

# The City of Edinburgh Council

10.00 am, Thursday 14 March 2013

## Future Arrangements for the Scrutiny of Police and Fire & Rescue Services in Edinburgh

Item number	8.9(b)
Report number	
Wards	City wide

### Links

Coalition pledges	<a href="#">P32</a>
Council outcomes	<a href="#">CO5</a> , <a href="#">CO15</a> , <a href="#">CO21</a> , <a href="#">CO23</a>
Single Outcome Agreement	<a href="#">SO4</a>

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# Executive summary

## Future Arrangements for the Scrutiny of Police and Fire & Rescue Services in Edinburgh

### Summary

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New scrutiny and governance arrangements for police and fire & rescue services in Edinburgh require to be agreed as a result of the Police and Fire & Rescue Reform (Scotland) Act 2012 which came into force on 1 October 2012, and created a single police force and a single fire and rescue service for Scotland.

There are three options provided, the first is a new Public Executive Committee as identified by the Police and Fire Reform Pathfinder Committee as their preferred option. The second is a scrutiny committee with added community engagement and the final option is an interim Police and Fire and Rescue Review Committee which would meet the Council's scrutiny remit pending outcome of the review of the political management arrangements later this year.

### Recommendations

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1.1 The Council is requested to:

1.1.1 note the work programme, resources and training that will be required to allow the Council to facilitate appropriate and effective scrutiny of the police and fire & rescue plans; and

1.1.2 agree one of the following options to establish a new committee from 1 April 2013:

1.1.2.1 option one – Executive Committee – Public Safety - outlined in paragraphs 2.6 to 2.9 – agree in terms of Standing Order 27.1 (a) to change the Council decision of 20 September 2012 to alter the remit of the Health, Wellbeing and Housing Committee appoint a Public Safety Committee with the remit outlined in paragraphs 2.2 and 2.16 and agree the political balance detailed in paragraph 2.7, on the grounds that there had been a material change of circumstances.

1.1.2.2 Option two – Scrutiny Committee – outlined in paragraphs 2.10-2.11 – appoint a scrutiny committee with the remit outlined in paragraph 2.2 and agree the political balance detailed in paragraph 2.11.

1.1.2.3 Option three – Interim Police and Fire and Rescue Review Committee – appoint an Interim Police and Fire and Rescue Review Committee with the remit outlined in paragraph 2.2 and the existing political balance of the pathfinder committee.

- 1.1.3 appoint the membership of the new committee in line with the agreed political balance;
- 1.1.4 appoint a Convener and Vice-Convener of the new committee; and
- 1.1.5 delegate authority to the Director of Corporate Governance to amend the Terms of Reference and Delegated Functions in line with the Council's decision.

### **Measures of success**

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Not applicable.

### **Financial impact**

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Not applicable

### **Equalities impact**

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Not applicable.

### **Sustainability impact**

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Not applicable.

### **Consultation and engagement**

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The Police and Fire Reform Pathfinder Committee were consulted on the future arrangements for the scrutiny of Police and Fire and Rescue Services in Edinburgh on 12 February 2013.

### **Background reading / external references**

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## Future Arrangements for the Scrutiny of Police and Fire & Rescue Services in Edinburgh

### 1. Background

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- 1.1 The Police and Fire & Rescue Reform (Scotland) Act 2012 came into force on 1 October 2012, to create a single police force and a single fire and rescue service for Scotland.
- 1.2 A committee of the Council was established to act as a local pathfinder project for Edinburgh to support the development of the national plans for police and fire & rescue.
- 1.3 Many of the tasks currently carried out at local authority level by police authorities and joint police and fire & rescue boards, including setting of budgets, will now be part of the responsibilities of the new national authorities.
- 1.4 In preparation for the new arrangements, which come into place from 1 April 2013, new scrutiny and governance arrangements for police and fire & rescue services in Edinburgh require to be agreed.
- 1.5 On 12 February 2013 The Police and Fire Reform Pathfinder Committee considered a report outlining the implications of the Police and Fire & Rescue Reform (Scotland) Act 2012 ('2012 Act') in terms of the Council's obligations to undertake scrutiny of police and fire and rescue services and offering proposals for governance and scrutiny arrangements from 1 April 2013.
- 1.6 The Scottish Government had indicated that each Council should have the flexibility to create a structure for implementation of the new arrangements that was best suited to their needs within the parameters of the legislation. A number of options were considered and two preferred committee models for Edinburgh were submitted to the Committee for consideration. The Pathfinder Committee agreed to recommend one of these, the creation of a new Public Safety Executive Committee, as their preferred governance and scrutiny model for Edinburgh, and to refer this decision to Council for approval and this is outlined in a separate report for consideration at this meeting.

