

REPORT TO: East Lothian Council

MEETING DATE: 26 June 2012

BY: Chief Executive

SUBJECT: Establishment of a Shadow Police and Fire and Rescue Services Board

1 PURPOSE

- 1.1 To present proposals for arrangements for engaging with and scrutinising Police and Fire and Rescue Services in preparation for the establishment of the Scottish Police Authority and the Scottish Fire and Rescue Service.

2 RECOMMENDATIONS

- 2.1 Council agrees to establish a Shadow Police and Fire and Rescue Services Board (paragraphs 3.6 – 3.8) and appoint seven elected members to the Shadow Board (paragraph 3.9).
- 2.2 Council notes that the Shadow Board will report and make recommendations for the permanent arrangements to be put in place by April 2013.

3 BACKGROUND

- 3.1 The Police and Fire & Rescue Reform (Scotland) Act 2012 which was passed by the Scottish Parliament in May 2012 creates a national police force and a national fire & rescue service. It replaces local authorities' role as police authorities and fire & rescue authorities through the creation of the Scottish Police Authority (SPA) and the Scottish Fire & Rescue Service (SFRS). The Act includes a framework for the delivery of local scrutiny and engagement arrangements, which all local authorities and the new services will need to implement by the time the new national bodies are established in April 2013.
- 3.2 In January 2012 the Council agreed to participate with Lothian and Borders Fire & Rescue Service (LBFRS) and Lothian & Borders Police (LBP) in the Local Scrutiny and Engagement Implementation Network. Further the Council agreed to form a Pathfinder with LBFRS and LBP to begin establishing local scrutiny and engagement arrangements in preparation for the implementation of the Act.

- 3.3 A follow up report in March 2012 provided a summary of ongoing discussions with LBP and LBFRS, noted a proposed draft remit and role for a Community Safety Committee or Board Council and agreed that the Chief Executive would report back to the Council as soon as possible after the May Council elections with recommendations on the remit and membership of the Committee/ Board.
- 3.4 The ongoing discussions with LBFRS and LBP have focussed on:
- The need to try to have new scrutiny and engagement arrangements in place as soon as possible after the Council elections in order to allow them to be piloted and bed in before the new national forces are established in April 2013
 - The new functions required to be undertaken by the Council to monitor delivery and engage with the SPA, SFRS and their respective local command arrangements
 - The establishment of a Community Safety or Police and Fire Committee or Board to undertake the scrutiny and engagement functions and possible membership
 - The relationship between the new monitoring and engagement arrangements and the Community Planning Partnership
 - Possible alignment and future integration with arrangements for Midlothian
- 3.5 Appendix 1 outlines the implications of the legislation for local authorities. In summary it is envisaged that the Council will have to:
- Contribute a local perspective on the Scottish Government's strategic police priorities that will be the subject of consultations between Scottish Ministers and local authority representative bodies (COSLA)
 - Comment on SPA and SFRS strategic plans
 - Contribute to the preparation of the local plan for police and local fire and rescue plan and approve the plans
 - Monitor the delivery of police and fire and rescue functions in the area and make recommendations for improvement
 - Provide feedback to the police Local Commander and the fire and rescue service Local Senior Officer.
- 3.6 Given the new duties and responsibilities which the Council will need to perform once the Police and Fire & Rescue Reform (Scotland) Act 2012 comes into force the Council may wish to establish a Committee or Cabinet Sub-Committee to which it would delegate the relevant functions relating to police and fire and rescue services. A possible remit and role for the Committee is provided in Appendix 2.

3.7 However, it is felt that further consideration will need to be given to some important issues before a permanent Committee with full powers can be established, including:

- whether the remit of the Committee would extend to broader community safety issues, including anti-social behaviour, violence against women, drugs and alcohol and adult and child protection and fire and home safety
- the relationship between the new arrangements and the Community Planning Partnership
- whether membership would include lay representatives and, if yes, how they would be selected or elected.

