

PARLIAMENTARY DEBATES

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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

POLICING AND CRIME BILL

Third Sitting

Tuesday 22 March 2016

(Morning)

CONTENTS

CLAUSES 1 to 6 agreed to.

SCHEDULE 1 under consideration when the Committee adjourned till this day at Two o'clock.

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chairs: †MR GEORGE HOWARTH, MR DAVID NUTTALL

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

Public Bill Committee

Tuesday 22 March 2016

(Morning)

[MR GEORGE HOWARTH *in the Chair*]

Policing and Crime Bill

9.25 am

The Chair: We now begin line-by-line consideration of the Bill. Before we begin, I repeat that Members may, if they wish, remove their jackets during Committee meetings. Would everyone ensure that all electronic devices are turned off or switched to silent mode?

The selection list for today's sitting is available in the room and shows how the selected amendments have been grouped. Amendments grouped together are generally on the same or similar issues. The Member who has put their name to the lead amendment in a group is called first. Other Members are free to catch my eye to speak on all or any of the amendments in that group. A Member may speak more than once in a debate. I will work on the assumption that the Minister wishes the Committee to reach a decision on all Government amendments.

Members should note that decisions on amendments take place not in the order in which the amendments are debated but in the order in which they appear on the amendment paper. In other words, debate occurs according to the selection list, and decisions are taken when we come to the clause that the amendment affects. I hope that that explanation is helpful. I will use my discretion to decide whether to allow a separate stand part debate on individual clauses and schedules following debates on the relevant amendments.

The Minister for Policing, Fire, Criminal Justice and Victims (Mike Penning): On a point of order, Mr Howarth. I am sure colleagues are aware that there is an ongoing terrorist incident in Brussels, and I would like to put on record that our thoughts and prayers are with not only the victims but the emergency services, which yet again will be going in the opposite direction to everybody else. I am sure that Her Majesty's Government are giving all assistance possible to the services in Belgium and the rest of Europe. It is important to put that on the record, as we are debating such an important Bill on the emergency services.

Jack Dromey (Birmingham, Erdington) (Lab): Further to that point of order, Mr Howarth. May I strongly support what the Policing Minister said? We stand united in opposition to terrorists, whether in our country or on the continent of Europe. We are facing a uniquely awful threat, and the last thing we should be is divided. We are not divided; we are united. I am with the Minister in giving 101% support to the emergency services and the police, which are at the sharp end in what must be the most difficult of circumstances.

The Chair: I am sure the whole Committee would want to be associated with the remarks of the Government and the Opposition on this appalling tragedy.

Clause 1

COLLABORATION AGREEMENTS

Lyn Brown (West Ham) (Lab): I beg to move amendment 163, in clause 1, page 2, line 10, leave out "(a) an ambulance trust in England" and insert—

"(a) an NHS body in England,

(aa) a public health body in England."

This amendment would extend the duty of collaboration on to all NHS and public health bodies, and not just the ambulance service.

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

Amendment 166, in clause 1, page 2, line 12, at end insert—

"(d) a local authority in England."

This amendment would extend the duty of collaboration to local authorities in England.

Amendment 164, in clause 5, page 5, line 2, leave out "(a) an ambulance trust in England" and insert—

"(a) an NHS Body in England,

(aa) a public health body in England."

This amendment is consequential to amendment 163.

Amendment 165, in clause 5, page 5, line 5, leave out subsection (4) and insert—

"(4) "NHS body" means anything defined as an NHS body by the National Health Services Act 2006.

(4A) "Public health body" means—

(a) Public Health England, or

(b) any NHS body or local authority carrying out public health functions."

This amendment is consequential to amendment 163.

Amendment 167, in clause 5, page 5, line 15, at end insert—

"(5A) "Local Authority in England" means—

(a) a district council,

(b) a county council,

(c) a county borough council,

(d) a London borough council,

(e) the Greater London Authority,

(f) the Common Council of the City of London, or

(g) the Council of the Isles of Scilly."

This amendment is consequential to amendment 166.

Lyn Brown: I am delighted to serve under your chairmanship, Mr Howarth. The amendments would place the duty to collaborate on all NHS and public health bodies, not just NHS ambulance trusts. They would increase the scope of collaboration agreements to include local authorities. We have tabled these amendments in recognition of the fact that much of the work undertaken by the fire service and, indeed, the police service has a much broader health and social impact than just the immediate emergency response. That needs to be recognised in the Bill.

I have no doubt that NHS ambulance trusts can and do benefit from collaborating with the police force and the fire service. In many parts of the country, the fire service plays a really important role in the first response to medical incidents. In Cornwall, the fire and rescue

service works with the South Western Ambulance Service to respond to medical incidents when it can get to a location first. Firefighters have received medical training and know how to use defibrillators and carry out oxygen therapy. As we are all aware, Cornwall is a rural county with many isolated communities, which is why that sort of work is so important there. In fact, over the past three years, firefighter co-responders have made a total of 1,848 life-saving interventions, which is impressive.

Cornwall is far from alone in that activity. I have been to Lincolnshire and heard about the life-saving work of its co-responding scheme. Lincolnshire is another sprawling county with isolated communities, some of which lie close to fire stations—or rather, they are closer to fire stations than ambulance stations. I was told that the most common shout or call-out was to road traffic accidents in country lanes. Similar collaborative projects are going on up and down the country.

In addition, the fire and rescue service is playing an ever more important role in medical incidents. This support is particularly important in rural and semi-rural areas, where it is difficult to provide a comprehensive and rapid response service. The Somerset fire and rescue service attended 3,525 co- and first-responding incidents in 2012-13, equivalent to 41% of its road traffic collisions and special service calls.

English fire and rescue services attended 14,688 co- and first-responding medical incidents in 2012-13, including cardiac arrests, unconscious casualties, people with breathing difficulties and other serious conditions such as anaphylactic shock. The number of co- and first-responding incidents attended by the fire and rescue services is rising by about 10% or more each year, and is expected to treble to more than 30,000 by 2020. The number of category A ambulance incidents has more than doubled since 2002-03. The fire and rescue services have helped to achieve emergency response targets for an ever-increasing number of critical medical incidents.

It is clear that our two humanitarian services—fire and ambulance—are very effective when they work together, side by side. Without getting too far into the Bill, I have raised concerns before that police and crime commissioner takeovers of fire and rescue services may lead to fewer of these sorts of collaboration. The focus and energy of administrators will instead be devoted to responding to Whitehall's agenda or the Government's agenda of combining the police with fire services, and not necessarily working on the area of collaboration that will have the most positive benefits for the community.

Has the Minister carried out an assessment of the risk of a reduced collaboration between the ambulance and fire services, if mergers with PCCs go ahead and, if so, what mitigation has he put in place to try to prevent that? There is stark evidence that collaboration between ambulance services and the fire and rescue services saves lives. We cannot afford to see it crowded out by a top-down decision and Government imposition from Whitehall. It makes no sense, and it could take lives.

Having established the importance of collaboration between the blue light services, I will now argue that we are far from the limit of where collaboration can improve public services. In particular, the police force and fire service can and do play a vital role in early intervention and prevention programmes that aid public health, social care and social welfare. One of the many examples I could cite is the Springboard initiative carried out by

Cheshire's fire and rescue service. Firefighters on home visits go well beyond carrying out the traditional home safety assessment, which looks at fire alarms, electrical appliances, and the like. Instead, they use their time to spot the challenges that residents face regarding their health and well-being. Firefighters then report to the relevant parts of social services and other departments in local authorities, the health service, or, indeed, various local charities so that they can meet the needs that have been identified.

This is not insignificant. If hon. Members think about referrals such as those being made in their own area and multiply that by the number of fire and rescue services in the country, one can see the real value of making that first contact with vulnerable people, the preventive actions undertaken and, frankly, the savings for the NHS or social care in catching such issues early.

From May, the Cheshire scheme will focus on smoking cessation and alcohol consumption reduction—it is Lent and I have not had some for a while—as well as reducing hypertension and blood pressure, and informing residents about bowel cancer screening. That public health duty is carried out at the behest of the local authority, and it is innovative and important. The scheme makes a vast difference to the quality of life of many elderly residents in Cheshire, and there are 25,000 of those safe and well visits each year. That really shows what an asset public trust in the fire service can be, and how the subsequent reach in communities can help to improve public health and prevent harm.

In Gloucestershire, the fire and rescue service utilises public trust to aid Public Health England to prevent winter deaths from the cold. The Gloucestershire fire and rescue service is doing its bit to aid public health on its patch by installing thermometers in the homes of over-65s and referring elderly residents to their GP for a winter flu jab. That is just a local pilot at the moment but I look forward to hearing about the results as that type of scheme may become valuable in our quest to aid older constituents to stay healthy during the cold winter.

There are many more such schemes. I could talk about them today, but I am not going to because I hope that hon. Members will mention their own schemes. The schemes lead me to ask the Minister why the Bill limits collaboration agreements to ambulance trusts. Local authorities play a vital role in all the existing schemes and, under this Government, they have been given responsibility for public health, so why are they excluded from the new duty to collaborate? The provision, as written, seems arbitrary in scope. If we are to have a duty to collaborate—although I am rather surprised that the Minister thinks it necessary—why not use the duty as an opportunity to encourage more collaboration with more partners in more ventures such as the projects I described in Cheshire, Cornwall and Lincolnshire?