### 2. Main Report

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#### **New arrangements: Governance and scrutiny**

- 2.1 Many of the tasks currently carried out at local authority level by police authorities and joint police and fire & rescue boards, including the setting of budgets, will form part of the work of the new Scottish Police Authority. Although the current statutory authorities and joint boards will cease to exist under the new arrangements, local authorities will still have a role in local policing, for example, monitoring local performance and working with local police commanders in setting local priorities and in the work of the fire and rescue service. Local authorities will also retain the ability to provide additional funds for policing in their areas.
- 2.2 For the City of Edinburgh Council, this continuing involvement will be focussed on advising, agreeing, scrutinising and reviewing the Edinburgh Police and Fire & Rescue plans and services to:
- 2.2.1 consider and recommend improvements in local policing and fire & rescue services.
  - 2.2.2 contribute to the delivery of national outcome 9 'we live our lives safe from crime, disorder and danger' and the City of Edinburgh Single Outcome Agreement (SOA), in particular 'Edinburgh's communities are safer and have improved physical and social fabric.'
  - 2.2.3 consider progress and performance reports on the implementation of the Edinburgh Police and Fire & Rescue Plans and services.
  - 2.2.4 receive statistical reports on complaints about policing and fire & rescue in Edinburgh.
  - 2.2.5 provide comments in response to consultations on policing and fire & rescue services.
  - 2.2.6 promote engagement with all interested parties including community planning partners and neighbourhood partnerships.
  - 2.2.7 to make representations to the national authorities, as required, in relation to wider scrutiny issues and concerns.
- 2.3 A number of options were identified that could effectively support this remit, with the Pathfinder Committee considering two in more detail:
- Option one: the creation of a new Public Safety Executive Committee; or
  - Option two: a separate Police and Fire & Rescue Scrutiny Committee or Sub-Committee.
- 2.4 The Pathfinder Committee agreed to identify the first option as its preferred governance and scrutiny arrangement for Edinburgh, and to refer this decision to Council for consideration.
- 2.5 The following is an outline of each of the options with further details and areas for wider consideration.

**Option one: Executive Committee – Public safety**

- 2.6 The Pathfinder Committee's recommended option was for a new Executive Committee to be formed that would draw together areas of public and community safety within Edinburgh, including the scrutiny tasks related to police and fire & rescue described above in 2.2, but also aligned closely with existing community and neighbourhood planning structures.
- 2.7 Their view was that this arrangement would give the scrutiny and oversight of these two emergency services appropriate priority and profile while offering opportunities to build linkages with broader community safety initiatives across the city. The Pathfinder's preference was for the committee remit to cover public and community safety, including the tasks outlined in paragraph 2.2, with a membership of 11 (3 Labour, 3 SNP, 2 Conservatives, 1 Green, 1 SLD and one co-opted member from the Community Safety Partnership).
- 2.8 This proposal would have consequences for the existing political management arrangements of the Council, agreed on 20 September 2012. Community Safety is currently within the remit of the Health, Wellbeing and Housing Committee with links to community planning, via the Communities and Neighbourhoods Committee.
- 2.9 A new Public Safety Executive Committee would require the Council to adjust the executive committee structure either to amend the remit of an existing committee or to create a new executive committee.

#### **Option two: Scrutiny Committee**

- 2.10 The alternative option considered by the Pathfinder Committee was for a separate scrutiny committee, or sub-committee, with the remit identified in 2.2 but without the public and community safety elements anticipated in option one. This would avoid the need to revise the previously agreed Council political management arrangements.
- 2.11 The membership of the Scrutiny Committee is proposed as 3 Labour, 3 SNP, 2 Conservatives, 1 Green and 1SLD, a total of 10 members with cross party representation. Engagement with community planning partners would be facilitated though additional members of the committee including the convener of the Neighbourhood Partnerships forum and a member of the Community Safety Partnership. The convener of the committee would sit on the Edinburgh Partnership Board, in place of the Police and Fire & Rescue Joint Board conveners, providing integration and alignment with broader public safety and community planning arrangements in the city.

#### **Option three: interim Police and Fire & Rescue Review Committee**

- 2.12 This is a further additional option to align the proposed new arrangements with the Council's agreed review of political management arrangements. An Interim Police / Fire & Rescue Review Committee could be created with the remit outlined in paragraph 2.2. This committee would be in place on an interim, time limited basis to meet the Council's scrutiny remit pending outcome of the review of the political management arrangements later this year.

- 2.13 Following the establishment of the revised committee structure in September 2012 a range of review work has been planned to review the operation and effectiveness of the new political management framework after the initial cycle of meetings.
- 2.14 The review will have a wider remit than assessing the performance of the political management arrangements particularly considering the key challenges of the current and evolving policy environment that affects the context in which the existing structures operate. This includes the agenda for Welfare Reform, plans for health and social care integration and developing enhanced community neighbourhood planning arrangements.
- 2.15 Council will be asked to agree an approach to this review in May, with a final report on the outcomes of the review being considered in October. As a result there may be some scope to re-align committee remits and membership to address these pressures. This may impact on the responsibilities for public and community safety, including the scrutiny of the police and fire & rescue services.
- 2.16 An Interim Police and Fire & Rescue Review Committee, using the current Pathfinder Committee membership, pending the recommendations of this review of political management arrangements is an additional option not considered by the Pathfinder Committee. This would support the critical new scrutiny role of the Council while allowing an effective and detailed consideration of options as part of a wider, holistic review process.

