—

"(b) section 21A.'"

This amendment is consequential on NC2.

Amendment 44, in clause 12, page 15, line 16, at end insert—

"(9A) The generality of subsection (9)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of this Part.'"

This amendment amends section 21 of the Police Reform Act 2002, which is about keeping interested persons informed, in the same way that amendment 41 amends section 20 of that Act in relation to complainants.

Amendment 45, in clause 12, page 15, line 18, leave out "or recordable conduct matter" and insert

", recordable conduct matter or DSI matter".

This amendment extends the provision in new subsection (11A) of section 21 of the Police Reform Act 2002, which is about the provision of copies of reports, to reports on an investigation of a DSI matter.

Amendment 46, in clause 12, page 15, line 21, after "findings of" insert

"a report submitted under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or".

This amendment reproduces the effect of paragraphs 20C(4) and 20F(4) of Schedule 3 to the Police Reform Act 2002, which are repealed by Schedule 4 to the Bill.

Amendment 47, in clause 12, page 15, line 22, after "22" insert "or 24A".

This amendment is consequential on amendment 45.

Amendment 129, in clause 12, page 15, leave out lines 27 and 28 and insert—

"(b) section 21A.'"

This amendment is consequential on NC2.

Amendment 48, in clause 12, page 15, line 31, after "sub-paragraphs" insert "(4) and".

This amendment provides for the repeal of a duty to notify certain persons of the bringing of criminal proceedings following a report on an investigation under Schedule 3 to the Police Reform Act 2002. It is intended that an equivalent notification will be required to be given under sections 20 and 21 of the 2002 Act, as amended by clause 12 of the Bill.

Amendment 49, in clause 12, page 15, line 34, after "sub-paragraphs" insert "(4) and".

This amendment has the same effect as amendment 48—see the explanatory statement for that amendment.

Amendment 50, in clause 12, page 15, line 35, at end insert—

"( ) In consequence of the repeal made by subsection (9)(b), Schedule 3 is further amended as follows—

(a) in paragraph 24, after sub-paragraph (6A) (as inserted by Schedule4) insert—

'(6B) It shall be the duty of the appropriate authority—

(a) to take the action which it determines under sub-paragraph (6) that it is required to, or will in its discretion, take, and

(b) in a case where that action consists of or includes the bringing of disciplinary proceedings, to secure that those proceedings, once brought, are proceeded with to a proper conclusion.';

(b) in paragraph 27 (duties with respect to disciplinary proceedings etc)—

(i) in sub-paragraph (1), omit paragraph (a) (including the 'or' at the end);

(ii) in sub-paragraph (2)(a), omit 'which has been or is required to be notified or, as the case may be,'."—*(Karen Bradley.)*

This amendment is consequential on the repeal of paragraph 24(7) of Schedule 3 to the Police Reform Act 2002 and ensures that, despite that repeal, the appropriate authority remains subject to the same duty as is currently imposed by paragraph 27(2) of that Schedule.

The Chair: The Committee is rather ahead of the schedule for proceedings that I have in front of me, so we are winging it a bit.

Clause 12, as amended, agreed to.

Clause 13

COMPLAINTS, CONDUCT MATTERS AND DSI MATTERS: PROCEDURE

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider new clause 9—*Proportionate protection for members of police forces who admit mistakes—*

The Secretary of State may by regulations make provision for the Independent Police Complaints Commission to offer proportionate protection to members of police forces subject to an investigation or a complaint who are honest in admitting their mistakes."

This new clause would ensure that where members of police forces are honest in admitting their mistakes, the Independent Police Complaints Commission gives them credit for that in subsequent investigations or complaints.

4.45 pm

Jack Dromey: The amendment would ensure that, when members of police forces are honest in admitting their mistakes, the Independent Police Complaints Commission gives them credit for that in any subsequent investigations or complaints. The purpose of the amendment is to promote the importance of creating a learning rather than always a blame culture in the police. I will start with a rather unusual parallel.

I remember the first time I ever went to the Ford plant in Dagenham. There were 3,000 inspectors. Eventually, a "right first time" culture evolved, through team working and engaging the workforce. In particular, at the heart of that culture was the encouragement, "If you get it wrong, own up; if you can think of a better way for the job to be done, say so." I think that that was absolutely right. Indeed, that culture of continuous improvement is at the centre of the success of the automotive industry, and we see it elsewhere in the private sector. As I will say in a moment, the Government are also proposing it for the public sector, so we must move towards a situation where members of police forces feel supported to speak out when mistakes happen. We therefore want to start a conversation with the Government about how they can take a proactive role in developing it.

The police are told in the police code of ethics that

"you must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade or role… You will be supported if you report any valid concern over the behaviour of someone working in policing which…has fallen below the standards expected."

However—this point pre-empts new clause 8—members of police forces have very little understanding of what, if any, protection is on offer. According to the Government's consultation on the subject:

"Police officers feel unable to admit to a mistake without fear of being subject to disciplinary proceedings."

We therefore want to build on what is already starting to happen in the police service, such as the good work of the College of Policing on learning from mistakes.