I say gently to the Minister—he knows that I like him quite a lot—that I fear that the decision to limit collaboration agreements to ambulance trusts speaks to a poverty of ambition for the fire service, which was, I am afraid, a hallmark of the previous Government. The Minister has been a firefighter and I am sure that he knows how much we can use a trusted set of skilled public workers in many different scenarios in the public health arena. Rather than using the Bill as an opportunity to recast and improve our public services to have the best and most resilient services possible, the Government

[Lyn Brown]

seem driven only by the desire to pair with the police services in the hope that, by doing so, they will be able to find some immediate cuts.

The Government can see that savings can be made by sharing back-office functions in emergency response centres, so they make that their only legislative priority, but I fear that they simply cannot see past it. It is a missed opportunity and I genuinely do not understand why. Perhaps it is because preventive and early intervention work requires the investment of resources today to reap rewards in future. Perhaps it is because it is really difficult to quantify the savings that are made in this public health agenda. For example, we do not know how many older people who did not have the flu jab would have got influenza, found themselves in hospital and been unable to go back home. It is really difficult to quantify a “what if” scenario and offer it to the Treasury as a justification for the work that is done.

The Opposition believe in collaboration between the emergency services, but we recognise that services can benefit and improve when there is collaboration in as many areas as possible. The Government’s narrow vision does not seem to recognise vital preventive health work or its potential for public and preventive health improvement. If the Minister wants to convince the Opposition that these reforms are driven by the best interests of public services, and are not merely a fig leaf for hunting for spending cuts, I urge him to look at our amendments and broaden the scope of the collaboration agreements. He is a good man; I am sure that today we will have a good response from him to our very helpful interventions.

Mike Penning: As the shadow Minister said, it is a pleasure to serve under your chairmanship, Mr Howarth, and that of Mr Nuttall on Thursdays.

I fully understand where the shadow Minister is coming from. However, the Bill is concerned with emergency services. If we were looking at only fire and police and the so-called takeover for savings, which I obviously disagree with substantially, we would not have included the ambulance service. The ambulance service is specifically in the Bill in the duty of collaboration.

The shadow Minister and I could read all day about areas where collaboration has taken place. From my experience, it has not gone far enough in most cases and we need an awful lot more. Someone said to me when I was on a recent visit, “We carry defibrillators on front-line appliances these days, Minister.” That is fantastic news, but so does the cashier at Tesco and Sainsbury’s. We need to go much further than that. In some parts of the country we have done so, particularly in Hampshire, where the collaboration is such that a firefighter could not be distinguished from an ambulance technician, because they have those skills. We need to do an awful lot more of that.

I understand the shadow Minister’s point, but nothing in the Bill will stop the collaboration that is already taking place. As Fire Minister, as well as Police Minister, I am adamant that the fire service measures outcomes, although that is difficult. Where does the finance come from for that? Should that come out of the fire budget

or the health and social services budget, and should they be paid? That is one of the big discussions at the moment.

The principle the shadow Minister talks of is right, but the Bill applies to the three emergency services. As a former shipping Minister, I would also like to have seen collaboration with the coastguard service, but that is probably a little step further on. Nothing in the Bill would prevent the sort of thing that the shadow Minister wants to continue to thrive and move on. With that in mind, sadly at the start of the Committee, I have to say I am sorry.

Lyn Brown: I am genuinely glad that the Minister and I seem to be on the same page, and that he is talking about evaluation and who is going to pay for it. I believe that the only way that we are collectively going to learn about how our services work together and the impact they can make is by evaluating them properly. With that in mind, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 1 ordered to stand part of the Bill.

Clause 2

DUTIES IN RELATION TO COLLABORATION AGREEMENTS

Lyn Brown: I beg to move amendment 168, in clause 2, page 2, line 35, leave out “or” and insert “and”.

This amendment would ensure that collaboration agreements are in the interest of service improvement not just efficiency savings.

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

Amendment 156, in clause 2, page 3, line 14, at end insert—

‘(8) For the purposes of this Bill, when considering whether a collaboration agreement would improve the effectiveness and efficiency of one or more emergency services that shall include the effectiveness and efficiency with which the emergency service is able to meet its duties under the mental health care concordant.’.

This amendment would explicitly enable a collaboration agreement to cover duties placed on emergency services by the mental health care concordant.

Amendment 169, in clause 2, page 3, line 14, at end insert—

‘(8) For the purposes of this Bill evaluation of the “effectiveness and efficiency” of emergency services includes, but is not limited to, the capacity of emergency services to respond to—

- (a) major weather incidents, including flooding, and
- (b) other major incidents, including terrorist attacks.’.

This amendment would require emergency services to consider whether a collaboration would improve its capacity to respond to major incidents, when considering whether such an agreement would be in the interests of effectiveness and efficiency.

Lyn Brown: Amendment 168 would ensure that the duty on emergency services to collaborate was carried out in the interests of both effectiveness and efficiency. Amendment 169 would require emergency services to consider whether collaboration would improve their capacity to respond to major incidents, such as flooding.

I tabled amendment 168 because the Bill places a duty on emergency services to collaborate in instances when collaboration would be in the interests of the relevant service's "effectiveness or efficiency". This might seem rather pedantic to the Committee, but there is a serious point: there cannot and should not be a trade-off between efficiency and effectiveness in our public services.

9.45 am

It is perfectly clear that the duty of collaboration must be in the interests of effectiveness and efficiency. Imagine a situation in which so-called efficiency savings could be made through collaboration, but where that collaboration would have an adverse effect on effectiveness, such as an efficiency saving that had a detrimental knock-on effect on response times. Any duty to collaborate must improve public services, not just cut costs.

We should not prioritise efficiency over the quality and effectiveness of public services, as that would ignore the fact that effectiveness and efficiency are inextricably linked. The "Oxford English Dictionary" definition of "efficiency" is:

"Fitness or power to accomplish, or success in accomplishing, the purpose intended; adequate power, effectiveness".

Given that the "Oxford English Dictionary" definition of "efficiency" includes "effectiveness," how is it possible for collaboration between emergency services to be in the interests of "efficiency or effectiveness"?

Sir Ken Knight, the much-respected former fire chief who wrote a report on the future of the fire service for the coalition Government, seems to get that point:

"Efficiency does not just mean doing the same for less, nor is it just about one-off cashable savings. It is an entire approach to service delivery, achieving the best possible service for the public."

I could not agree more. Perhaps the Minister is using another definition of "efficiency" of which I, Sir Ken and the linguists at the OED are not aware.

Mike Penning: As I am dyslexic, I doubt it.

Lyn Brown: I doubt it.

Frankly, I worry that, under this Government, efficiency is synonymous with spending cuts. That is not good enough when it is targeted at a life-saving, trusted service.

Furthermore, there appear to be important discrepancies in the Bill. Clause 2(4)(a) places a duty on services to collaborate if

"the proposed collaboration would be in the interests of its efficiency or effectiveness".

However, clause 2(4)(b) states that collaboration is required to be

"in the interests of its efficiency and effectiveness".

First, will the Minister confirm whether he believes there is a difference in meaning between the two? Secondly, why is there such inconsistency?

Clause 3(1) makes provision that clause 2

"does not require a relevant...service in England to enter into a collaboration agreement if the service is of the view that the proposed collaboration would have an adverse effect on its efficiency or effectiveness."

Let us follow the logic. Clause 2(4)(a) states that a proposed party must give effect to the proposed collaboration, as set out in subsection (5), if

"a proposed party is of the view that the proposed collaboration would be in the interests of its efficiency or effectiveness".

Mike Penning: Just to clarify, clause 2(4)(b) is wrong and I will amend it later. It should state "or" not "and".

Lyn Brown: It should say "or effectiveness". That is not good, is it?

Mike Penning: I think it is brilliant.

Lyn Brown: No, it is not.

Let us imagine that the relevant services deem that collaboration would have a positive impact on efficiency, regardless of the impact on effectiveness. Under clause 2(4)(a), those services would be duty bound to collaborate. However, if the relevant services deemed that collaboration would have an adverse impact on effectiveness, under clause 3(1) they would not be required to collaborate. That gives rise to an absurd situation whereby a service can be both duty bound and not required to collaborate simultaneously. It is, quite simply, nonsensical.

It would be very efficient to close half the fire stations in the country and halve the number of fire engines. It would certainly save money, but it would not be effective in saving lives and buildings. It would undoubtedly increase response times. Should not collaboration be both efficient and effective, saving money if possible, while providing equal if not superior effectiveness in the service? I am sure that the Minister understands my logic. I hope that he will go away and have a conversation with his team and then come back to this provision, because the Bill risks prioritising spending cuts over an effective emergency service. It is inconsistent, confusing and ambiguous.

