

Report



Leader

Part 1

Date: 5 February 2019

Subject **Response to the Reform of Fire and Rescue Authorities White Paper**

Purpose To agree the Newport City Council response to the consultation on the Welsh Government White Paper: 'Reform of Fire and Rescue Authorities in Wales'.

Author Chief Executive

Ward All

Summary The Welsh Government has announced a consultative White Paper for the reform of Fire and Rescue Authorities. The White Paper 'Consultation on reform of the Fire and Rescue Authorities (FRA) in Wales governance and funding arrangements' presents options to reform governance and funding arrangements which have been in existence since 1996 Local Government Reorganisation.

This report outlines the proposed Newport City Council response to the consultation which must be submitted by 5 February 2019. The proposals would reduce the local authority representation on the FRA, and this would not be supported in our response.

Proposal **To agree and respond to Welsh Government with the Authority's view on the proposals for Reform of Fire and Rescue Authorities in Wales.**

Action by Head of People and Business Change

Timetable Response to be submitted 5 February 2019.

This report was prepared after consultation with:

- Head of People and Business Change
- Head of Finance
- Deputy Leader
- Newport City Council representatives on the Fire and Rescue Authority

Signed

Background

The Welsh Government Cabinet Secretary for Local Government and Public Services has announced a consultative White Paper for the reform of the three Fire and Rescue Authorities in Wales. The White Paper 'Consultation on reform of the Fire and Rescue Authorities in Wales governance and funding arrangements' presents options to reform governance and funding arrangements which have been in existence since 1996 Local Government Reorganisation.

The White Paper seeks the views of the local authority on matters relating accountability and scrutiny, innovation and change, resourcing, membership, performance management, and sustaining front line services.

Since April 1996, South Wales Fire and Rescue Authority has been responsible for providing the Fire and Rescue Service for the geographical area of South Wales. The Fire and Rescue Authority consists of 24 members representing the 10 Unitary Authorities served. Newport City Council has two members on the Fire Rescue Authority at present. South Wales Fire and Rescue Service is a key partner for the local authority and is also a statutory member of the One Newport Public Services Board.

This report outlines the proposed Newport City Council response to the consultation which must be submitted by 5 February 2019.

Consultation

The White Paper: 'Reform of Fire and Rescue Authorities in Wales' published 13th November 2018 seeks view on proposals to amend the structure, performance and funding arrangement for Fire and Rescue Authorities.

The White Paper (link at Background Papers) sets out Welsh Governments case for change to modernise Fire and Rescue Authorities based upon the following views:

- Fire and Rescue Authorities (FRAs) are not accountable to any other tier of government, or to the electorate, for their plans or delivery of them.
- There is no external control, or adequate scrutiny, of FRA budgets.
- The current arrangements will not adequately support FRAs in the future to effectively plan and fund their services in the context of the changing environment in which they will be delivering their services. This includes a widening of their role to include support for other public services, the impact for FRAs on the change in demographics (for instance the risks and challenges of an ageing population living independently) and continued austerity.

The consultation explores a range of options to:

- Change the current membership of FRAs so that members are accountable to their electorate and/or to the Welsh Government
- Improve scrutiny of FRA decision making including the setting of their budgets
- Introduce a new funding mechanism for FRAs which could sustain the widening of their role to support other public services

There are a number of points that have been made in the response appended that relate to the themes above. The paper proposes reform to financial and democratic accountability and performance management that the response appended would partly support. However other proposals, in particular changes to the number of elected members on the FRA are not supported.

Financial Summary

There are financial implications in respect of the options for future funding for Fire and Rescue Services within the consultation. The views of the authority are set out in the responses to Questions 13 and 14 within Appendix 1.

