

Present situation in Essex

Three legal entities:

- PFCC (with respect to the police)
- PFCC (fire authority)
- Chief Constable

Currently the CFO is an employee of the fire authority and has to comply with reasonable instructions of the Commissioner.

By contrast the relationship between the commissioner and the chief constable is highly regulated by statute. There is no contractual relationship and the powers of the commissioner with respect to the police and the CC are limited. The Commissioner (police) owns all police land.

Proposal

If the proposal is implemented there will be four legal entities

- PFCC (with respect to the police)
- PFCC (fire authority)
- Chief Constable
- Chief Fire Officer

The issues would be:

- Is it necessary to have the commissioner as 2 corporations sole if the CFO is also a corporation sole. At present the CFO is the Chief Executive of the PFCC Fire Authority Corporation but they would no longer be able to do this role if they become a corporation sole in their own right.
- Who should fire service employees work for - currently constables are independent office holders rather than employees
- Should PFCC (fire authority) and CFO both have the power to enter into contracts?
- Who should own the fire assets?
- Should all fire service functions transfer to the CFO – currently the Commissioner retains some policing functions (eg grant making – should some fire functions likewise be retained by the commissioner?
- Who should deal with fire complaints?
- Does the new Corporation sole need a CFO and a Monitoring officer?

In terms of advantages, the key issues are set out below

Pro	Con
<ul style="list-style-type: none"> Operational independence 	<ul style="list-style-type: none"> The justification for operational independence for the Chief Constable is clear. The fire service seems less susceptible to inappropriate external interference and there is a cost to this independence – consideration is needed as to whether it is justified The allocation of resource to partnership working/fire prevention would be removed from democratic control
	<ul style="list-style-type: none"> Creating a further corporation sole means another set of: back office systems (finance/auditors/contracts/advisors/payroll/accounts/HR policies/banking facilities/insurance etc)
<ul style="list-style-type: none"> Specific accountability for functions prescribed by law 	