I know that the Minister cares deeply about the emergency services that keep us all safe. I know he believes that collaboration should always be done in the name of service improvement. I therefore hope that when he leaves here and has a cup of tea for his lunch, he will consider the amendment properly. I do not mind whether he accepts it today or uses it as a drafting amendment later in the progress of the Bill.

Amendment 169 would require emergency services to consider whether collaboration would improve their capacity to respond to major incidents, such as flooding. The Bill fails to create a specific statutory duty to collaborate on major incidents. We believe that collaboration can be at its most effective when militating against major risks and responding to the worst disasters. Our amendment would direct collaboration agreements towards such major incidents, particularly floods and—as is sadly pertinent—terrorist incidents.

Unfortunately, major incidents are on the rise. As the climate has changed, flooding has become increasingly common across the country. Although we have not suffered a major terrorist attack since 2005, I think we would all agree that the threat of terrorism still looms. MI5 has set the current threat from international terrorism in the UK at "severe".

In December, we saw much of the north of England devastated by flooding. I know that this is not news to the Government. On 5 January, the Secretary of State for Environment, Food and Rural Affairs informed the House that 16,000 properties had been flooded during the wettest December for 100 years. Many homes were flooded, bridges connecting communities were washed

[Lyn Brown]

away, major roads were blocked and, in Lancaster, a substation was flooded, leaving tens of thousands of homes without power. In December alone, firefighters responded to more than 1,400 flood incidents across the north-west. On Boxing day, 1,000 people were rescued in Greater Manchester alone.

This winter's example is not an isolated incident, nor is this a regional problem. In the winter of 2013-14, the south of England experienced devastating flooding. The Environment Agency reported that at least 6,000 properties were flooded, and damage to the rail network meant that a key transport link to the south-west was severed for many weeks.

Major incidents are not limited to flooding. We all remember 7/7 and the devastation caused on our streets in London. I am thankful that we have not seen another major terrorist incident of that nature. However, the recent atrocities in Paris and what is going on in Brussels today are clear reminders that we must remain prepared to deal with terrorist attacks in our major cities.

The Minister is well aware of the disaster training exercise that was carried out in a mocked-up Waterloo station two weeks ago. I really wish that I could have seen it. Firefighters and other emergency service workers carried out the UK's largest ever simulated rescue to improve co-ordination and planning during a major incident. It was a practical demonstration of the range of demands on modern firefighters, paramedics and police officers.

Fire and rescue services' responsibility to provide national resilience is set out in the Civil Contingencies Act 2004 and the national framework of 2013. Fire and rescue services are required to respond to several national and international risks, including extreme weather, terrorist threats and industrial incidents, as well as prolonged energy shortages or outages. The chief fire officers would welcome a statutory duty on resilience and the funding to support it, as the only thing for which they currently receive stand-alone funding is aerial search and rescue. That is simply not good enough.

Weather incidents are on the rise and emergency services must remain vigilant and prepared for the threat of terror, yet the mantra to justify cuts to fire and rescue services is that demand for the fire service is falling. The explanatory notes to the Bill argue that the relevant policy background is a "fall in incidents" to which the fire service responds, but we cannot even begin to measure demand on the basis of the number of times it is called out to deal with situations. We need our fire service to militate against the most severe risks and prepare the best response to those risks.

Equating demand for the fire service with call-outs, as this Government persistently do, not only overlooks the important work that our emergency services carry out in fire prevention, but fundamentally misunderstands the evolving role of the emergency services in the 21st century. There has indeed been a reduction in the number of fires in the home and in the number of fire deaths and injuries, and there has been a rise in the proportion of homes with smoke alarms from 74% to 88%, as was reported by the English housing survey. We must all welcome that important change. It is the result of fire and rescue services undertaking millions of home fire

safety checks and installing fire safety products in homes, which began in earnest in 2004 with the installation of long-life smoke alarms.

Despite the focus on prevention, more than 2.5 million English homes remain without a smoke alarm, and the alarms installed in 2004 are, sadly, coming to the end of their life. Understandably, the fire and rescue services are revisiting homes and continuing to seek to reach the remaining 2.5 million-plus homes. The English fire and rescue service completed 747,990 home fire safety checks in 2012-13. I am sorry, but that is the latest year for which I have figures. The number of home safety checks peaked at 811,132 in 2008-09.

Fire and rescue services undertake other forms of community fire safety work, with 164,064 school visits, arson prevention work and youth diversion events, and 75,543 statutory fire safety inspections taking place in 2012-13. Fire safety education has become a standard feature in primary schools, with the support of fire and rescue services. All forms of community fire safety work have increased in quantity and sophistication.

Fire and rescue services are responsible for far more than responding to fires. They attend a wide range of emergencies, including road traffic collisions, floods and medical incidents. A Department for Communities and Local Government report in 2012 noted that there were 51,982 rescues and extrications of casualties by the fire and rescue service between April 2009 and September 2011 at road traffic collisions, other transport incidents, suicide attempts and other special service incidents. There are more than 20,000 rescues and extrications each year. The decline in the number of fires should not distract us from the continued important and valued life-saving role of fire and rescue services at such incidents.

Additionally, as we discussed earlier, the fire and rescue service is playing an ever more important role in attending medical incidents—termed first and co-responding incidents—at the behest of the ambulance service. That support is particularly important in rural and semi-rural areas, where it is difficult to provide a comprehensive and rapid ambulance service.

10 am

Devon and Somerset fire and rescue service attended 3,525 first and co-responding incidents in 2012-13, which is equal to 41% of its road traffic collision and special service calls. English fire and rescue services attended 14,688 first and co-responding medical incidents in 2012-13, including cardiac arrests, unconscious casualties, people with breathing difficulties and so on. The number of first and co-responding incidents attended by fire and rescue services is rising.

The fire and rescue service has a role to play in flooding incidents. The service needs to be able to mount a major response to incidents that can affect very wide areas of the country and last for many weeks, necessitating numerous rescues and evacuations. With climate change, the frequency of major floods and other forms of extreme weather is expected to increase. The fire and rescue service also retains the responsibility to manage major incidents, such as terrorist attacks or chemical incidents. All the evidence points to a continued risk of major terrorist incidents in the UK.

Given all that, there is a fear that our services seem under-prepared. The Care Quality Commission's annual review of the London ambulance service found that

major incident protocols had not been updated since 2012 and that some staff were not even aware of the protocols. Most staff had not been trained in major incident procedures, apart from in the rehearsals for the 2012 Olympics. The chief officers of the six metropolitan fire and rescue services warned recently that the UK's resilience to major incidents is under threat. They warned the Government that,

“It's no longer safe to keep cutting the number of firefighters, pumps, stations and equipment”

in the face of the terrorism threat in our major cities. The Fire Brigades Union, the Police Federation and Unison wrote jointly to the Prime Minister in the aftermath of the Paris incidents, offering to work with him to see how they could best prepare for any attack in Britain. I understand that the Prime Minister told them he was too busy to meet. What a pity. It is time that the Government listened to the voices saying that our emergency services are not prepared for major incidents.

I know that the Minister will not try to say that one mock event in Greater London amounts to preparation, and I hope that he will at least consider amendment 169 and the use of collaboration agreements to foster co-operation that can tackle major threats. I hope, too, that he heard the hint earlier that I would like to be invited to any future events in which these incidents are mocked up, so that I can see them for myself.

I worry that the Government have fundamentally misunderstood the role and potential of the fire service, and have therefore failed to use this legislative opportunity to make a focus on major incidents a statutory part of collaboration agreements. I urge the Minister to think again. There is no more pressing example of the need for collaboration than the occurrence of major incidents. In this way, we can ensure that the Government are best prepared to deal with the growing threat of major weather incidents and the lingering danger of terrorism.

I urge the Minister to consider amendment 169 properly and not simply to dismiss it with the “not invented here” approach that is far too common in this House. Given that he wants to keep this country as safe as possible when major incidents occur, I ask him to accept the amendment as a positive contribution to enabling him to do just that.

Mr Kevan Jones (North Durham) (Lab): It is a pleasure to serve under your chairmanship, Mr Howarth. Amendment 156 is a probing amendment; I will not divide the Committee on it. As I said on Second Reading, I welcome what the Government are doing through the Bill to amend the Mental Health Act 1983, in particular ensuring that people in mental health crisis do not end up in police cells. I have a little bit of sympathy for the police in terms of how they deal with such individuals. The police are not the appropriate people to deal with those in mental health crisis, but sadly they are sometimes the only ones available. The dedication of our policemen and women is such that they will not turn away people in that type of crisis. The purpose of my amendment is to probe whether we can get more collaboration between the police, the health service and other agencies, including local government.

In February 2014, the mental health concordat was agreed between the third sector, the police, local authorities and the NHS. It is important to read the joint statement, which states:

“We commit to work together to improve the system of care and support so people in crisis because of a mental health condition are kept safe and helped to find the support they need—whatever the circumstances in which they first need help—and from whichever service they turn to first.

We will work together, and with local organisations, to prevent crises happening whenever possible through prevention and early intervention. We will make sure we meet the needs of vulnerable people in urgent situations. We will strive to make sure that all relevant public services support someone who appears to have a mental health problem to move towards Recovery.