Risks

Changes to the governance and funding arrangements for the Fire and Rescue Authorities will change Newport City Council's influence on and role in decision making within the FRA.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
NCC is less able to influence FRA decision making and to scrutinise performance	M	M	The Council's response to the consultation seeks to continue with the existing FRA membership and influence.	Chief Executive

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The work of the fire service in supporting our local communities and as a statutory partner on the One Newport Public Services is essential to a number of themes in the Council's Corporate Plan, and to the One Newport partnership Wellbeing Plan.

Options Available and considered

1. To agree and submit the proposed response to the consultation on the Welsh Government White Paper.
2. To amend and submit the proposed response to the consultation on the Welsh Government White paper.

Preferred Option and Why

To agree the proposed response to the consultation on the Welsh Government White Paper: "Reform of Fire and Rescue Authorities in Wales - Consultation on reform of the Fire and Rescue Authorities in Wales' governance and funding arrangements".

Comments of Chief Financial Officer

There are no financial consequences in responding to the consultation. The financial issues explored in the consultation are linked to related governance arrangements and this needs to be kept in mind when responding.

Moving from the current population based 'levy' arrangement to a 'precept' process would have financial consequences and affect the Councils Revenue Support Grant potentially as well as the share of the FRA budget requirement funded from households within Newport City Council's boundary, though that can't be assessed at this point. In other parts of the UK – the 'precept' method is in place.

Comments of Monitoring Officer

There are no specific legal issues arising from the report at this stage as the Council is simply responding to the consultation paper on the proposed reform of the Fire and Rescue Authority. Although some of the proposals in the White Paper are welcome, insofar as they would improve the financial arrangements, performance management and accountability of the FRA, the proposals to reduce the number of elected members on the FRA are not supported as this would reduce democratic accountability.

Comments of Head of People and Business Change

The report proposes a response from Newport City Council to the Welsh Government White Paper for the reform of Fire and Rescue Authorities. The White Paper presents options for reform and modernisation particularly in relation to membership, governance, innovation and change, resourcing and performance management. The proposed response acknowledges the contribution of the Fire and Rescue Service (SWFRS) to the wellbeing agenda as key Public Services Board members, and stresses that their changing role should be recognised and supported in any programme of reform, but also agrees that there are opportunities to strengthen governance and accountability. However, the proposals relating to reducing the numbers of Local Authority representatives in Fire and Rescue Authorities are strongly refuted and thought to be inconsistent with the enhanced role of elected 'back-bench' members set out in the Green Paper on Strengthening Local Government. The response also disagrees with the proposed appointment of non-executive members to FRAs, but agrees that the Chief Fire Officer should have the statutory responsibility for service delivery. Further to this the response suggests that links between the Fire and Rescue Service and Local Authority democratic functions could be developed in order to strengthen public accountability.

There are no Local Authority Human Resources implications in this report.

Comments of Cabinet Member

The Leader and Deputy Leader, and members of the FRA for Newport City Council have been consulted on and agree the proposed response.

Local issues

None.

Scrutiny Committees

None, however the consultation does consider the role of Scrutiny for the FRA.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

The proposal relates to everyone in South Wales, and is open to all to respond.

Wellbeing of Future Generations (Wales) Act 2015

The White Paper references the Well-being of Future Generations (Wales) Act 2015 and specifically relates the setting of Well-being Objectives by the fire service, in response to the needs of local communities, as an important factor in determining any new performance accountability arrangements.

The South Wales Fire and Rescue Authority sit as members of the One Newport Public Services Board, lead on one of the Wellbeing Plan interventions, and were an integral part of developing the partnership Plan for the next five years.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

Comments received from wider consultation, including elected members who sit on the Fire Rescue Authority, are included in the response.

Background Papers

White Paper- Reform of Fire and Rescue Authorities in Wales

<https://beta.gov.wales/sites/default/files/consultations/2018-11/181112-reform-of-fire-and-rescue-authorities-in-wales.pdf>

Information about the South Wales Fire and Rescue Authority

<https://www.southwales-fire.gov.uk/en-GB/who-we-are/south-wales-fire-rescue-authority/>

Dated: 5 February 2019

Appendix 1

Draft Response to White Paper on Fire Reform

Your name: Will Godfrey, Chief Executive

Organisation (if applicable): Newport City Council

email / telephone number: tracy.mckim@newport.gov.uk

Your address: Civic Centre, Newport NP20 4UR

Question 1: Do you agree the objectives for reform are appropriate and important?