On where the police service is now, however, in evidence to the Committee, police leaders contrasted the police complaints system with the systems in the airline and nuclear industries, where a real effort has been made in the interests of public safety to develop a learning-based approach to accidents and mistakes. On the one hand, pilots are encouraged to report if they overshoot the white mark; and, on the other hand, the nuclear industry, with which I am very familiar—I dealt with British Nuclear Fuels and the United Kingdom Atomic Energy Authority for many years—has placed a huge emphasis on, "If you get it wrong or if you make a mistake, own up, because we need to learn from those mistakes if we are to ensure that we maintain the highest standards of safety."

Indeed, it is interesting that the Secretary of State for Health has just announced his intention to encourage such a learning culture in the national health service to institute:

"An NHS that learns from mistakes."

His recent statement to the House should inform the nature of our debate:

"In addition to greater and more intelligent transparency, a culture of learning means we need to create an environment in which clinicians feel able to speak up about mistakes. We will therefore bring forward measures for those who speak honestly to investigators from the healthcare safety investigation branch to have the kind of 'safe space' that applies to those speaking to the air accident investigation branch."

That is precisely the parallel with airlines that I drew a moment ago. The statement continues:

"The General Medical Council and the Nursing and Midwifery Council have made it clear through their guidance that where doctors, nurses or midwives admit what has gone wrong and apologise, the professional tribunal should give them credit for that, just as failing to do so is likely to incur a serious sanction."

The Secretary of State is saying, and rightly so, that medical professionals should be given credit for admitting mistakes, which of course does not defend anyone who has done something unacceptable that deserves disciplinary action, but in terms of the culture that he is trying to create, he rightly argues that credit should be given where people own up. The statement continues:

"The Government remain committed to legal reform that would allow professional regulators more flexibility to resolve cases without stressful tribunals.

NHS Improvement will ask for the commitment to learning to be reflected in all trust disciplinary procedures and ask all trusts to publish a charter for openness and transparency so staff can have clear expectations of how they will be treated if they witness clinical errors." —[*Official Report*, 9 March 2016; Vol. 607, c. 17-18WS.]

[Jack Dromey]

It is not often that I praise the Secretary of State for Health, but he is absolutely right on the kind of culture that should apply in public services. I have seen it apply in the private sector. Of course it is early days following the announcement by the Secretary of State, and we do not know how successful the project will be at the next stages, but we very much hope that Police Ministers will take serious note of his political will to institute a culture of transparency and openness.

Finally, I draw a strong distinction between on the one hand serious matters that have to be properly pursued through the investigatory arrangements and on the other what happens in the world of work—in the public and private sectors—where mistakes are sometimes made. It is far better that those mistakes are owned up to and lessons are learned, rather than having a culture where people fear that if they own up, they might suffer as a consequence.

Karen Bradley: May I start by saying that I agree with the spirit of new clause 9? Police officers and police forces should be encouraged to honestly acknowledge their mistakes, and they should be commended for doing so with the aim of ensuring that they do not make the same mistake again. That is why the Bill introduces a range of reforms to simplify the complaints system and, importantly, to make it less adversarial. The Bill redefines a complaint as an "expression of dissatisfaction" against a police force, moving away from linking every complaint with an individual. It also provides forces with much greater discretion in how they can resolve complaints in a reasonable and proportionate manner, encouraging them to seek swift resolution with the complainant.

For allegations below the threshold of gross misconduct, regulations already provide for management, rather than disciplinary action, to be taken where appropriate, but our reforms will go further. We will bring forward regulations to integrate the recommendations of the independent Chapman review into the disciplinary system. That will refocus the system back on learning lessons, ensuring that necessary managerial interventions short of dismissal are focused on transformation.

None the less, we are clear that where a police officer commits an act of misconduct, the public and his or her fellow officers have a right to expect that that officer is held to account and that his or her actions are fully and transparently investigated. A blanket assurance that any police officer should always receive protection from facing the consequences of their actions will not achieve that. I hope that we would all agree, given the conversations we have in surgery appointments, that constituents want to see their complaints properly and fully investigated with full transparency. It is incredibly important that we deliver that.

It is not the role of the Independent Police Complaints Commission to determine protection for those who admit or apologise for committing misconduct. For the IPCC to consider an officer's contrition would be inappropriate, not least as the IPCC only investigates the most serious and sensitive allegations. The IPCC must establish the facts of the complaint and other matters and then put forward an assessment of whether there is a case to answer. Following any investigation, an appropriate sanction taking into account any mitigating factors should rightly be considered by the force or, in cases of gross misconduct, by a disciplinary panel chaired by an independent qualified person. The College of Policing is developing benchmarking guidance for chairs of disciplinary panels to assist them in making judgments about mitigating and aggravating circumstances. That also implements a recommendation of the Chapman review.

Chief officers have an important role to play through their leadership, setting the organisational culture within their forces and supporting the learning and development of their officers and staff. We heard last week from Chief Superintendent Irene Curtis that there should be a

"sense of proportionality in how we deal with conduct issues in policing."—[*Official Report, Policing and Crime Public Bill Committee,* 15 March 2016; c. 19, Q16.]

Our package of reforms will achieve that, without compromising the need to ensure that misconduct is dealt with fairly and robustly to maintain public confidence in the police. I therefore hope that the hon. Gentleman will withdraw his amendment.