Jointly, we hold ourselves accountable for enabling this commitment to be delivered across England.”

I accept that there is no statutory basis for the concordat, which is a problem, but I think it is important to draw the Committee's attention to the final sentence of the joint statement:

“Jointly, we hold ourselves accountable for enabling this commitment to be delivered across England.”

Well, currently there is no mechanism by which those organisations—I am not criticising any individual—are held accountable for delivering what they promised in the concordat. There is a desperate need for that.

The concordat's aims are very good. I have seen some very good examples of joint working between all services, including the police, fire service, ambulance service, NHS and local authorities up and down the country. There are examples of mental health professionals being co-located with police officers and triage teams, and that is certainly working very well. In my local NHS trust, community psychiatric nurses are appointed in A&E because, unfortunately, A&E is one of the places to which people in mental health crisis turn because they are unable to get help elsewhere—even though, as everyone knows, that is the last place they need to be. Having a mental health professional has clearly helped in my local hospital by ensuring that people in mental health crisis do not sit around for hours on end getting no form of treatment.

I accept that this is not necessarily just a police problem; it cuts across other Departments including Health. The amendment questions whether we can use the Bill to put the concordat on to some type of statutory basis and to provide for a presumption that local authorities and others should work together locally to deliver the concordat's aims, to which most people would sign up. Is the amendment about money? No, it is not. Properly implemented, it could save money. Time that the police spend dealing with people in mental health crisis is time that they are not spending doing other things that they are perhaps better qualified to do. Perhaps the Minister could look at this issue and talk to his colleagues in the Department of Health, so that on Report we can have an indication of how this operation could be enforceable. I do not think that it should fall solely on the shoulders of the police.

Jack Dromey: My hon. Friend speaks with great authority on this crucial issue. He makes the point about police time. The Oleaster centre in Birmingham, a collaborative venture between the NHS, the police and the local authority, has seen the average police time spent on a section 136 incident reduced from 14 hours to five hours. Does my hon. Friend agree that there is a powerful argument, regarding not just appropriate treatment of those suffering from mental illness, but the efficient

[Jack Dromey]

use of police time, for having such facilities nationwide? What he proposes would be very helpful towards that end.

Mr Kevan Jones: I do. The example to which my hon. Friend refers is replicated in other parts of the country where the police have in many cases taken the lead, working jointly with the NHS to set up those facilities. They make the experience better for those individuals who are in crisis. As he rightly says, they provide a more efficient way to deal with police time. Without a provision to enable this, I fear we will do all the work in the Bill on changes to the Mental Health Act 1983, which I welcome, but end up saying, “This is what we want to happen but will it happen in practice?” The example in his constituency shows that where there is a will and local drive, this can happen. My fear is that we will get a patchwork quilt of provision across the country. It would be helpful if we could make co-operation to deal with these issues statutory. I will come to another point later when we talk to amendments relating to the Mental Health Act.

I commend the Government’s aim to prevent people in mental health crisis from going to police cells. However, unless there is alternative provision in place, that will not happen. The need to monitor what happens to individuals should be recognised. If we reach the point, which we all want, of having no one in police cells, but without the people concerned getting adequate care elsewhere, we will have failed them. I will address that point later. I am now interested to hear what the Minister has to say.

Mike Penning: I say at the outset that I understand the intention and good will behind the amendments. I put my hand up to a typo where “and” appears instead of “or”, which will be corrected later.

I say to the shadow Minister that the duty in clause 2 would be subject to the restriction in clause 3. Clause 3(1) sets aside the duty to enter into a particular collaboration agreement if that agreement would negatively impact on efficiency or effectiveness. Therefore, the Bill specifically addresses the point she raised. I will not dwell on that because it is not a matter of semantics. She is quite right, but clause 3 addresses that.

Lyn Brown: Could the Minister say those words again: “She is quite right”? I love them.

Mike Penning: On that narrow point. I have no idea why the shadow Minister was not invited to the brilliant exercise, which was the largest we have ever seen. I was not there either, although I had been invited, because I was at Didcot, for reasons colleagues will understand.

10.15 am

There have been numerous other exercises, including marauding terrorism exercises, which touch on some of the issues raised by the hon. Lady. I will endeavour to make sure that she is informed, unless there is a specific reason why that should not be the case—I cannot think of one at present. It would have to be me who said no, not a civil servant. The same applies to the shadow Police Minister.

May I gently take issue with the shadow Minister on the suggestion that we are not ready or capable of looking on? Actually, we do a fantastic job. When these types of things happen, the training kicks in and the type of people we have in the emergency services kick in. When I was at the marauding terrorism exercise, it was fascinating to see where the emergency services had moved to. The fire service was bringing out the casualties while the shooting was still going on, in an exercise scenario.

I have met the FBU and the Police Federation—I have obviously met the Federation a lot more, because I have known them longer—but I have not had the opportunity to meet Unison. If it invites me, I will do so. If it wants to sit in the same room and talk to me, I would be more than happy to do so. Normally, when the Prime Minister gets invited to that sort of thing, the invitation is moved through the system. I have no idea why that has not happened, but there is an open invitation. My door is open to all three representative bodies. As usual, my FBU badge is in my back pocket, as it has been, literally since the day I was in the fire service.

As the hon. Lady said, joined-up fire and ambulance services are already on the programme—these pieces of legislation are on the statute book. I think we are prepared and evolving. We are looking very carefully at what happened during the floods. I was in Lancashire and visited the areas that were particularly affected and listened to the front-line fire service operative say, “Well, we could have an inflation device on the back of our vehicle.” I have heard the calls for a statutory review. We are reviewing at the moment. We are reviewing how we did, but can we say at the outset what a fantastic job our emergency services did during the floods?

There are other areas where we need to make things work closer together, for instance in the utility services. For example, we need to ask if the areas around reservoirs can be drained down if we think a flood might take place, without there being concerns about whether enough drinking water was going to be available during the summer. That did happen in Lancashire, where one of the reservoirs flooded through the town. We are not ruling out that we would introduce legislation on flooding, but let us wait to see what evidence comes back. The Home Secretary and I will continue to look at that.

The conversations that take place outside the Committee Room are also very useful, particularly those with the hon. Member for North Durham. Not only is he very knowledgeable in this area, but he is willing to sit and talk to see how we can improve things. I have talked at considerable length with Opposition Front-Bench Members as well. We had a conversation about this before, because the concordat is not statutory. To make it statutory within a Bill would make it quite difficult—not impossible. The Under-Secretary of State for the Home Department, my hon. Friend the Member for Staffordshire Moorlands, who is going to take through part 4, will meet the hon. Gentleman to see how we can improve this.

The hon. Gentleman is absolutely right. As Police Minister, I cannot mandate the rest of the Government. However, if we did not have the provisions in the Bill to say that we are not going to keep people who are mentally ill or going through a mental health episode in our cells, it would carry on as it always has under previous Governments and under ours. Someone has to say stop and the Home Secretary has said enough is

enough. They will have to bring that capacity forward. We have fewer section 136s and 135s and a lot fewer of the cases that I used to experience, when people who were ill were taken to a place of safety in the back of a police vehicle. I once saw someone taken in the cage of a police riot van. It was completely inappropriate and it has to stop with us, with the police saying, “We are not the first port of call; we are the last port call. We will come, but we are not the first port of call.”

Mr Kevan Jones: I welcome the Minister’s point. Our amendments are the grit in the oyster, in the sense that they are going to force others to improve facilities. Having seen different Departments when in government, I know that without some direction from the Bill, it will not happen. The Minister and his colleagues have great intentions and I pay tribute to him and to the Home Secretary for addressing this issue, but without something on the face of the Bill or some movement during the passage of the Bill, it will not happen.

Mike Penning: Nothing would happen if we were not doing this. I thank the hon. Gentleman for his kind comments. We are starting to drive this. An inter-ministerial group on that specific issue was formed during the last Government. It still sits and it will push on with this. I do not think that the amendment is necessarily the right vehicle, but I agree that we must push it forward. Otherwise, the health and social services will be knocking at the door, saying, “We’ve got nowhere else to go,” as we often hear.

I used to experience that when I was in the fire service, and it still goes on. I have been stationed with the police when it has happened. It is usually at 4 o’clock on a Friday afternoon. Social services phone up saying, “We haven’t seen Mary or Johnny. Would you go round and check on them over the weekend?” The answer must be “No, that is your legal responsibility, not ours.” I know that that is a development of what we were talking about, but it is exactly what goes on: “Would you go in and open up for them?”. It is a difficult area, but one that we must touch on.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): All the areas in which we are talking about collaborating with police forces are devolved in Wales. I suggest that somewhere along the line, thought needs to be given to how such collaboration will work in that unique situation.

Mike Penning: We have discussed that with all the devolved Administrations. This proposal refers to the concordat within England, because obviously that is devolved, but I do not think that any devolved Administration would not want to do what we are discussing. They might have a different mechanism for implementing it, but nobody wants somebody with a mental illness episode to be treated any differently from someone with a broken leg or other physical injury; hopefully we have moved on from that. That is what we are trying to do.

