

REPORT TO: East Lothian Council

MEETING DATE: 25 August 2015

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Arrangements for Scrutiny of Police and Fire & Rescue Services

1 PURPOSE

- 1.1 To present Council with a proposal to establish a new Community Safety Committee.

2 RECOMMENDATIONS

- 2.1 That the Council amends the Scheme of Administration as proposed in paragraph 3.12 and establishes a Community Safety Committee with the terms of reference detailed in Appendix 1.
- 2.2 That the Council appoints a Convener for the Community Safety Committee.
- 2.3 That the political groups and independent Councillors nominate members of the new Community Safety Committee (see paragraph 3.13). In the event that Committee membership is not finalised at this meeting a report will be submitted to Members' Library advising of the Committee membership in due course.

3 BACKGROUND

- 3.1 In April 2013 the Council considered a report on future scrutiny arrangements for police and fire and rescue services. The report outlined three options for scrutiny arrangements:
- Council performs the scrutiny and engagement function
 - The scrutiny and engagement function is delegated to a new Council Committee or the Cabinet
 - Council allows the new Community Planning Partnership Strategic Board for Communities [subsequently renamed the Safe and Vibrant Communities Partnership] to undertake scrutiny and engagement

arrangements with respect to community safety matters reflected in the Single Outcome Agreement

- 3.2 The Council agreed that a combination of the first and third options should be put in place. The Council should have responsibility for all aspects of public engagement and scrutiny of police and fire and rescue services. Monitoring of Local Multi-member Ward Plans would take place at the area level with active involvement of ward councillors. The Safe and Vibrant Communities Partnership should have responsibility for ensuring the police and fire and rescue services are fully engaged with, and support the delivery of, outcomes and priorities included in the Single Outcome Agreement.
- 3.3 The Safe and Vibrant Communities Partnership includes three elected members – Councillors Gillies, Day and MacKenzie – as well as representatives from Police Scotland, Scottish Fire & Rescue Service, the Association of Community Councils in East Lothian and the East Lothian Tenants and Residents Panel. The Partnership has responsibility for four of the Single Outcome Agreement outcomes, including Outcome Seven: East Lothian is an even safer place.
- 3.4 Scrutiny of how the police and fire and rescue services contribute to achieving this outcome is a key role for the Partnership. Since April 2013 the Partnership has received performance reports from both the police and fire and rescue services on a quarterly basis. These quarterly performance reports have been significant items for discussion at seven Partnership meetings.
- 3.5 However, the Partnership is responsible for overseeing the delivery of four of the East Lothian Partnership's ten Single Outcome Agreement outcomes. Only one of these outcomes relates directly to community safety – thus limiting the time that can be committed to discussion of Police / Fire performance.
- 3.6 As Area Partnerships become fully established and develop Area Plans it is anticipated that the Safe and Vibrant Communities Partnership will play a key role in considering reports from individual Area Partnerships and maintaining an overview of Area Partnership activity across the County. This will reduce the Partnership's capacity to scrutinise the performance of police and fire and rescue services further.
- 3.7 Since April 2013 the full Council has considered matters relating to Police and Fire and Rescue Services Local Plans and performance reports as follows:
 - 22 Oct 2013 6-monthly Police Performance Report
 - 17 Dec 2013 6-monthly Fire & Rescue Service Performance Report
 - 22 Apr 2014 Local Policing Plan 2014-17
Local Fire & Rescue Plan 2014-17
 - 24 Jun 2014 Annual Police Performance Report 2013-14
Annual Fire & Rescue Service Performance Report 2013/14
 - 16 Dec 2014 6-monthly Police Performance Report

6-monthly Fire & Rescue Service Performance Report
23 Jun 2015 Annual Police Performance Report 2014-15
Local Policing Plan Review
6-monthly Fire & Rescue Service Performance Report

- 3.8 Time pressure and the format of Council meetings have limited the level of questioning and discussions about police and fire & rescue services that can take place there. There has also been some frustration at the level of information being provided by Police Scotland. The Council currently provides over £500,000 funding to Police Scotland for additional police officers and there has been limited member scrutiny of the impact of this significant investment as it is not dealt with through the Policy & Performance Review Committee.
- 3.9 With this in mind it is suggested that alternative arrangements are needed to allow fuller scrutiny and more detailed discussion of Police and Fire performance. Several options have been considered, including:
- the establishment of a new Safer Communities Sub-Committee of the Safe and Vibrant Communities Partnership
 - reducing the number of outcomes for which the Safe and Vibrant Communities Partnership is responsible so it can become a Communities Safety Partnership
 - the establishment a new Council committee for scrutiny of Police and Fire & Rescue services and related matters.
- 3.10 On balance it is considered that the latter option is the preferred option. Therefore, it is proposed that the Council establish a new Community Safety Committee.
- 3.11 The Scheme of Administration will need to be amended to establish the new Committee. Currently the remit and powers of the Council includes (para 12):
- ‘The approval and monitoring of Police and Fire & Rescue Service Plans, in accordance with the Police and Fire Reform (Scotland) Act 2012.’*
- 3.12 It is proposed that the approval of the Police and Fire & Rescue Plans should remain the remit of the Council but that the monitoring role should be devolved from Council to the new Community Safety Committee. The Committee would also have a remit to engage in the development of Police Scotland and the Scottish Fire & Rescue Service Local Plans and joint working between the Council and the Police and Fire and Rescue Services.
- 3.13 The proposed terms of reference of the new Committee that will need to be added to the Scheme of Administration are detailed in Appendix 1.
- 3.14 It is proposed that the Community Safety Committee should consist of nine members. In order to achieve political balance the membership of the committee should consist of:
- four members nominated from the Scottish Labour group