Jack Dromey: First, for the avoidance of doubt, we are absolutely not seeking a blanket exemption. Where police officers are guilty of misconduct and deserve disciplinary action, that action should be taken. We are focused on having a culture that is not a blame culture, but one of continuous improvement that improves how the police operate. The Minister gave a tantalising hint that regulations will be introduced in due course. If they are combined with the work being done by the College of Policing, I hope that we can move towards something that is more akin to what has been successful elsewhere and that commands the confidence of the police service. We will discuss it in more detail shortly, but that is the final point I want to make: the public want to have confidence in the complaints and disciplinary arrangements, but so, too, does the police service.

Question put and agreed to.

Clause 13 accordingly ordered to stand part of the Bill.

Schedule 4

Complaints, conduct matters and DSI matters: procedure

Amendments made: 51, in schedule 4, page 157, line 26, at end insert—

'( ) In sub-paragraph (6)(b), for "a possible future investigation of the complaint" substitute "an investigation of the complaint (whether an existing investigation or a possible future one)"."

This amendment amends paragraph 4(6)(b) of Schedule 3 to the Police Reform Act 2002 to cater for the possibility that there may be referred to the Commission a complaint that is already being investigated by an appropriate authority.

Amendment 52, in schedule 4, page 158, leave out lines 12 to 19 and insert—

"(2C) The appropriate authority must comply with its duty under sub-paragraph (2A) by making arrangements for the complaint to be investigated by the authority on its own behalf if at any time it appears to the authority from the complaint, or from the authority's handling of the complaint to that point,"

This amendment is consequential on amendment 53.

Amendment 53, in schedule 4, page 158, leave out lines 27 to 33.

This amendment removes new sub-paragraph (2E) of paragraph 6 of Schedule 3 to the Police Reform Act 2002. This provision is not needed. A complaint referred to the Commission which the Commission considers should be investigated will be dealt with in accordance with paragraph 15 of Schedule 3 to the 2002 Act.

Amendment 54, in schedule 4, page 158, line 35, leave out from "exceptions" to end of line 36

This amendment is consequential on amendment 53.

Amendment 55, in schedule 4, page 159, line 9, leave out sub-paragraph (2) and insert—

'( ) After sub-paragraph (1) insert—

(1A) The Secretary of State may by regulations provide that the Commission must determine that it is necessary for complaints referred to it that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.

(1B) Regulations under sub-paragraph (1A) may provide that the duty on the Commission applies only in relation to complaints relating to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.

(1C) Regulations under sub-paragraph (1A) may also provide that, where the Commission is required by the regulations to determine that it is necessary for a complaint to be investigated, paragraph 15 is to apply in relation to the complaint as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.""

This amendment and amendment 57 have the effect that where the Secretary of State by regulations requires that there be an investigation of complaints referred to the Commission that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis (or specified descriptions of such complaints), the investigation need not take the form of an investigation by the Commission. The form of the investigation will be determined in accordance with paragraph 15 of Schedule 3 to the Police Reform Act 2002 but regulations may provide that the investigation is not to take the form of an investigation by the appropriate authority on its own behalf.

Amendment 56, in schedule 4, page 159, line 21, at end insert—

'( ) In sub-paragraph (3)(b), for "a possible future investigation of the complaint" substitute "an investigation of the complaint (whether an existing investigation or a possible future one)"."

This amendment amends paragraph 5(3) of Schedule 3 to the Police Reform Act 2002 to cater for the possibility that there may be referred back to the appropriate authority a complaint that is already being investigated by the authority.

Amendment 57, in schedule 4, page 159, line 22, leave out sub-paragraph (4)

See explanatory statement for amendment 55.

Amendment 58, in schedule 4, page 159, line 33, at end insert—

11A In paragraph 13 (reference of conduct matters to the Commission), in sub-paragraph (6)(b), for "a possible future investigation of that matter" substitute "an investigation of that matter (whether an existing investigation or a possible future one)"."

This amendment amends paragraph 13(6)(b) of Schedule 3 to the Police Reform Act 2002 to cater for the possibility that there may be referred to the Commission a conduct matter that is already being investigated by an appropriate authority.

Amendment 59, in schedule 4, page 159, line 36, leave out sub-paragraph (2) and insert—

'( ) After sub-paragraph (1) insert—

(1A) The Secretary of State may by regulations provide that the Commission must determine that it is necessary for recordable conduct matters referred to it that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.

(1B) Regulations under sub-paragraph (1A) may provide that the duty on the Commission applies only in relation to recordable conduct matters relating to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.

(1C) Regulations under sub-paragraph (1A) may also provide that, where the Commission is required by the regulations to determine that it is necessary for a recordable conduct matter to be investigated, paragraph 15 is to apply in relation to the matter as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.""

This amendment and amendment 61 have the same effect as amendments 55 and 57 but in relation to recordable conduct matters rather than complaints.

Amendment 60, in schedule 4, page 160, line 5, at end insert—

'( ) In sub-paragraph (3)(b), for "a possible future investigation of that matter" substitute "an investigation of that matter (whether an existing investigation or a possible future one)"."