### **Work programme and resources**

- 2.17 The general remit detailed in paragraph 2.2 is dominated by a duty to scrutinise the Edinburgh Police and Fire & Rescue Plans and the progress of the two services in the implementation of these plans. This will require a structured programme of work and appropriate support to facilitate robust and challenging scrutiny to ensure that the services are held to account and developed in a manner that is aligned to the priorities within the City.
- 2.18 It is expected that quarterly reports will be submitted by the two services detailing their performance in the implementation of the plans. These will be subject to scrutiny by the committee who will report their findings to the services and to the national authorities to shape both local and national service development.
- 2.19 If this work programme is to be delivered the new Committee will need appropriate support and capacity. This will include:
- 2.19.1 training for the members of the Committee in the principles of scrutiny to ensure that they are able effectively to analyse the performance of the services. There are five key principles of external scrutiny identified by the Scottish Government in its agenda for Public Service Reform. These are: Public focus, Independence, Proportionality, Transparency and Accountability and are applied to provide a clear assurance about the

quality of services and promote their improvement. Training will use these principles to shape a framework for the scrutiny of the services.

2.19.2 Effective scrutiny will involve analysis of the data provided by the services in their quarterly reports on performance against plan. Dedicated scrutiny and research support will be available to support the Committee to effectively hold the services to account.

2.20 An anticipated timeline for the development of function, with training and the analysis of quarterly reports from police and fire & rescue is attached as appendix 1.

### **Terms of reference**

2.21 The Council's Terms of Reference and Delegated Functions will be required to be adjusted to accommodate the new committee.

2.22 It is suggested that the Director of Corporate Governance be given delegated powers to amend the Terms of Reference and Delegated Functions in line with the Council's decision on the remit and membership of any new committee.

### **Senior Councillor Allowances**

2.23 The City of Edinburgh Council is restricted to the appointment of 24 Senior Councillors and a budget of £633,000 by the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.

2.24 The political management arrangements agreed in September 2012 included Senior Councillor remuneration and allocated the 24 Senior Councillor posts and the corresponding budget.

2.25 The Convener and Vice-Convener(s) of Lothian and Borders Police Board and the Lothian and Borders Fire and Rescue Board are outside the confines of the Council's Senior Councillor allocation and thus the removal of these posts does not create any unused senior Councillor posts.

2.26 Accordingly there is no scope to designate the Convener and Vice-Convener of any new Committee as a Senior Councillor unless the arrangements agreed in September 2012 are amended.

## **3. Recommendations**

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3.1 The Council is requested to:

3.1.1 note the work programme, resources and training that will be required to allow the Council to facilitate appropriate and effective scrutiny of the police and fire & rescue plans; and

3.1.2 agree to establish a new committee from 1 April 2013:

3.1.2.1 option one – Executive Committee – Public Safety - outlined in paragraphs 2.6 to 2.9 – agree in terms of Standing Order 27.1 (a)



to change the Council decision of 20 September 2012 to alter the remit of the Health, Wellbeing and Housing Committee appoint a Public Safety Committee with the remit outlined in paragraphs 2.2 and 2.16 and agree the political balance detailed in paragraph 2.7, on the grounds that there had been a material change of circumstances.

- 3.1.2.2 Option two – Scrutiny Committee – outlined in paragraphs 2.10-2.11 – appoint a scrutiny committee with the remit outlined in paragraph 2.2 and agree the political balance detailed in paragraph 2.11.
- 3.1.2.3 Option three – Interim Police and Fire and Rescue Review Committee – appoint an Interim Police and Fire and Rescue Review Committee with the remit outlined in paragraph 2.2 and the existing political balance of the pathfinder committee.
- 3.1.3 appoint the membership of the new committee in line with the agreed political balance;
- 3.1.4 appoint a Convener and Vice-Convener of the new committee; and
- 3.1.5 delegate authority to the Director of Corporate Governance to amend the Terms of Reference and Delegated Functions in line with the Council’s decision.

## Links

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<b>Coalition pledges</b>	P32 Develop and strengthen local community links with the Police
<b>Council outcomes</b>	CO5 Our children and young people are safe from harm or fear of harm and do not harm others in their communities CO15 The public is protected CO21 Safe – residents, visitors and businesses feel that Edinburgh is a safe city CO23 Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community
<b>Single Outcome Agreement</b>	SO4 Edinburgh’s communities are safer and have improved physical and social fabric
<b>Appendices</b>	Appendix 1 - Timeline

**Alastair D Maclean**

Director of Corporate Governance



# Police and Fire Reform Work Programme