We would support the view of the Fire and Rescue Authority (FRA) that clear and effective leadership of, and accountability for the development and delivery of fire and rescue services is essential. It would also be our view that some of the shortcomings identified within the White Paper in relation to FRA members are not correct and would equally apply to all other tiers of local and national government.

As outlined in this response we have excellent relationships and partnership working with the FRA and South Wales Fire and Rescue Service (SWFRS) at all levels and the fire service has met the challenges facing them head on through effective leadership and decision making.

We would accept that some aspects of the governance and accountability of Fire and Rescue Services in Wales may require change to ensure that performance, financial and accountability requirements are fit for purpose as part of the development of the public sector in Wales. However, we do not agree that the structure of FRAs, in terms of their political membership and leadership, should be changed as outlined below.

Question 2: Are there other objectives that the reform programme should pursue?

We would support the changing role of the SWFRS and its preventative agenda. The significant reduction in the incidence of fires is a direct consequence of the efforts and expertise of fire service working with the communities they serve. Further we consider the evolving role of the fire service in securing the health and wellbeing of communities by supporting other statutory public services to be a natural extension of this remit. SWFRS are a key member of the One Newport Public Services Board and have made significant contributions to the development of the Wellbeing Plan for Newport and discharge of the requirements of the Wellbeing of Future Generations (WFG) Act.

The service also provide significant support to other emergency services and undertake an invaluable role in the community by supporting our most vulnerable residents. These new and evolving roles have significant cost benefits and support the principles of the WFG Act and in particular the five ways of working.

This changing role should be supported as it is only through working as one public service that we can hope to achieve the best outcomes for our communities in the wider context of increasing challenging financial times.

The role of Public Service Boards, and delivery of Well-being Plans has supported the partnership arrangements, with a wider number of organisations working towards the same long term goals. The contribution of partners such as the fire service has been invaluable in this evolving work in our urban, densely populated city with considerable community safety challenges. Any changes would need to further enable our fire services to continue to develop this important aspect of their evolving role.

The link between local delivery and democratic accountability between the FRA and local authorities could be strengthened. Fire Authority members are nominated by the Council, and this is an important link for us as outlined below, however the service does not currently report back in any formal way. We would like to see fire service reporting progress against their strategic objectives, finance and performance as an item that is examined by Council and/or Scrutiny on a periodic basis.

Question 3: Do you agree that FRAs should remain as separate and distinct entities, with the same boundaries as now?

Yes.

We would consider that the FRA is best placed to provide governance for the increasingly technical requirements of service which require the right expertise to safeguard our communities. Technological advances can be best employed by larger organisations and therefore we would not support further disaggregation of the service such as to a local authority footprint. A single service in Wales would be too detached from local communities and local democracy, and be less able to respond to different community needs, or support the effective local partnership arrangements governed by the One Newport Public Services Board (PSB).

We agree that the boundaries should remain as they are although we do understand that it can be difficult for fire services to operate over several health board, local authority and police service boundaries. SWFRS are members of nine PSBs in this area, however we, and our neighbour authorities find strong engagement at a strategic and operational level and effective partnership working supportive of our work and community needs.

Any reorganisation on a different footprint would need to be supported by a strong case of benefits. The 'footprint' in the Gwent region covers five local authorities and we do not believe that this would offer the scale and resilience needed for a modern fire and rescue service. The current coverage over ten local authorities seems both appropriate and sustainable.

Question 4: Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

Yes, this would not be appropriate.