This amendment amends paragraph 14(3) of Schedule 3 to the Police Reform Act 2002 to cater for the possibility that there may be referred back to the appropriate authority a recordable conduct matter that is already being investigated by the authority.

Amendment 61, in schedule 4, page 160, line 6, leave out sub-paragraph (4)

See explanatory statement for amendment 59.

Amendment 62, in schedule 4, page 160, line 19, leave out sub-paragraph (2) and insert—

'( ) After sub-paragraph (1) insert—

(1A) The Secretary of State may by regulations provide that the Commission must determine that it is necessary for DSI matters referred to it in relation to which the relevant officer is a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.

(1B) Regulations under sub-paragraph (1A) may provide that the duty on the Commission applies only in relation to DSI matters in relation to which the relevant officer is a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.

(1C) Regulations under sub-paragraph (1A) may also provide that, where the Commission is required by the regulations to determine that it is necessary for a DSI matter to be investigated, paragraph 15 is to apply in relation to the matter as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.""

This amendment and amendment 63 have the same effect as amendments 55 and 57 but in relation to DSI matters rather than complaints.

Amendment 63, in schedule 4, page 160, line 32, leave out sub-paragraph (4)

See explanatory statement for amendment 62.

Amendment 64, in schedule 4, page 161, line 28, after "determines" insert "under sub-paragraph (4C) or (5B)"

This amendment clarifies under which provisions of paragraph 15 of Schedule 3 to the Police Reform Act 2002 a determination that an investigation is to take the form of an investigation by the appropriate authority under the direction of the Commission could be made.

Amendment 65, in schedule 4, page 161, line 31, leave out from "whether" to end of line 37 and insert "that form of investigation continues to be the most appropriate form of investigation.

"(5A) If, on such a review, the Commission determines that—

(a) it would be more appropriate for the investigation to take the form of an investigation by the Commission, the Commission must make a further determination under this paragraph (to replace the earlier one) that the investigation is instead to take that form;

(b) having regard to the seriousness of the case and the public interest, it would be more appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf,

the Commission may make a further determination under this paragraph (to replace the earlier one) that the investigation is instead to take that form."

This amendment will enable an investigation under Schedule 3 to the Police Reform Act 2002 that takes the form of an investigation by the appropriate authority under the direction of the Commission to be changed by the Commission into an investigation by the appropriate authority on its own behalf. This is in addition to the duty (in particular circumstances) to change the form of the investigation to an investigation by the Commission which is currently provided for in the Bill.

Amendment 66, in schedule 4, page 162, line 9, at end insert—

(c) the person to whose conduct the investigation will relate."

This amendment adds the person to whose conduct the investigation will relate to the list of persons who must be notified of a determination of the form of an investigation made under paragraph 15 of Schedule 3 to the Police Reform Act 2002.

Amendment 67, in schedule 4, page 163, line 34, leave out second "the" and insert "a"

This amendment, and amendments 68, 69 and 70, clarify the process for appointing, and replacing, an investigator of a directed investigation under paragraph 18 of Schedule 3 to the Police Reform Act 2002 in cases where the investigation relates to the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis.

Amendment 68, in schedule 4, page 163, line 36, at end insert "(and approved for appointment in accordance with sub-paragraph (2A) (if required) or (2D)(a))"

See explanatory statement for amendment 67.

Amendment 69, in schedule 4, page 163, line 44, leave out second "the" and insert "a"

See explanatory statement for amendment 67.

Amendment 70, in schedule 4, page 163, line 46, at end insert "(and approved for appointment in accordance with sub-paragraph (2A) (if required) or (2D)(a))"

See explanatory statement for amendment 67.

Amendment 71, in schedule 4, page 164, line 7, leave out sub-paragraph (2).

This amendment is consequential on amendments 55, 57, 59, 61, 62 and 63.

Amendment 72, in schedule 4, page 166, line 47, at end insert "and

(i) the other matters (if any) dealt with in the report (but not on whether the conditions in sub-paragraphs (2A) and (2B) are satisfied in respect of the report),"

This amendment requires the Commission, under paragraph 23 of Schedule 3 to the Police Reform Act 2002, to seek the views of the appropriate authority on matters dealt with in a report in addition to the matters described in new sub-paragraph (5A)(a)(i) and (ii).

Amendment 73, in schedule 4, page 167, line 10, leave out from "as to" to end of line 13 and insert "any matter dealt with in the report, being a determination other than one that it is required to make under sub-paragraph (2)(b) or paragraph (b) of this sub-paragraph,"

This amendment seeks to clarify the type of determination that the Commission will be able to make under paragraph 23(5A)(c) of Schedule 3 to the Police Reform Act 2002.

Amendment 74, in schedule 4, page 167, line 44, at end insert—

25A In paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22), after sub-paragraph (6) insert—

(6A) Where the report is a report of an investigation of a complaint and the appropriate authority is a local policing body, the appropriate authority may also, on receipt of the report, make a recommendation under paragraph 28ZA.""

This amendment enables a local policing body, when it is the appropriate authority considering a report of an investigation of a complaint under paragraph 24 of Schedule 3 to the Police Reform Act 2002, to make a recommendation, with a view to remedying the complainant's dissatisfaction, under new paragraph 28ZA of that Schedule (as inserted by paragraph 41 of Schedule 4 to the Bill).