The shadow Minister has made a point on a couple of occasions about co-responding. This is not just about rural communities—thank goodness London is now doing co-responding through a pilot. I served in areas that were quite rural areas and in areas, like the M25,

that could not be described as rural—it is more like a giant car park at most times. For one reason or another, the other emergency services often did not arrive for some time.

We want to save lives. That is part and parcel of what the emergency services do. Co-responding is critical to that, as is moving on, in training terms, way beyond some of the things that we have discussed today. For instance, in Hampshire, the service was desperate to get the necessary qualifications to give fluids by IV. We know from Afghanistan and Iraq that that saves lives.

I understand the theme, but I do not agree with the amendments, because I think that they are unnecessary. Sadly, yet again, I will oppose them.

Lyn Brown: I thank the Minister for his response. I have not been to see London since my early days, and my early stint as the shadow Fire Minister before the election, so I am grateful to him for letting me know about the pilot. I will get in touch with London so that I can find out more, because I am interested. I have also not been to Hampshire; I do not believe that I have been invited yet. I deliberately did not go to see the flooding. I felt that it was inappropriate for me to be a water tourist, and that I would merely get in the way, so I have not been up or down to flooded areas.

Mike Penning: The hon. Lady is absolutely right: neither of us should be at an incident. Having politicians there is dangerous. Once it is finished and we are starting to learn, the experience that she will get from the frontline is better than any briefing she will ever get.

Lyn Brown: The Minister is absolutely right, which is why I spent my time as shadow Fire Minister during my first stint popping up and down the country, going to many fire and rescue authorities in constituencies represented in this room. I thoroughly enjoyed it.

I said to the people affected by flooding that when they had dried out, I would be grateful for the opportunity to come and talk to them, although I have not yet had an invitation. In my second stint as shadow Fire Minister, I look forward to renewing my request to be talked to and to pop up and down the country yet again, as part of this impressive, exciting and enjoyable part of my brief.

I am grateful to the Minister for being open to the idea of a statutory duty on flooding. We both know that professionals in the fire service have called for that duty since the last days of the last Labour Government, and I genuinely think that it would be welcome and useful. If nothing else, the fire service would welcome some kind of acceptance, understanding or acknowledgment of its work on flooding.

I have talked about major incidents, and the Minister tried to reassure me on that, but the chief officers of six metropolitan fire and rescue services recently warned that they feel that the UK’s resilience to major incidents is at threat. They genuinely believe that the reduction in plant and firefighters would make us weaker in our resilience to a terrorist threat. I do not want to ramp that up into a big issue—I am not fearmongering—but we all need to recognise that that is what our professionals

[Lyn Brown]

are saying to us. Collectively, we do not want to get into a position where our fire services cannot respond to incidents, where they are needed.

I leave it at that. The Minister has been very generous, and very sweet in offering to invite me to the next big event, so long as the gift is in his hand and there is no other reason for me not to go.

Mike Penning: Scotland is waiting for you.

Lyn Brown: I am sure that Scotland loves me very much. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

Lyn Brown: The Opposition support the duty to collaborate, and thus we will not be voting against clause 2, but I take this opportunity to raise some concerns about the way in which the clause is drafted. Subsection (5) makes it mandatory for emergency services to enter into collaboration agreements when conditions are met, which is a move away from the successful programme of treating collaboration in communities as a voluntary, organic exercise among blue light services. As we have heard this morning, and as all Members will agree, excellent local collaborations have saved a number of lives. Collaboration projects are already happening between emergency services across the country, and we welcome that direction of travel. Well-designed, thought-through collaboration projects can allow for better and more comprehensive service delivery, saving on back-office costs so that resources can be diverted to the frontline.

That is all good practice. Much of the collaborative work that the Government wish to encourage is already happening, and it will continue to happen as pilots are evaluated and lessons learned. Our emergency service professionals are good people. They do not need to be told of the benefits of collaboration, and they are best placed to judge when collaboration is in the interests of their communities.

I do not have time to go through a whole bunch of examples—I could if I wanted to take up the Committee's time—but I will mention a few. For Members who are interested in reading about further examples, I recommend the excellent "Beyond Fighting Fires" report by the Local Government Association, which contains a series of enlightening case studies. One case study is the safe and independent living initiative from Dorset fire and rescue service. In 2008, Dorset suffered 13 separate home fire deaths, having previously experienced just one or two a year. The Dorset service, understandably, wanted to know what was happening. It investigated thoroughly and found out that half the fires were caused by smoking and combustible materials and the other half were caused by electrical factors. All the deaths were harrowingly preventable. The service also found out that the majority of people who died were known to one or other of the public sector services.

10.30 am

The Dorset service acted on that discovery by calling together its partners and convincing them that collaboration was vital if the spike in deaths was not to become a predictable and preventable trend. The police, the NHS

and other local authority bodies all signed up and now use a common risk assessment when they visit a client's home. More than 600 referrals have been made to Dorset fire and rescue service through the safe and independent living initiative, and firefighters have referred nearly 1,000 residents to other agencies—an amazing quantity of vital preventive work that is only possible through collaboration between a number of services.

In Humberside, the fire and rescue service is helping to lessen the load on the ambulance service. Last year, 1,016 people aged over 65 were admitted to hospitals in Hull with injuries due to falls. Whole-time firefighters are the first port of call for those incidents, providing a quicker response for people who have fallen in their home, freeing up capacity for the Yorkshire ambulance service and making essential, life-saving checks of fire alarms, smoke hazards and fire hazards, as those are just the types of homes in which such hazards had increased.

When dad was alive, I would have welcomed the London fire brigade coming in and lifting him off the floor for each fall he had. I sat with him time after time for a couple of hours—at a push—waiting for an ambulance service that could physically lift him. My dad used to say that he was a bit like a sheep that had been knocked over. If someone just picked him up, gave him a shake and put him back on his feet, he would be fine, but laying there for that amount of time made him distressed, increased his anxiety and meant that he ended up hospitalised when, frankly, that did not have to happen.

Humberside fire and rescue service deals with 530 to 550 of those sorts of calls a month, which is nearly two thirds of the number of fire and rescue calls it deals with. It is only in its nascent stages, but the role of the fire service is being transformed. Local decision makers are already embarking on many innovative and successful collaboration projects, and they have done so without being told that they must by Whitehall. Although there may be a case for collaboration agreements, which could provide an institutional framework and impetus that help emergency services to continue and further good collaborative work, I think that this part of the Bill is largely superfluous. The Minister needs to be aware of some of the dangers in his approach of making collaboration agreements essentially mandatory.

The reason that the existing projects have been so successful is that they have been driven by needs identified in the local area. In Humberside and in Dorset, the fire and rescue services were responding to known local problems and working with an array of partners to sort them out. That flexible, local approach towards collaboration will become less effective by being mandated from Whitehall with pre-selected partners. The Minister needs to ensure that local actors do not come to resent collaboration projects as a central Government imposition and a distraction from the core duty of keeping the public safe.

I am concerned that mandatory collaboration agreements may put services at risk. For example, what would happen if Humberside fire and rescue service did not feel that it had the capacity to deal with Yorkshire ambulance service's request for assistance to domestic falls, but felt compelled to do so anyway? I understand that clause 2(4)(b) is supposed to safeguard against that, stating that collaboration agreements must only be made when the proposals are "in the interests of...efficiency and effectiveness"

of a service. However, I wonder whether that is sufficient safeguarding. Once the Bill comes into force, emergency services will know that they have a centrally mandated duty to collaborate. It is part of how they will be judged by their various inspectorates and auditors and by their bosses at the Home Office. There is a danger that they will feel they have to collaborate, even when they do not have capacity to do so, simply to appease inspectors.

To be fair to the Minister and the Government, they appear to partially recognise that danger, given that they provide a series of qualifications exempting NHS ambulance trusts from entering into collaboration agreements. For example, clause 3(2)(a) states that NHS ambulance trusts do not have to enter into agreements if those agreements would have an adverse effect on their ability to exercise their emergency functions. Will the Minister tell us why the police force and the fire service have not been provided with analogous safeguards?

Mr Kevan Jones: My hon. Friend makes a good point, as these things are already happening. In my local area in Durham, the fire and rescue service works closely with the police and ambulance services, particularly in co-location of appliances. For example, in Barnard Castle, which is in a rural area, the ambulance, fire, police and mountain rescue services work together, which improves the service but saves money for the estate.

Lyn Brown: I thank my hon. Friend for reminding me of my visit to Durham fire and rescue service. I was really impressed by what they were doing. They were clearly cash-strapped, but went out to maximise their impact and save money where they could by collaboration. Their most important focus was on saving lives and improving services to the local area, and I was very impressed.

The clause gives the impression that under this Government there is a hierarchy of services, and that the fire service is the equivalent of *Lepidus*—that is, the least in the triumvirate. That is from Shakespeare's "Antony and Cleopatra"—I did it at A-level. The Opposition believe that collaboration between the emergency services is a good thing. Providing the funds to encourage and support collaboration, and giving an opportunity to evaluate the collaboration and disseminate good practice, are essential. Providing an institutional framework for supporting further collaboration has some merit, but it is likely to be superfluous and I honestly believe that there are dangers in making that mandatory. Local experts, who understand their service and their local needs, are best placed to make final decisions about collaboration—just as they have been doing effectively over the past few years.