Appendix 3 provides further detail on these issues.

3.8 Therefore, it is proposed that for the period running up to the establishment of the national bodies (April 2013) a Shadow Police and Fire and Rescue Services Board be formed as an interim arrangement. The Shadow Board would be the forum through which the Council, LBP and LBFRS would pilot the new scrutiny and engagement arrangements for police and fire and rescue services. It would engage with LBP and LBFRS in the development of their local arrangements and local police and fire and rescue plans. The Shadow Board would be tasked with considering and bringing forward recommendations for the permanent scrutiny and engagement arrangements to be put in place by April 2013.

3.9 The membership of the Shadow Board should consist of seven elected members plus two representatives from LBP and two from LBFRS.

4 POLICY IMPLICATIONS

4.1 The Council will need to put in place governance and accountability arrangements to ensure that it fulfils its new duties, powers and functions arising from the Police and Fire Reform (Scotland) Bill.

4.2 LBP and LBFRS make major contributions to the achievement of key outcomes in East Lothian's Single Outcome Agreement, in particular, but not exclusively, the three community safety related outcomes:

- Fewer people are the victim of crime, disorder or abuse in East Lothian
- Fewer people experience antisocial behaviour in East Lothian
- East Lothian's homes and roads are safer.

4.3 The priority for East Lothian Council, LBP and LBFRS during the transition to the new national bodies must be to ensure that the national services continue to support the achievement of the outcomes in the East Lothian SOA.

- 4.4 The piloting of new scrutiny and engagement arrangements will assist Council to plan and prepare for the transition to the new arrangements that will need to be implemented following the creation of single police and fire and rescue services in 2013.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equality Impact Assessment will be carried out of the proposed permanent arrangements recommended by the Shadow Board in order to assess their impact on the well being of equalities groups.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – no direct financial implications associated with the recommendations made in this report although supporting the new arrangements may have staffing implications. Where such impact cannot be accommodated within approved budgets the action will be the subject of a future report.
- 6.2 Personnel – no direct implications on staffing associated with this report's recommendations although supporting the new arrangements may have staffing implications which would be the subject of a future report.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire and Rescue Services in Scotland; Scottish Government, September 2011
- 7.2 East Lothian Council's Draft Response to 'Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire and Rescue Services in Scotland' – Report to East Lothian Council, 25th October 2011
- 7.3 Letter from Kenny MacAskill MSP, Cabinet Secretary for Justice to Local Authority Chief Executives; 21st December 2011
- 7.4 Police and Fire & Rescue Reform: Local Scrutiny and Engagement Pathfinder; Report to East Lothian Council, 24th January 2012
- 7.5 Briefing on the Police and Fire Reform (Scotland) Bill; Scottish Parliament Information Service, January 2012
- 7.6 Briefing for Scottish Parliament Local Government and Regeneration Committee; attached to letter from Kenny MacAskill MSP, Cabinet Secretary for Justice to Local Authority Chief Executives, 7th March 2012
- 7.7 Arrangements for Engaging with and Scrutinising Police and Fire and Rescue Services in Preparation for the Establishment of the Scottish Police Authority

and the Scottish Fire and Rescue Service; Report to East Lothian Council,
27th March 2012

- 7.8 Appendix 1: Summary of Implications of the Police and Fire Reform (Scotland) Bill for Local Authorities
- 7.9 Appendix 2: Remit and Role of the Shadow Police and Fire and Rescue Services Board
- 7.10 Appendix 3: Issues for Consideration by the Shadow Police and Fire and Rescue Services Board

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DATE	14 th June 2012

Appendix 1: Summary of Implications of the Police and Fire Reform (Scotland) Bill for Local Authorities

The Scottish Police Authority (SPA) and the Scottish Fire and Rescue Service (SFRS) will be under a statutory duty to ensure adequate arrangements for policing and fire and rescue services in all local authority areas.