- three members nominated from the SNP group
- one member nominated from the Scottish Conservative group
- one Independent / Independent Nationalist member.

3.15 The Council will need to appoint a Convener of the Committee. It should be noted that if the Convener of the Committee is not a Senior Councillor who already receives a higher salary under the current provision agreed by the Council, consideration will need to be given to whether the Convener is to be eligible for a salary enhancement.

3.16 It is proposed that the Committee would meet quarterly to receive the quarterly performance reports from Police and Fire & Rescue services along with any other reports deemed to be relevant to the scrutiny of these services and the remit of the Committee. It is expected that these meetings will be held on the last Wednesday of the month in August, November, February and May.

4 POLICY IMPLICATIONS

4.1 The establishment of new arrangements will ensure that effective engagement and scrutiny of the Police and Fire & Rescue Services continues to take place. Changes to the exiting arrangements are needed to allow more time for discussion and consideration by those involved.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equality Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – None, although should the Council choose to appoint a Convener who is not already a senior councillor, there would be a requirement to revisit the Scheme of Councillor Remuneration.

6.2 Personnel – the establishment of a new Council Committee will increase the workload of the Democratic Services team who will need to administer the Committee and of senior managers and officers who will be expected to prepare reports for and attend Committee meetings.

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Police and Fire and Rescue Services: Arrangements for Public Scrutiny and Engagement – Report to Council, 23 April 2013

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APPENDIX 1: Community Safety Committee: Terms of Reference

A Remit and Powers

The following business and functions are delegated by the Council to the Community Safety Committee:

- To carry out scrutiny of the performance of the Police and Fire & Rescue services in East Lothian with specific reference to each organisations' Local Plan.
- To receive and comment on local quarterly performance reports from Police Scotland and the Scottish Fire & Rescue Service.
- To engage in the development of Police Scotland and the Scottish Fire & Rescue Service Local Plans and joint working with the Police and Fire and Rescue Services.
- To consider and respond to national and local level strategy and policy discussions of Police Scotland and the Scottish Fire & Rescue Service.
- To scrutinise and monitor the Service Level Agreement between the Council and Police Scotland
- To receive and comment on reports on the performance of any other services performing a community safety function in East Lothian.

B Membership

1. The membership of the Community Safety Committee shall include a Convener and a Deputy Convener. The Council shall determine the membership of the Committee, ensuring that the membership reflects the political balance of the Council.
2. In the absence of the Convener and Depute Convener at a meeting the other Members of the Committee shall appoint an alternative Chairperson for the duration of the meeting.

C Quorum

1. Half the membership + 1.

D Substitutes

1. There shall be no substitutes.

E Meetings

1. There shall be a minimum of four scheduled meetings in each committee session.

2. Meetings shall take place in accordance with Standing Order 4.

F Reporting Arrangements

1. The clerk shall be responsible for taking minutes of the Community Safety Committee.
2. Minutes shall be presented to the Community Safety Committee for approval.
3. The Committee can refer any item of business to the Council, in which case a report shall be placed on the agenda of the next appropriate meeting.

G Miscellaneous

1. The Committee will be entitled to appoint ad hoc (short life) sub-committees. The Committee or its sub-committees will be entitled to undertake reviews of policies and/ or performance relating to Community Safety matters, to call upon the Council and Council officials for reports, and to require the attendance for the purpose of questioning, of any Cabinet Spokespersons and/ or officials of the Council on any matter relevant to the issue under consideration by them.
2. The Committee will be entitled to invite representatives of other public agencies, local communities, the private and voluntary sectors, trade unions and academic institutions to assist with reviews of policies and/or performance. Also, it will be entitled to call appropriate expert witnesses, commission appropriate research and hold evidence gathering meetings.
3. The Committee will have the power to comment on, and make recommendations on, matters insofar as relevant to its authorised remit where appropriate, to the Council.