Mr Kevan Jones: May I echo the points made by my hon. Friend? This is actually happening on the ground. As a former Minister, I have seen close up the tendency of this Government to think that all the pearls of wisdom are contained within Whitehall, when clearly they are not. As my hon. Friend says, in many cases this is being driven by cost. County Durham and Darlington fire and rescue service, whose budget has been cut by the Government, has had to look at new ways of delivering services. However, the driver has not

just been cost; it is also the recognition that, working together, ambulance, police, fire—and, in this case, mountain rescue—services can deliver a better service for the public. That public sector ethos is alive and kicking in my local area, where the public come first in terms of the service they give. If they can do things to improve that, it is all the better.

What would the Minister judge as collaboration? I accept that he might want to give examples of where that is not happening and the reasons why. In Durham, we have tri-responders: the police, fire and ambulance services. In a large rural county such as Durham it is not possible to have a physical presence from all three services in all areas, and they have worked together very closely. That has been driven not just by the police and crime commissioner but by other services working together.

What would be an example of failure? The Bill talks about co-operation, but to what level? Is this about the response to incidents? There are good examples of the co-location of services. In County Durham, it is not just about ensuring that we get more efficient use of estates. Things such as open days and the provision of public information, including to schools, are now being done on a joint basis by the police and fire. As my hon. Friend rightly says, the incidents that affect many of our constituents are not just pigeonholed as requiring a police response, a fire response or an ambulance response. Those things are working very well, so I would like to know what will be achieved with this measure. Can the Minister point to examples of where that is not happening and, if it is not happening, has he examined why? I have outlined the great work being done in County Durham. What would the Minister see as failure or as not meeting the co-operation target? Is he laying down from Whitehall, as seems to be the tendency of this Government, a framework that local PCCs and fire authorities have to meet if they are to meet this test? I think that, without that, what happens in different areas will be pretty arbitrary.

I represent quite a rural constituency in County Durham, although the Government have not recognised Durham as a rural county in their local government funding settlements, possibly because it votes Labour rather than Conservative. Responses that work in London may not work in rural areas such as County Durham. Providing the flexibility to allow local fire chiefs, local fire authorities, PCCs and the NHS to collaborate on what works best locally would be the right approach. If the Minister tries to direct from Whitehall a template that each area has to adopt, it will not work.

Mike Penning: I will not detain the Committee long. I think that there were three main questions.

Jake Berry (Rossendale and Darwen) (Con): Will my right hon. Friend the Minister give way?

Mike Penning: I have not said anything yet.

Jake Berry: May I encourage the Minister not to listen to the representations from the Labour party? The whole point of the Bill is that it does not seek to put PCCs and fire services in the straitjacket of a definition driven from Whitehall. I hope that he will, in

[Jake Berry]

the spirit of the Bill, ensure that it is a localist, devolution Bill, rather than one seeking straitjackets directed by the Minister in Committee.

Mike Penning: My hon. Friend may well be sitting in this chair in a couple of years' time if he makes contributions like that, or in even less time than that. In a perfect world, this legislation would not be required. It would not be required if all the wonderful work that we hear is going on around the country was universally going on. One size does not fit all, but London probably is an example. The responsibility will not be with a PCC; it will be with the Mayor. We are passing the responsibility for fire services to the Mayor. How many fire stations in London are police stations?

James Cleverly (Braintree) (Con) rose—

Mike Penning: I will give way to my hon. Friend, who is much more experienced in this.

James Cleverly: The hon. Member for North Durham asked for examples. May I provide one from my London Assembly constituency rather than my parliamentary constituency? In Bexleyheath, the Bexleyheath fire station shares a party wall with a London ambulance station, which shares a party wall with a Transport for London bus depot, which is only a few yards from the Metropolitan Police headquarters. They all have separate catering contracts. They all have separate catering contracts. That is in an area where we have made a concerted effort to have more collaborative working, so I think that it is fair to say that this needs extra impetus. That is just one ultra-local example.

10.45 am

Lyn Brown: I am not going to stand here and argue that London does not have its problems, because quite clearly it has. One of the reasons why the London bit is in the Bill is because the existing London bit has not worked; there has been serious conflict, which has seriously damaged London's ability to respond to the collaborative agenda as other areas of the country have. However, the point made by my hon. Friend the Member for North Durham still stands, because I have not been anywhere else in the country where there has not been collaboration with fire and rescue services, and with other services.

The Chair: Order. I have been very generous with interventions, I remind Members that interventions need to be short and to the point, and should contain a question. So far, I do not think that any of the interventions have fulfilled any of those requirements, and I expect interventions to do so in future.

Mike Penning: Finally, I say to my hon. Friend the Member for Braintree that I will listen to Opposition Members and I will particularly listen to the shadow policing Minister, the hon. Member for West Ham. The duty of collaboration is welcome; there is no doubt about that. I agree with my hon. Friend completely; that is why the duty is in the Bill.

Question put and agreed to.

*Clause 2 accordingly ordered to stand part of the Bill.
Clauses 3 to 5 ordered to stand part of the Bill.*

Clause 6

PROVISION FOR POLICE AND CRIME COMMISSIONER TO BE FIRE AND RESCUE AUTHORITY

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

Lyn Brown: The Opposition do not believe that the Government have even begun to make the case for the fundamental governance reforms to the fire and rescue service that would be introduced by clause 6, so we will vote to remove it, and consequential schedule 1, from the Bill.

Clause 6 and schedule 1 contain provisions that allow for a police and crime commissioner to become a fire and rescue authority and, in so doing, effectively assume control of a fire and rescue service. I will have plenty to say in later debates about the lopsided process by which the Government are proposing that these takeovers should happen, and what the governance and scrutiny of the fire and rescue service would look like once the takeovers have gone ahead, but I will take this opportunity to discuss the merits of the proposal in the first place.

I know that that is not the way the Government think things should be done. They have been quite happy to go through a consultation exercise that does not ask stakeholders what they think of the merits of the proposals, and they have completely ignored the recommendation of Sir Ken Knight that these proposals need to be put through a rigorous pilot programme so that we can know whether they are likely to bring about any benefits.

It was not really a consultation, was it? It was stuffed full of leading questions that were not about whether the plans were right or about what should be done, but about how to implement them. The Government have ignored the evidence-based strategy suggested by Sir Ken. Why did the Government not undertake a pilot, as recommended by the Knight review? Why not undertake a proper risk assessment and outline the implications of the plans, alongside those of the budget cuts that are now starting to take effect and affect response times? The Government have acted on the assumption that it is a given that police and crime commissioners will get powers to take over the fire and rescue services. Why is that reasonable? They need to present arguments as to why that is a good idea. In whose interest is it? It is not right simply to propose reforms to a vital public service without producing a detailed set of arguments as to why those reforms are in the best interests of that service and the public.

Government impact assessments always start with the same two questions: "What is the problem under consideration?" and "Why is Government intervention necessary?" Those are two very conservative questions: if there is no evidence that something is not working as well as it should or that there is a problem that needs to be solved, the Government simply do not have reason to act. They should certainly not be legislating for its own sake. If the problem is London, legislate on London.

There is absolutely nothing in the impact assessment identifying tangible problems with the governance of the fire service, nor is there any attempt to explain why the legislation is necessary. The only relevant reason in the impact assessment is the fact that the Conservative manifesto pledged to "develop the role" of police and

crime commissioners. Why is that? What did the fire service do to deserve this? It is an extraordinary way to go about the business of government. I am not surprised that civil servants at the Home Office could not come up with any tangible reasons why PCCs need to play a role in the governance of the fire and rescue service; there are plenty of reasons to think it is a bad idea.

Mr Kevan Jones: Although the clause refers to the fire and rescue service, it does not refer to ambulance services, for example. Does my hon. Friend agree that PCCs adopting ambulance services is a logical conclusion, if they are to encompass all the emergency services in an area?

Lyn Brown: I can only imagine that the Home Office lost the argument with the Department of Health. That is the only thing that comes to mind. The Home Office wanted a big takeover for PCCs, but it has failed to do so because the Department of Health said no.

PCCs are a nascent institution. With suitable caution, the Home Affairs Committee has said that it is “too early to say whether the introduction of police and crime commissioners has been a success.”

If we do not know whether PCCs have been a success in their core duties, why are the Government proposing that they expand their portfolio by adopting fire services? We all hope that the turnout for PCC elections in May is better than the 15% managed the first time round, but before we hand over more powers to PCCs, would it not be better to see whether public support and interest in the institution has improved from such a dismally low level?

The Government may see things differently and want to bolster the powers and budgets of PCCs to help them through their difficult start, but a vital public service such as fire should not be pawned off to save struggling Whitehall inventions. What is next? Stretched NHS ambulance trusts running community volunteering schemes to rekindle the big society?

Jake Berry: Good idea.

Lyn Brown: I am frightened of giving the hon. Gentleman ideas, particularly if he is going to rise to the Front Bench.