The SPA will be under a statutory requirement to work in partnership with others to ensure policing is accessible to and engaged with local communities and promotes measures to prevent crime, harm and disorder. A similar statutory purpose for the fire and rescue service will be included in a new Fire and Rescue Framework under the Fire (Scotland) Act 2005.

Local authorities will have the right to have a say in the national strategic direction of the national services:

- Scottish Ministers will have a statutory duty to consult local authority representative bodies before determining strategic policing priorities
- The SPA and the SFRS will have a statutory duty to consult all local authorities on their strategic plans.

The Chief Constable will designate a Local Commander and the Chief (Fire) Officer will designate a Local Senior (Fire) Officer for each local authority area, who will be accountable for local service delivery through the Chief Constable and the Chief Officer to the SPA and SFRS.

Local authorities will be able to directly influence the delivery of police and fire and rescue functions in their areas:

- The Local Commander and Local Senior officer will have a statutory duty to work with the local authority to set priorities and objectives for police and fire and rescue services in their local area
- The Local Commander and Local Senior Officer will be required to prepare the local plan for police and a local plan for fire and rescue that meets the needs of the local area for agreement with the local authority *{N.B. clarification is required as to what would happen if a local authority does not approve a local plan}*
- The local authority will have statutory powers to monitor the delivery of police and fire and rescue functions in the area
- The local authority will have statutory powers to provide feedback to the Local Commander and Local Senior Officer and to make recommendations for improvements.

The local plan for police and the local plan for fire and rescue, which will need to be reviewed and replaced at least once every three years will be required to:

- Build on the principles set out in the national priorities and objectives for the services
- Incorporate the local priorities and objectives developed with the local authority

- Be prepared in consultation with the local authority and other interested parties, for the agreement of the local authority
- Set out the proposed arrangements for delivery of police and fire and rescue functions in the area, ranging from community policing and fire safety to incident response and provision of specialist capacity
- Identify outcomes against which the achievement of priorities and objectives may be measured
- Make clear how the arrangements for local service delivery will contribute to the outcomes identified through local authority community planning partnerships.

The Bill includes provisions to ensure that the structures for delivery of police and fire and rescue functions are fully integrated with community planning. The Local Commanders and Local Senior Officer will have a statutory duty to participate in the Community Planning Partnership(s) for the local area(s) and they will be under a statutory duty to include information on community planning in the local plan for police and the local plan for fire and rescue.

Appendix 2: Draft Remit and Role of Police and Fire and Rescue Services Committee

Remit:

To ensure that the Council effectively engages with the new arrangements for police and fire and rescue services.

To contribute towards the achievement of East Lothian's Single Outcome Agreement, in particular, but not exclusively, the outcomes:

- Fewer people are the victim of crime, disorder or abuse in East Lothian
- Fewer people experience antisocial behaviour in East Lothian
- East Lothian's homes and roads are safer.

Role:

1. Consider, engage in and respond to consultations on Scottish Government's strategic police priorities and Scottish Police Authority and Scottish Fire and Rescue Service strategic plans
2. Consider and engage in the development of the local plans for police and the local plan for fire and rescue
3. Consider the local operating arrangements for the Police Service of Scotland and the Scottish Fire and Rescue Service
4. Consider progress reports on the implementation of local plans from the Local Commander (police) and Local Senior Officer (fire and rescue) and plans/strategies relating to other aspects of community safety
5. Receive overview reports on complaints about police and fire and rescue services and how these are dealt with
6. Monitor the delivery of police and fire and rescue functions in East Lothian and of other aspects of community safety
7. Receive and comment on performance reports on from the Local Commander and Local Senior Officer and make recommendations for improvements
8. Consider reports on questions raised on police and fire and rescue matters
9. Oversee and receive monitoring reports on the Service Level Agreement through which the council funds East Lothian's funded policing teams.