Amendment 75, in schedule 4, page 167, line 48, leave out from "as to" to end of line 2 on page 168 and insert "any matter dealt with in the report, being a determination other than one that it is required to make under sub-paragraph (4) or that the appropriate authority may be required to make by virtue of paragraph 24C(3)."

This amendment seeks to clarify the type of determination that the Commission will be able to make under paragraph 24A(5) of Schedule 3 to the Police Reform Act 2002.

Amendment 76, in schedule 4, page 169, line 4, at end insert—

"( ) The Secretary of State may by regulations make further provision about recommendations under sub-paragraph (6)(a) or (b).

( ) The regulations may (amongst other things) authorise the local policing body making the recommendation to require a response to the recommendation."

This amendment confers power on the Secretary of State to make provision by regulations about recommendations made by local policing bodies on a review of the outcome of a complaint under new paragraph 6A of Schedule 3 to the Police Reform Act 2002 (review where no investigation).

Amendment 77, in schedule 4, page 169, line 6, after "paragraph" insert "and of its reasons for the determination made under sub-paragraph (4)"

This amendment requires a relevant review body, on a review of the outcome of a complaint under new paragraph 6A of Schedule 3 to the Police Reform Act 2002 (review where no investigation), to notify certain persons of its reasons for determining whether the outcome of the complaint is a reasonable and proportionate outcome (as well as notifying them of the outcome of the review).

Amendment 78, in schedule 4, page 170, leave out lines 14 and 15 and insert—

(a) make its own findings (in place of, or in addition to, findings of the investigation);"

This amendment seeks to clarify that findings of the Commission made on a review under paragraph 25 of Schedule 3 to the Police Reform Act 2002 may be replacement findings or additional findings.

Amendment 79, in schedule 4, page 170, leave out lines 41 to 43 and insert—

(b) sub-paragraphs (4) to (8) and (9)(b) of paragraph 27 apply in relation to the recommendation as if it had been made under that paragraph."

This amendment is consequential on the repeal of paragraph 28 of Schedule 3 to the Police Reform Act 2002 by amendment 95. See also the explanatory statement to amendment 82.

Amendment 80, in schedule 4, page 171, line 46, at end insert—

"( ) The Secretary of State may by regulations make further provision about recommendations under sub-paragraph (4E)(a), (b) or (c) or (4G)(b).

( ) The regulations may (amongst other things) authorise the local policing body making the recommendation to require a response to the recommendation."

This amendment confers power on the Secretary of State to make provision by regulations about recommendations made by local policing bodies on a review of the outcome of a complaint under paragraph 25 of Schedule 3 to the Police Reform Act 2002 (review following an investigation).

Amendment 81, in schedule 4, page 172, line 7, at end insert—

( ) after "paragraph" insert "and of its reasons for the determination made under sub-paragraph (4A)";"

This amendment requires a relevant review body, on a review of the outcome of a complaint under paragraph 25 of Schedule 3 to the Police Reform Act 2002 (review following an investigation), to notify certain

persons of its reasons for determining whether the outcome of the complaint is a reasonable and proportionate outcome (as well as notifying them of the outcome of the review).

Amendment 82, in schedule 4, page 172, line 27, at end insert—

32A After paragraph 25 insert—

"Information for complainant about disciplinary recommendations

25A (1) This paragraph applies where, on the review of the outcome of a complaint under paragraph 25, the Commission makes a recommendation under sub-paragraph (4C)(c) of that paragraph.

(2) Where the appropriate authority notifies the Commission under paragraph 25(4D)(a) that the recommendation has been accepted, the Commission must notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21 of that fact and of the steps that have been, or are to be taken, by the appropriate authority to give effect to it.

(3) Where the appropriate authority—

(a) notifies the Commission under paragraph 25(4D)(a) that it does not (either in whole or in part) accept the recommendation, or

(b) fails to take steps to give full effect to the recommendation,

the Commission must determine what, if any, further steps to take under paragraph 27 as applied by paragraph 25(4D)(b).

(4) The Commission must notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21—

(a) of any determination under sub-paragraph (3) not to take further steps, and

(b) where the Commission determines under that sub-paragraph that it will take further steps, of the outcome of the taking of those steps.""

Sub-paragraph (4D)(b) of paragraph 25 of Schedule 3 to the Police Reform Act 2002 (as inserted by the Bill) can no longer apply paragraph 28 of that Schedule (see the explanatory statement to amendment 95). The new paragraph 25A inserted into Schedule 3 to the 2002 Act by this amendment reproduces the effect that applying paragraph 28 would have had.

Amendment 83, in schedule 4, page 173, line 2, at end insert—

'( ) For sub-paragraph (5) substitute—

(5) The Commission shall notify the appropriate authority of any determination that it makes under this paragraph and of its reasons for making the determination.

(5A) The Commission shall also notify the following of any determination that it makes under this paragraph and of its reasons for making the determination—

(a) the complainant;

(b) every person entitled to be kept properly informed in relation to the complaint under section 21;

(c) the person complained against (if any).

(5B) The duty imposed by sub-paragraph (5A) on the Commission shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.