Police and Crime Commissioners are non-devolved, whereas the FRA are a devolved function. Police and Crime Commissioners have a difficult job in undertaking the commissioning of effective policing services, against reducing resources and increases and

changing challenges. The FRA and Services should determine their own strategic direction with the relevant and appropriate expertise. While they are both emergency services, that already work very closely together, we do not see the benefit of introducing one governance structure.

We would suggest that FRAs should remain separate organisations within the public sector, working in partnership with other bodies.

Question 5: Do you agree that there are legitimate but limited national interests in the Service that need to be reflected in its governance arrangements?

We believe the Fire and Rescue Services should be able to determine their own strategic direction based upon the risk factors in their communities in terms of demographics, geography and the types of building/housing within their area. They should be able to determine their own plans and budgets, subject to the considerations we explain in further detail below, and they should be able to set their performance and outcome measures in collaboration with the other services in Wales.

NCC view is that the current arrangements provide Welsh Government and the wider public sector with the assurance it needs and that our services are operating effectively. This includes for example Wales Audit Office oversight, and the setting of Well-being Objectives.

Question 6: Do you agree that local authorities should continue to nominate FRA members?

We strongly agree with this proposal, the local connections that this provides are essential in the understanding of needs and issues in each area. Risk is specific to local need and to remove leadership at a local level would be inappropriate.

This Authority nominates two members, who have developed knowledge and expertise in their role, which is supported by the FRA. We entirely disagree with the assertion in the White Paper that 'backbenchers' do not have the required expertise and capacity to carry out their role effectively. Members sit on several Fire Authority committees and have provided an effective role in carrying out this function on behalf of the local authority. Local authority elected members come from a wide range of backgrounds with a range of skills. Members are selected based upon what they may bring to the Fire Authority and how they could contribute to the process. We do not subscribe to the view that this function cannot be satisfactorily performed by non-executive members.

Further the use of non-executive members will mean that those members are more likely to have the time to attend and develop the relationship, and be less cost prohibitive. Any assertion that non-executive ('backbench') members being less skilled is rejected.

Reducing the number of nominees will mean that Newport has less influence that it does now, with 1/10th of the representation with the relevant FRS spend, pressures and risk at considerably higher than that at the fourth largest in our area. Our view is that the local authority should continue to nominate two members as it does now.

We believe that the level of commitment required to support the business of the Fire and Rescue Authority requires this number of elected members as we fail to see how a single member would have the capacity to undertake the role. Many of our members are also employed and may not have the ability to take on the role single handed. The benefit of drawing on their expertise in other roles, which may be directly related to their employment,

is of benefit to both the local authority and the fire authority. This proposal devalues the essential role that our elected members play in ensuring the democratic accountability of the communities they serve and negates the fact that they are representing the whole authority when they sit on the Fire Authority and not their own constituencies. Views on issues that affect locality service such as stations closure are gathered, or should be gathered, through effective public consultation.

Question 7: Do you agree that local authorities should nominate one FRA member each, drawn from their cabinets?

As outlined above, we do not think that the function requires a Cabinet Member to conduct this role. Further the nomination of one member is inequitable and could lead to detrimental impacts on the FRA.

Cabinet Members have significant portfolios within the Local Authority. Asking a Cabinet Member to also effectively discharge the local authority responsibility to the Fire Authority alongside their responsibility to local authority services would detriment both roles, and the ability of a range of Councillors to act in that Cabinet role. Further we would assert that Elected Members who do not sit in Cabinet are effective in many roles and will have skills in different areas.

Welsh Government has previously made clear the requirement to enhance the role of members and ensure that elected members are representative of the communities they serve, including age and background (Strengthening Local Government Consultation, 2018). The best person for the job should be the most important factor.

Question 8: Do you believe any changes are needed to the law on the size and remuneration of council cabinets, to allow their members also to serve on FRAs?