We know that the Chancellor is very fond of mayors. I have no problem with them, but they should not be imposed. The coalition Government balloted people, and in nine out of 10 metropolitan areas, people said no. However, the Chancellor likes to get his own way by attaching mayors to combined authorities in exchange for devolved powers. Could he get more mayors by developing the role of PCCs? Is that what this proposal is about? Get PCCs to take over fire and rescue, and what is next? Will it be probation, the ambulance service or some of the free schools? Perhaps I should not give anybody ideas.

We must also question what expertise PCCs are supposed to bring to the management of fire and rescue services that those services do not themselves possess. Most of the present batch of PCCs were selected by their parties before they even knew that PCCs could take control of their fire services, so a candidate’s vision, plans and

manifestos for their local fire service cannot have played much role in their political ascent.

Amanda Milling (Cannock Chase) (Con): Does the hon. Lady not agree that PCCs have as much experience as many members of the fire authorities, who are councillors? I do not see any additional expertise there.

Lyn Brown: The hon. Lady is mistaken. Councillors play a prominent role on many management committees of fire and rescue services, but they are not the only players. I do not know whether she has met many of them, but they are people who have devoted their time in local government to truly understanding and working on fire issues. They know so much. There is a wealth of knowledge and experience on those panels. When I am in a room with them, I cannot but be impressed by their collective—

Amanda Milling *indicated dissent.*

Lyn Brown: I hear the hon. Lady saying that about her own fire and rescue authority. When I get back to my office, I will have a look to see which fire and rescue authority it is and why she has such a view, but in my experience of speaking to people from each political party who have served on fire and rescue service committees, they are highly knowledgeable and committed to the area for which they are responsible. I do not like to denigrate local democracy in that way. We in the Labour party appreciate what our local councillors do, many of them for not much reward at all.

The point that I am making is not that PCCs are bad and fire services are good; it is that in the Bill, the Government are creating unnecessary conflicts with one preferred model: PCC control, the favoured approach. It is not about what works locally, and it should be. If the Government are to turn PCCs into mini-mayors with responsibility for all sorts of policy positions, which I think is their real agenda, they should at least do so openly, so the democratic process can respond to the expanding office.

I genuinely think that the proposals come with significant risks. The most important is that fire, with its much smaller budgets and less media attention than policing, will become an unloved secondary concern of management, a Cinderella service. I have raised that point repeatedly with the Minister, but he has not indicated what he proposes to do to mitigate that risk. I know that he wants to champ on with the Bill, but I would like him to answer that particular point. What will he do to ensure that the fire services taken over by PCCs do not become Cinderella services?

Peter Murphy, the director of the public policy and management research group at Nottingham Business School, has argued that slipping into the status of a Cinderella service would only be a repeat of what happened the last time the fire service had to share an agenda with policing. I shall quote him, because it gets to the point. He said that

“if the current plans are implemented, there is a very strong chance that the fire and rescue services would go back to the ‘benign neglect’ that characterised the service from 1974 to 2001, when the Home Office was last responsible for fire services. Police, civil disobedience, immigration and criminal justice dominated the Home Office agenda, as well as its time and resources.”

[Lyn Brown]

If the fire service becomes the lesser partner in a merged service

“the long-term implications will include smaller fire crews with fewer appliances and older equipment arriving at incidents. Prevention and protection work, already significantly falling, will result in fewer school visits and fire alarm checks for the elderly, not to mention the effect on business, as insurance costs rise because of increased risks to buildings and premises.”

What a chilling vision for the future of our fire service.

11 am

The Government propose fundamental reforms to a trusted and successful public service. If they want to make such proposals, they should present detailed and evidenced arguments for why that is likely to be in the best interests of the fire service, the public service that deals with fire, flooding, road traffic collisions, industrial disasters and the aftermath of terrorist incidents. Instead, they have sought to avoid that at every opportunity: in their release of an impact assessment that could not even identify a policy goal; in ducking a pilot programme; and in a sham consultation that did not ask real questions. It was a sham.

Given the enormous risks that the Government's reforms present to the future efficiency and effectiveness of the fire service, the Opposition think it would be irresponsible to support the reforms in their current form. We oppose clause 6, which should not stand part of the Bill. I urge every member of the Committee who thinks that we should be looking out for the very best interests of our public services to do the same.

Mike Penning: I often agree with the shadow Minister, but on this one she has taken her feed from the FBU too far.

Lyn Brown: What?

Mike Penning: That is my view. I have listened to the shadow Minister's view, and that is my view.

I quite like some of Sir Ken Knight's comments, which the shadow Minister quoted extensively. Sir Ken is probably the biggest reason why the measure is in the Bill. I do not know whether the Committee noticed, but the shadow Minister's argument is almost identical to the one against PCCs taking over the police. It was a Labour party manifesto commitment to abolish PCCs. Labour lost and changed its mind. This measure is a Conservative manifesto commitment, and we will take it through Parliament.

Sir Ken Knight was specific. He said that collaboration between the emergency services across the whole country is patchy and will not begin to change consistently without more joined-up and accountable leadership. The police and crime commissioners are uniquely placed to provide that leadership, which is why we support clause 6.

Lyn Brown: Is that it?

Mike Penning: The rest of it was rubbish, so I am not going to bother responding to it.

The Chair: If anybody has anything to say, the opportunity is still available.

Lyn Brown: That is poor from the Minister, really poor indeed. There are serious issues here. If he wants to quote Ken Knight, let us quote Ken Knight. I ask the Minister yet again why he has not conducted the pilot that Ken suggested in his report. Why not do the pilots? My second question is: why now? We have PCC elections in a couple of months' time, and this is not even in the manifestos of the candidates who are standing in those elections. The public will not be given an opportunity to decide whether they want X running their fire services, as well as their police services. In fact, the PCC candidates have not really been given an opportunity to debate fire services and what they would actually do with them, such as whether they would choose to take the option of putting them under the control of—

Mike Penning: FBU feed.

Lyn Brown: It is not an FBU line, and I really, really resent that suggestion. In previous discussions, the Minister and I have managed to be courteous to each other. I urge him not to diminish my political concerns by telling me that they come from someone else. They do not; they come from my being a local councillor for 18 years and my belief that local councillors and local democracy matter. The Minister has done the Committee no favours at all with his very short answers in response to the comments and concerns that my hon. Friends and I have expressed. Perhaps he would like to take some time and do it again.

Jack Dromey: Like my hon. Friend, I am disappointed that, a powerful case having been made, there should be such a cursory reply. The point was made earlier that PCCs are elected. Yes, they are, but so too are local authority representatives on fire authorities—they are elected, and they are accountable. Why is it that a PCC, with the support of the Home Secretary, could take over responsibility for the fire service against the will of locally elected representatives? That cannot be localism by any description.

Lyn Brown: I totally and utterly agree with my hon. Friend. I think the Minister has done this Committee a disservice by not answering our questions properly. I urge him to get back on his feet and give us a much more reasonable and considered answer to the points that we have made.

Mr Kevan Jones: On a point of order, Mr Howarth. This is a habit of the Minister. On Second Reading, he gave a 15-minute—or even less—response to the debate, and we saw that again today. I thought the purpose of Committee was to scrutinise legislation and for the Government to argue their case for the Bill. That is not what we have seen today. I wonder whether you can give some guidance to the Minister. He needs to answer questions or even put a case for his proposals.

The Chair: As the hon. Gentleman knows, that is not a point of order. The Chair is not responsible for the Minister's response. He is responsible for his own response, so I will not allow the matter to go any further.

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

The Committee divided: Ayes 8, Noes 6.

Division No. 1]**AYES**

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

NOES

Brown, Lyn	Jones, Mr Kevan
Dromey, Jack	Saville Roberts, Liz
Jones, Gerald	Smith, Jeff

Question accordingly agreed to.

Clause 6 ordered to stand part of the Bill.

Schedule 1

PROVISION FOR POLICE AND CRIME COMMISSIONER TO
BE RESCUE AND FIRE AUTHORITY

Lyn Brown: I beg to move amendment 174, in schedule 1, page 113, line 12, leave out “or” and insert “and”.

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”.

The Chair: With this it will be convenient to discuss 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, 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: The Opposition do not believe that the case has been made for PCCs to govern the fire and rescue services. I think that after the debate we have just had, a case is sadly wanting.

Mr Kevan Jones: It would be nice to hear the case for why PCCs should take over fire and rescue services, because we have failed to hear that from the Minister.

Lyn Brown: We have indeed failed yet again to hear a case from the Minister as to why this massive change to how our public services are run is to happen. I really am disappointed that the Minister did not take the opportunity in the previous debate to give us some decent reasons. But there are none—simply because of one obscure line in the Conservative party manifesto, the Government want to boost the role of PCCs. That is a really poor reason.

[Lyn Brown]

However, if the Government intend to go down that path and the reforms are to happen, the Bill could be strengthened if the Government accepted the amendments. They would make significant changes to the process by which a PCC can take over, and to the structures of accountability and scrutiny that they face once they have taken charge of the local fire service.