(5C) Subsections (6) to (8) of section 20 apply for the purposes of sub-paragraph (5B) as they apply for the purposes of that section.""

This amendment requires the Commission, when it determines under paragraph 26 of Schedule 3 to the Police Reform Act 2002 what form a re-investigation following a review should take, to notify certain persons of the reasons for the determination (as well as notifying them of the determination itself). It also makes notification of everyone except the appropriate authority subject to exceptions provided for in regulations.

Amendment 84, in schedule 4, page 174, line 20, leave out "6A or"

This amendment has the effect that section 15(4) of the Police Reform Act 2002 will only be extended by the Bill to apply in cases where the Commission is carrying out a review, following an investigation, under paragraph 25 of Schedule 3 to that Act (and not where it is carrying out a review under paragraph 6A of that Schedule where there has not been an investigation).

Amendment 85, in schedule 4, page 174, line 34, at end insert—

39A In section 16 of the Police Reform Act 2002 (payment for assistance with investigations)—

(a) in subsection (1)(b), for "in such a connection to the Commission." substitute "to the Commission in connection with an investigation under this Part or a review under paragraph 25 of Schedule 3.";

(b) in subsection (2)(b)—

(i) in the words before sub-paragraph (i), for "in such a connection by a police force ("the assisting force") to the Commission" substitute "by a police force ("the assisting force") to the Commission in connection with an investigation under this Part or a review under paragraph 25 of Schedule 3";

(ii) omit the "or" at the end of sub-paragraph (i);

(iii) after sub-paragraph (ii) insert ", or

This amendment is consequential on the amendments of section 15 of the Police Reform Act 2002 at paragraph 39 of Schedule 4 to the Bill.

Amendment 86, in schedule 4, page 174, line 38, leave out "6A or"

This amendment has the effect that section 18(1) of the Police Reform Act 2002 will only be extended by the Bill to apply in cases where the Commission is carrying out a review, following an investigation, under paragraph 25 of Schedule 3 to that Act (and not where it is carrying out a review under paragraph 6A of that Schedule where there has not been an investigation).

Amendment 87, in schedule 4, page 175, line 4, after "23" insert ", 24"

This amendment is consequential on the insertion of new sub-paragraph (6A) into paragraph 24 of Schedule 3 to the Police Reform Act 2002 by amendment 74.

Amendment 88, in schedule 4, page 175, line 17, after "23(5F)" insert "or 24(6A)"

This amendment is consequential on the insertion of new sub-paragraph (6A) into paragraph 24 of Schedule 3 to the Police Reform Act 2002 by amendment 74.

Amendment 89, in schedule 4, page 175, line 19, leave out "(3) or (5)"

This amendment is consequential on the insertion of new sub-paragraph (6A) into paragraph 24 of Schedule 3 to the Police Reform Act 2002 by amendment 74.

Amendment 90, in schedule 4, page 175, line 37, leave out from "2002," to end of line 39 and insert "after sub-paragraph (3) insert—

"(3A) Where this paragraph applies—

(a) by virtue of sub-paragraph (1)(a) or (b) and the report is a report of an investigation of a complaint, or

(b) by virtue of sub-paragraph (2),

a recommendation made under sub-paragraph (3) may not be a recommendation of a kind described in regulations made under paragraph 28ZA(1).""

This amendment is in place of the amendment of paragraph 28A(3) of Schedule 3 to the Police Reform Act 2002 that is currently in the Bill. It takes account of the fact that paragraph 28A is capable of applying in cases where new paragraph 28ZA of that Schedule does not apply.

Amendment 91, in schedule 4, page 175, line 42, at end insert—

( ) in section 15—

(i) in subsection (3)(a), omit ", 17";

(ii) in subsection (5), in the words after paragraph (c), omit ", 17";"

This amendment is consequential on the repeal of paragraph 17 of Schedule 3 to the Police Reform Act 2002 made by paragraph 16 of Schedule 4 to the Bill.

Amendment 92, in schedule 4, page 176, line 31, leave out sub-paragraph (iv)

This amendment removes amendments of paragraph 21 of Schedule 3 to the Police Reform Act 2002 because that paragraph is repealed by paragraph 23 of Schedule 4 to the Bill.

Amendment 93, in schedule 4, page 176, line 34, at end insert—in paragraph 21A(6)(a), for "15(5)" substitute "15(5A) or (5B)";"

(i) in paragraph 21A(6)(a), for "15(5)" substitute "15(5A) or (5B)";"

This amendment is consequential on the amendments of paragraph 15 of Schedule 3 to the Police Reform Act 2002 made by paragraph 14 of Schedule 4 to the Bill.

Amendment 94, in schedule 4, page 176, line 47, at end insert—in paragraph 24B(3)(a), for "15(5)" substitute "15(5A) or (5B)";"

(i) in paragraph 24B(3)(a), for "15(5)" substitute "15(5A) or (5B)";"

This amendment is consequential on the amendments of paragraph 15 of Schedule 3 to the Police Reform Act 2002 made by paragraph 14 of Schedule 4 to the Bill.