Appendix 3: Issues for Consideration by the Shadow Police and Fire and Rescue Services Board

Extending the remit to broader Community Safety issues and the relationship to the Community Planning Partnership

The Council currently contributes over £500,000 per annum funding to Lothian and Borders Police for funded police officers (2 Sergeants and 11 Constables) operating through the East Lothian Community Action Team (ELCAT), Police initiative teams in Musselburgh, Tranent and Prestonpans. In addition the Council funds several in-house initiatives and services that support the achievement of community safety related outcomes, including the Anti-Social Behaviour Team (Co-ordinator and five officers), the Community Warden Team (Senior Warden and seven Wardens), and the Safer East Lothian Fund (£180,000).

The Police and Fire Committee could have responsibility for overseeing and receiving monitoring reports on these initiatives.

The Council (and CPP Board) will need to consider how the Community Safety/ Police and Fire Committee / Board relates to the Community Planning Partnership. The Community Safety Theme Group, which reports to the CPP Board, has responsibility for overseeing delivery of the community safety related outcomes in the Single Outcome Agreement (SOA):

- Fewer people are the victim of crime, disorder or abuse in East Lothian
- Fewer people experience antisocial behaviour in East Lothian
- East Lothian's homes and roads are safer

Delivery takes place through the Fire and Home Safety Group, the Road Safety Working Group, the Antisocial Behaviour Officers' Group, Mid and East Lothian Drug and Alcohol Partnership and the Mid and East Lothian Violence Against Women Partnership.

Community Safety activity is supported through the Safer East Lothian Fund - £180,000 in 2011/12. To date, funding has covered a wide range of youth diversionary activities, CCTV, speed reactive signs, drug and alcohol initiatives, violence against women work, policing initiatives, road safety education and fire and home safety interventions.

Since the Community Safety/ Police and Fire Committee/ Board will assume responsibility for the Council's input into community safety matters and monitor the police and fire and rescue functions (which will be closely tied to the SOA outcomes) consideration will need to be given to the relationship between the new arrangements and the Community Planning Partnership/ Community Safety Theme Group. Options that require further consideration include:

- Maintain current Community Safety Theme Group structure (essentially an officers' group) with the Group reporting to the CPP Board and to the Community Safety / Police and Fire Committee/ Board as appropriate

- Maintain the Community Safety Theme Group but reporting to the Community safety/ Police and Fire Committee/ Board with the Committee/ Board reporting (minutes and recommendations) to the Council (on matters pertaining to the Council) and to the CPP Board (on matters pertaining to the CPP)

Possible integration with arrangements for Midlothian

The CPP has begun a review of its governance arrangements to take account of developments such as the new police and fire and rescue arrangements, the integration of health and social care through a new Community Health and Care Partnership and the sharing of Mid and East Lothian Education management services.

Consideration will need to be given to the implications of both police and fire and rescue services creating local structures based around Mid and East Lothian with a Local Commander and a Local Senior Officer for the joint local authority area. There are already several joint partnership bodies overseeing aspect of community safety including

- Mid and East Lothian Child and Adult Protection Committee
- Mid and East Lothian Drug and Alcohol Partnership
- Mid and East Lothian Violence Against Women Partnership.

Midlothian Council has decided not to participate in the Pathfinder project and so there have been no further discussions with the Council on whether or how a joint Committee/ Board might operate. However, the police and fire and rescue services will wish to re-open discussion with Midlothian Council once the Police and Fire Reform (Scotland) bill is enacted.

Lay Representation

Consideration should be given to lay representation on the Committee / Board. Lay representatives would provide a wider community perspective on the Committee/ Board which would ensure that engagement on community safety matters extended beyond elected members.

If the Committee/ Board is to include lay representatives then it is recommended that the membership should be made up of six elected members (made up of representatives from political parties and groups on the Council according to the proportionality rules) and three lay representatives.

Two options for lay representation:

Option 1: seek nominations from representative bodies such as ELTRP, AELCC and the youth organisations.

Option 2: seek applications through open advert for three representatives (as per Enjoy Leisure Board members), possibly setting aside one of the places for someone under 21yrs old.