Amendment 174 would ensure that the Secretary of State could approve a takeover only if it was in the best interests of public safety and efficiency. The schedule currently requires it to be in the best interests of only one or the other. Amendment 181 would require a police and crime commissioner to pay the costs incurred by a fire and rescue authority in preparing information for a takeover bid.

Amendments 170, 171 and 172 all deal with the consultation process. Amendment 170 would require full consideration of people's views. Amendment 171 would restrict the scope of the consultation to residents who are served by the relevant fire and rescue service. Amendment 172 would make workers and fire and rescue authorities statutory consultees. Amendment 180 would ensure that the panel the Home Secretary used to guide her through a business case was genuinely independent.

Amendments 173, 177 and 178 all deal with who must consent before a takeover can be approved. Amendment 173 would require the consent of local authorities, and amendment 177 would require local people to approve a takeover by a referendum. We have offered a compromise in amendment 178, which would require the approval of either the local authority or the local people. Either way, there must be local consent through a referendum or through the locally elected representatives.

I have outlined a lot of issues, but then again, there are a lot of problems with the Government's proposals. I shall start with amendment 174 and the grounds on which the Home Secretary is to make her decisions, before I address the process. The amendment would ensure that the Secretary of State does not allow PCCs to take over control of a fire and rescue service unless it is in the interests of public safety. I tabled it because, as currently drafted, the Bill states that when the Secretary of State decides whether to allow a fire and rescue service to come under the control of a PCC, she must do so

"in the interests of economy, efficiency and effectiveness...or...in the interests of public safety".

The amendment is small, but its impact would be substantial. It would prevent the Secretary of State from making her decision on whether to allow a fire and rescue service to come under the control of a PCC solely in the interests of economy, efficiency and effectiveness, to ensure that it is also in the interests of public safety. Who could possibly object to that? As the Minister is in one of his collaborative moods, I expect that he will accept the amendment with gusto, because he will want to ensure that the interests of public safety are truly served.

I know I have made these arguments before, but it is really important to make our arguments as we go through the Bill, so I shall do so again, albeit briefly.

The decision to allow PCCs to take over fire and rescue services must not be allowed to become a trade-off between economy, efficiency and effectiveness on the one hand and the interests of public safety on the other. If PCCs are to take over fire and rescue services, the interests of public safety should be paramount. There should be no other interest—certainly not the Conservative party manifesto.

Under the existing proposals, if the takeover is in the interests of economy, efficiency and effectiveness, that is enough to satisfy the Secretary of State's requirements. That is simply not good enough for the fire service, and it is certainly not good enough for the general public. I am glad to see that the Government have recognised that consideration must be given to both efficiency and effectiveness, but I am concerned that they have once again misunderstood the meaning of efficiency. I reiterate that Sir Ken Knight stated:

"Efficiency does not just mean doing the same for less, nor is it just about one-off cashable savings. It is an entire approach to service delivery, achieving the best possible service for the public."

I would hope all of us in this room can agree on that.

11.15 am

A fire service that is achieving the best possible service for the public is one that mitigates risk to the public and has a rigorous integrated risk management programme. It is able to reduce the occurrence and risk of fire, it attends quickly, saves and protects at road traffic accidents and can respond to major incidents of flooding or terrorism, and it safeguards public safety.

In short, if the takeover is efficient it necessarily has to be in the interest of public safety; so the way that the Government have drafted the Bill causes me concern. I would be delighted if the Minister told me right now that it is a drafting mistake, but perhaps he will instead explain the situation in which he envisages that a PCC takeover of a fire and rescue authority would be in the interest of economy, efficiency and effectiveness, but not in the interest of public safety. If he can point to one example, why does he think it would be a good idea to give the Secretary of State the power to force the takeover on the service?

I look forward to listening to what the Minister has to say, and I hope he will give the Committee what it needs—a proper Government response, explaining the reasons for what they are doing in the Bill.

Mr Kevan Jones: Does my hon. Friend agree that the Government are arguing that local people should have a say in electing a police and crime commissioner, while at the same time they are giving the Secretary of State powers to impose on an area a set of arrangements in which local people would have no say at all? It is another example of the Government looking both ways—they talk about devolution, but now they are talking about centralisation.

Lyn Brown: That is absolutely right. It is not a localist agenda at all.

Amendment 181 would require a police and crime commissioner to pay the costs incurred by a fire and rescue authority in preparing information for a takeover bid. The Bill places a statutory duty on the PCC and fire and rescue authority to work together in the preparation

of a takeover proposal, although not as equal partners. The process is to be led by PCCs, and the fire and rescue authorities will merely be duty-bound to co-operate. The amendment is intended to clarify who will pay the costs of preparing the proposal.

Ensuring that proposals are put together to the desired standard when putting forward the case for PCC takeover of fire and rescue authorities will of course take time, and providing the information needed to prepare a proposal will inevitably carry a cost. The costs include everything from staffing and research costs to stationery and paperwork. Paragraph 2 of proposed new schedule A1, which schedule 1 would add to the Fire and Rescue Services Act 2004, sets out that a fire and rescue authority must provide information and documentation at a PCC's request. That makes it clear that the application process could easily prove very costly to a fire and rescue authority.

The schedule places duties on fire and rescue authorities, but gives them no powers in return. For example, while a fire and rescue authority must co-operate with a PCC and provide him or her with documentation and support, the fire and rescue authority is given no corresponding powers whatever in return. I find that quite astonishing. Fire and rescue authorities have a legal responsibility to oversee the strategic direction and policy of their local fire service. How can they possibly carry out that duty if they are not even allowed to ask for documentation on staffing, finance and plans from the person who plans to take over the fire and rescue service?

In response to the Government's proposed process, amendment 181 would place responsibility on the PCC to pay the costs incurred in producing a takeover proposal. There are two good reasons for that. First, as the PCC is actively seeking to take over responsibility for the fire and rescue authority, it is fair that those costs fall on them. Secondly, PCCs have larger budgets than fire and rescue authorities. They are therefore presumably better staffed and better able to absorb costs. If PCCs are not to be responsible for the costs, the Government need to work out how they will fund what could be a fairly costly process, especially when our fire and rescue services are under the cosh from spending cuts.

Mr Kevan Jones: I know that this issue will be considered later, because the Government have tabled amendments on it, but if we are to get a full idea of efficiency, one of the tricky areas is unpicking fire authorities' budgets. To give an example, in Northumberland one PCC covers two fire authorities. One, Tyne and Wear, raises its fire budget by precept and the other is part of the county council. Does my hon. Friend recognise that unpicking those budgets will be a hugely expensive exercise?

Lyn Brown: My hon. Friend is absolutely right. That is why East and West Sussex fire authorities failed to merge when both wanted to do so—it was impossible to unpick one of their budgets, and the Government were demanding back £2 million of the local authority's money. That completely floored the opportunity to do something that both fire and rescue authorities wanted. They could not do it because it was too expensive.

The other point I would make to my hon. Friend, who is absolutely right, is that many of the fire and rescue services that are integrated within a local authority

structure have already found back-office cost savings. Their emergency services departments are fully integrated into the fire service. If fire services are dragged out and given to the PCC, that will have a massive cost for many of those local authorities, which will find themselves short in the pocket, just like in the case of the East and West Sussex merger.

Perhaps more presciently, being given responsibility to pay the costs of any takeover may stop police and crime commissioners from using the risk of cost escalation as a means of coercing fire and rescue authorities to support their takeover bid. The Government's proposal is a recipe for hostile takeovers. We can imagine a situation arising under the Bill where a PCC requests that a fire and rescue authority produce a constantly escalating amount of information and documentation. As it does so, costs will spiral for the fire and rescue authority, possibly to saturation point. There may come a time when the fire and rescue authority decides it is no longer viable to continue paying such costs simply for the creation of a proposal and agrees to a takeover in order to stop haemorrhaging funds. The Government have been worried about the use of freedom of information requests as a deliberate tactic to burden public institutions, so they should be receptive to my argument and the picture I am painting.

Amendment 181 would take away PCCs' ability to abuse their power, but it would also take away any fire and rescue authority's suspicion that that might be happening. That would not only avoid PCCs coercing fire and rescue authorities but make fire and rescue authorities more receptive to working together with PCCs in putting together proposals. It would help to mitigate any conflict of interest. If the Minister is truly interested in collaboration between our emergency services—frankly, I doubt it—he ought to support it.

The amendment would solve two problems. It would clear up the ambiguity around who will pay for costs incurred in putting together proposals and help to mitigate the potential for hostile takeovers by PCCs when the fire and rescue authority—

The Chair: Order.

Jack Dromey: On a point of order, Mr Howarth. This part of the Bill is too important to rush, so I propose to the Government that we take this afternoon to deal properly with legitimate concerns. I also ask that the Minister gives a considered response this afternoon to the powerful points that the shadow Fire Minister is making.

The Chair: The timing of debate on this part of the Bill is a matter for the usual channels. I am sure that the Opposition Whip will make that point to his opposite number, but that is a matter for them. Whether the Minister chooses to speak is a matter for him, not for the Chair, but I am sure he has heard what the hon. Gentleman has said.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