Amendment 95, in schedule 4, page 177, line 2, at end insert—omit paragraph 28;"

(i) omit paragraph 28;" .—*(Karen Bradley.)*

Given the repeal of paragraph 27(1)(b) of Schedule 3 to the Police Reform Act 2002, paragraph 28 of that Schedule (information for complainant about disciplinary recommendations) is no longer needed. This is because paragraph 27 recommendations will now only be capable of being made in the case of an investigation of a DSI matter.

Schedule 4, as amended, agreed to.

Clause 14

INITIATION OF INVESTIGATION BY IPCC

Question proposed, That the clause stand part of the Bill

The Chair: With this it will be convenient to discuss new clause 1—*Initiation of investigations by IPCC.*

Karen Bradley: Under the Police Reform Act 2002, the Independent Police Complaints Commission has powers to require the police to refer complaints or recordable conduct matters to it. It can also require forces to refer incidents in which there has been a death or serious injury following police contact. However, it must wait until the force complies with its referral request before it can consider the next steps, which include starting an investigation. Occasionally, there might be disagreement between the IPCC and a force—for example, over the severity of the matter or which force should have to record and refer it. That causes unnecessary delay that can serve only to undermine public confidence in the system, causing the IPCC to be seen as unresponsive and too reliant on the bodies it oversees.

Our intention has always been to ensure that, like several other ombudsman organisations, the IPCC has the ability to initiate investigations into matters that come to its attention. Clause 14 would achieve that by allowing the IPCC to request a referral, as it now can, and subsequently treating that matter as having been referred, either when the force complies with the request or after a certain time period expires. Although that would enable the IPCC to initiate investigations more quickly in the absence of a referral, the requirement for a minimum time period to elapse before the IPCC can initiate its investigations could still cause delay at the beginning of the investigation. Also, clause 14 would not fully address the perception that the IPCC is reliant on the police to permit it to begin its investigations. Although it would go a long way towards remedying the problem, on reflection we want to replace it with an even stronger power.

New clause 1 will provide the IPCC with an unambiguous power of initiative. It will enable the IPCC to treat a complaint, conduct matter or DSI—death or serious injury—matter that comes to its attention as having been referred to it immediately. If the IPCC chooses to treat the matter as such, it will then notify the force, which must record it if it has not been recorded already. As the public would expect, the IPCC will not be reliant on the forces it oversees to refer matters, and it will be able to take swift action to decide whether an investigation should take place and, if necessary, commence that investigation. I therefore commend new clause 1 to the Committee and propose that clause 14 should not stand part of the Bill.

5 pm

Jack Dromey: I agree substantially with what the Minister has said. These are sensible arrangements designed to make investigations quicker and more effective, which is in everyone's interests, in respect of both the police service and the public, not least because time and again we hear complaints from the public and the police that they drag on forever. We are content with the proposals.

Question put and negatived.

Clause 14 disagreed to.

Clause 15

IPCC POWER TO REQUIRE RE-INVESTIGATION

Amendments made: 97, in clause 15, page 19, line 27, at end insert ", in which case the Commission must determine that the re-investigation is to take the form described in that subsection".

This amendment is consequential on amendment 99.

Amendment 98, in clause 15, page 19, line 31, leave out from first "Commission" to end of line 32.

This amendment is consequential on amendment 97.

Amendment 99, in clause 15, page 19, line 32, at end insert—

"(4A) Where—

(a) the Commission determines under subsection (3) or (6) that a re-investigation is to take the form of an investigation by the Commission, and

(b) at any time after that the Commission determines that subsection (4) applies in relation to the re-investigation,

the Commission may make a further determination under this section (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the appropriate authority under the direction of the Commission."

This amendment will enable a re-investigation that takes the form of an investigation by the Commission to become instead an investigation by the appropriate authority under the direction of the Commission.

Amendment 100, in clause 15, page 19, line 33, after "determines" insert "under subsection (3) or (4A)".

This amendment is consequential on amendment 99.

Amendment 101, in clause 15, page 19, line 44, after "subsection" insert "(4A) or".

This amendment is consequential on amendment 99.

Amendment 102, in clause 15, page 19, line 45, after "(5A)" insert "or (5B)".—(*Karen Bradley.*)

This amendment takes account of the fact that further determinations under paragraph 15 of Schedule 3 to the Police Reform Act 2002 may be made under sub-paragraph (5A) or (5B) of that paragraph (see paragraph 14 of Schedule 4 to the Bill).

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17

DELEGATION OF FUNCTIONS BY LOCAL POLICING BODIES

Karen Bradley: I beg to move amendment 130, in clause 17, page 22, line 4, at end insert—

"(4) In section 107 of the Local Government Act 1972 (application of sections 101 to 106 of that Act to the Common Council)—

(a) in subsection (2), omit the words from the beginning to "and" in the first place it occurs;

(b) after subsection (2) insert—

"(2A) The Common Council may not, under section 101(1)(a), arrange for any person to exercise a function that the Common Council has under or by virtue of Part 2 of the Police Reform Act 2002 (see instead section 23(2)(pa) of that Act and regulations made under that provision).""".

This amendment makes equivalent provision in relation to the Common Council as that made in relation to police and crime commissioners and the Mayor's Office for Policing and Crime by clause 17(2) and (3) of the Bill. It is consequential on the new regulation-making power at section 23(2)(pa) of the Police Reform Act 2002 inserted by clause 17(1).