No, we don't not believe that the size of local authority Cabinets should increase to fulfil this role. Neither do we believe that remuneration of Cabinet Members should be increased. There is a cost to our local taxpayers in increasing the size of the Cabinet, which we do not believe would be acceptable to our citizens. We believe that we have the correct balance for the senior executive and the role they undertake for the local authority. Remuneration through special responsibility allowance is more appropriate for Elected Members who take on this role alongside their constituency and local authority functions.

Question 9: Do you agree that FRAs should also have non-executive members?

Current FRA members come from a range of professional disciplines and backgrounds which supports effective governance. Elected members represent their communities and wider areas and are best placed to provide the link back to local democracy.

The role of the Fire and Rescue Authority is to hold the Fire and Rescue Service to account not manage the service. Necessary expertise should come from the officers of the service itself not the Fire Authority Members.

Question 10: Who should appoint non-executive members of FRAs?

As above. This is not an appropriate role for Welsh Government who are removed from the direct relationship with local communities.

Question 11: Do you agree that, in the longer term, responsibility for the service should vest in a statutory Chief Fire Officer, with FRAs fulfilling a scrutiny and oversight role? If so, would that require any change to membership arrangements?

Chief Fire Officers should hold the responsibility for delivering the service which includes budgetary control. The responsibility of the Fire Authority should be to hold the service to account. This should not require changes to membership arrangements as we would consider elected members are in the best position to scrutinise the planning and performance of the service, for the communities they serve.

Question 12: Do you have any other proposals for how to reform FRA governance which meet the criteria in Chapters 1 and 2?

No, this would be dependent on the case for reform and the desired outcomes.

Question 13: Do you agree that FRAs and local authorities should agree the level of FRA funding each year, with a reserve arbitration power for the Welsh Ministers?

Accountability is currently provided through the committees and robust processes of the FRA. Further influence in determining the levy and monitoring performance would seem a sensible step forward to support assurance that the service is delivering on behalf of our residents, businesses and communities. As explained above the democratic link could be strengthened and to see the planning and performance of the Fire Service discussed within the local authority democratic processes such as Council and Scrutiny.

Question 14: Do you agree that, in the longer term, FRAs should have powers to set a council tax precept, with the balance of their funding from Welsh Government grants?

We note that the use of the precept works elsewhere in the UK, would support accountability and be a development of existing governance arrangements within the FRA. This would require appropriate planning and transition and we would need further information on the proposal to be able to answer fully. Engagement with citizens would be required to ensure that any change is fully understood.

We would also suggest that the link to local democracy should be strengthened as outlined above.

Question 15: Do you have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2?

The changing role of the service should be considered in respect of the funding mechanisms. If the role of fire officers is to continue to evolve, particularly through providing support to health and other public services, then there must be a mechanism to fund this enhanced role.

Question 16: Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services?

We would agree that the current performance management arrangements require reform.

We agree that the Local Government Measure is not the most appropriate way to measure the performance of Fire and Rescue Services. The National Framework, supported by the WFG Act to take account of local requirements is a better option. Benchmarking with the

other services in Wales and similar services in England is important, however prevention would need to be measured through the development of other outcome measures.

Question 17: Do you agree with the need for such a system to give FRAs flexibility on planning and reporting cycles, and on the sources of information about performance that they use?

Yes, we agree with this in order to understand outcomes for local communities and not what can be measured. Fire Services themselves are best placed to determine their measures and reporting in collaboration with each other and through the National Framework, subject to the scrutiny of the Fire and Rescue Authority and possibly the local authority democratic process.

Question 18: Do you agree that the Welsh Ministers should retain their duty to report to the Assembly about delivery of the Framework, and their powers of intervention?

Yes.

Question 19: We would like to know your views on the effects that the policy proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

We would expect any changes to support the development of the Welsh language in our area, in line with the requirements on local government.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No comments.

Question 21: We have asked a number of specific questions about FRA governance, finance and performance management. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

We would support the SWFRS FRA view that the current mechanisms work well in the main, with some scope for modernisation and reform, including strengthening the democratic process.