This is a technical amendment.

Amendment 130 agreed to.

Question proposed, That the clause, as amended, stand part of the Bill.

The Chair: With this it will be convenient to discuss new clause 8—*Review of the police complaints system*—

"(1) Within two months of this Act coming into force, the Secretary of State shall commission an independent evaluation of the police complaints system.

(2) The evaluation must consider the—

(a) efficiency of the complaints system,

(b) clarity of the complaints process, and

(c) fairness of investigations.

(3) The Secretary of State shall lay the report of the evaluation before each House of Parliament by 1 January 2018."

This new clause would require the Secretary of State to commission a comprehensive review of all aspects of the police complaints system.

Jack Dromey: I remember saying in a debate on the Floor of the House that I bow to no one in my admiration for the British police service and for the British model of policing, which is celebrated worldwide. Of course it is right that we constantly seek to raise standards in the police service and that we seek to hold the police to the highest standards. To this end, the work of the IPCC is crucial. It was established originally to ensure both independence and confidence, but it has not fulfilled its historic purpose. To be blunt, there is a widespread perception that the IPCC has been a failing body. Indeed, reference was made earlier to three quarters of those surveyed expressing dissatisfaction with how their complaint had been processed.

In the last Parliament, the Government took some steps, including throwing additional money at the IPCC by way of top-slicing the police service. It was clear from the evidence that the Committee heard last week that there remains, in the words of one of the police witnesses, a crisis of confidence in the IPCC. Indeed, Dame Anne Owers, an outstanding public servant, was refreshingly candid when she said that a view had been expressed that one might start with a blank sheet of paper.

The Bill does not start with a blank sheet of paper; it seeks to rename and rebadge the IPCC. Let me make it clear that the Government have proposed some welcome measures. We support, in particular, the efforts to make the system easier to understand and the widening of the definition of complaint under clause 11. We support the requirement under clause 13 for all complaints to be recorded. We strongly support the introduction of the super-complaints system under clauses 18 to 20, so that harmful trends, patterns and habits in policing can be identified and groups of people adversely affected can join forces to address such institutional issues.

We also support the duty under clause 12 to keep complainants and other interested persons updated on the progress of the handling of their complaint. That is crucial for public confidence. All of us, as Members of Parliament, will have had cases where people have made complaints but have not heard about the outcome or, indeed, where the investigation has reached.

If, in the previous Parliament, a noble concept did not work in the way in which it should have done, we cannot allow that to continue in another Parliament. It is too important to the public and the police that we have an investigation machinery that works and has confidence. The purpose behind the new clause is to seek an independent evaluation of the efficiency of the complaints system, the clarity of the complaints process and the fairness of investigations for both the public and the police. We therefore hope that the Government, in seeking to improve the current arrangements, will agree that there should be an independent evaluation of the new arrangements as they take root. I stress again that we do not want to have another five years like the last five years, when fundamental problems were not properly addressed.

Karen Bradley: The reforms set out in the Bill will overhaul the complaints system to ensure that complaints made against the police are responded to in a way that restores trust and builds public confidence. They are the product of extensive consultation over two or more years and will result in a more simple, flexible and independent complaints system.

Of course, we will want to evaluate the success of the reforms, but there are already a number of ways in which that evaluation will happen. Section 10 of the Police Reform Act 2002 includes a duty on the IPCC to maintain and review the arrangements for the handling of complaints and enables the IPCC to recommend change if necessary. Clause 26 of the Bill will extend HMIC's remit to include any person involved in the

[Karen Bradley]

delivery of policing functions, including PCC staff and other organisations. That means that HMIC has the ability to inspect and evaluate all aspects of the police complaints system. In the normal way, there will be a post-legislative review of this legislation three to five years after Royal Assent. The Home Office will submit a memorandum to the Home Affairs Committee, which will then decide whether it wishes to conduct a fuller post-legislative inquiry into the Act.

An early review of the complaints system, commencing within two months of the Act coming into force, would therefore not accurately reflect the impact of the reformed police complaints system. In short, I believe that there are already adequate mechanisms in place to review the effect of legislation without the need for an expensive independent evaluation of the kind envisaged by the new clause.

Jack Dromey: I am not impressed, with the greatest of respect, at the IPCC looking at the IPCC, but the Minister made the point that there is a mechanism involving HMIC, and that is welcome. She also says that there will be a review. The thrust of what we are arguing for is not that there is a review within two months, but that within two months a timetable and a process are laid out as to how the review will be conducted. We will hold the Government to that at the next stages, because it is important that this time we get it right.

Clause 17, as amended, ordered to stand part of the Bill.

The Lord Commissioner of Her Majesty's Treasury (Charlie Elphicke): We have made excellent progress today and enjoyed the amazing oratory of the hon. Member for West Ham. With the rest of the Committee now desiring a rest, I suggest that the Committee now adjourn.

Ordered, That further consideration be now adjourned.—*(Charlie Elphicke.)*

5.10 pm

Adjourned till Thursday 24 March at half-past Eleven o'clock.

Written evidence reported to the House

PCB 04 Home Office further submission

PCB 05 Dame Anne Owers, Chair, Independent Police Complaints Commission (IPCC)