



Cunninghame House,
Irvine.

14 June 2012

Shadow Police and Fire Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **THURSDAY 21 JUNE 2012** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

1.1 Submit report by the Chief Executive on the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declarations of interest (copy enclosed).

1.2 Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Remit of Shadow Police and Fire Committee

Submit report by the Chief Executive on the remit of the Committee as agreed by Council at its Statutory Meeting held on 16 May 2012 (copy enclosed).

3. Composition and Remit of Police and Fire Reform Steering Group

Submit report by the Chief Executive on the composition and remit of the Police and Fire Reform Steering Group (copy enclosed).

4. Background to Police and Fire Reform

Submit report by the Chief Executive on the background to Police and Fire Reform in Scotland (copy enclosed).

5. Urgent Items

Any other items which the Chair considers to be urgent.

Shadow Police and Fire Committee

Sederunt:

Anthea Dickson (Chair)
Marie Burns (Vice
Chair)
John Bell
Jean Highgate
Ruth Maguire
Peter McNamara
Ronnie McNicol
Irene Oldfather
Joan Sturgeon
1 Vacancy

Chair:

Attending:

Apologies:

Meeting Ended:

NORTH AYRSHIRE COUNCIL

Agenda Item 1.1

21 June 2012

Shadow Police and Fire Committee

Subject: **Declarations of Interest: Advice to Elected Members**

Purpose: To highlight the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declarations of interest.

Recommendation: That Members note the report and ensure (i) that they are familiar with the requirements of Section 5 of the Code of Conduct for Councillors in relation to declaring interests; and (ii) consider the need to declare financial or non-financial interests in any contract or any other matter as defined by Section 5 of the Councillors' Code Conduct when attending meetings of the Council and its committees.

1. Introduction

- 1.1 The purpose of this report is to highlight the requirements of the Council's Standing Orders and Section 5 of the Code of Conduct in relation to declarations of interest.

2. Current Position

- 2.1 Standing Order 16 provides that if any Member of the Council has a financial or non-financial interest in any contract or any other matter as defined by Section 5 of the Councillors' Code Conduct, and is present at any meeting at which that matter is to be considered, he/she must, as soon as practicable after the meeting starts, disclose that he/she has an interest and importantly, state the nature of this interest.
- 2.2 To facilitate such declarations, a heading "Declarations of Interest", routinely appears as the first item on agendas for all meetings of the Council and its committees. All declarations of interest are recorded in the minutes of the meeting and are therefore a matter of public record.

- 2.3 All Members of the Council must observe the Code of Conduct for Councillors. Section 5 of the Code, which is appended to this report, sets out the rules in relation to declarations of interest. It is important that all Members are familiar with the rules on making declarations of interests. Such declarations produce transparency in regard to interests which might influence, or be thought to influence, the actions of a Councillor.
- 2.4 Whilst Committee clerks and other officers may provide advice if asked, in terms of the Code of Conduct, it is the personal responsibility of Elected Members to determine when a declaration of an interest is required. Members should also determine whether the nature of the interest is such that he/she is precluded from taking part in consideration of that matter and whether he/she must leave the meeting while that matter is under discussion.

3. Proposals

- 3.1 It is proposed that Members note the report and ensure:-
- (i) that they are familiar with the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declaring interests; and
 - (ii) they consider the need to declare financial or non-financial interests in any contract or any other matter as defined by Section 5 of the Councillors' Code Conduct when attending meetings of the Council and its committees.
- 3.2 In future, Committee Chairs, when dealing with the Declarations of Interest item on the agenda, should invite Members to declare any interests in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.
- 3.3 The Member making the declaration is expected to make a statement which is sufficiently informative to enable those at the meeting, or anyone reading the minute, to understand the nature of the interest. If the nature of the interest is not clear, the Committee clerk will ask for clarity.

4. Implications

Financial Implications

- 4.1 None arising from this report.

Human Resource Implications

- 4.2 None arising from this report.

Legal Implications

- 4.3 Failure by Members to declare interests is a breach of the Councillors' Code of Conduct and can result in action being taken by the Standards Commissioner for Scotland.

Equality Implications

- 4.4 None arising from this report.

Environmental Implications

- 4.5 None arising from this report.

Implications for Key Priorities

- 4.6 None arising from this report.

5. Consultations

- 5.1 The Solicitor to the Council has been consulted in the preparation of this report and agrees with its content.

6. Conclusion

- 6.1 The key principles of the Code of Conduct for Councillors, especially those which specify integrity, honesty and openness, are given practical effect by the requirement for Councillors to declare interests at meetings which they attend. The rules on declaration of interest, along with the rules which require registration of interests, are intended to produce transparency in regard to interests which might influence, or be thought to influence, the actions of a Councillor.

- 6.2 It is important therefore that all Members are aware of the requirements of the Code. If any Member of the Council has a financial or non-financial interest in any contract or any other matter as defined by Section 5 of the Councillors' Code Conduct and is present at any meeting at which that matter is to be considered, he/she must, as soon as practicable after the meeting starts, disclose that he/she has an interest and state the nature of this interest. Such declarations will be recorded in the minutes for the meeting.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Martyn Mckeown, Committee Services Manager on 01294 324130.

Background Papers

None.

Standards Commission for Scotland

Code of Conduct for Councillors

Section 5: Declarations of Interests

5.1 The key principles of the Code, especially those which specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests at meetings which you attend. The rules on declaration of interest, along with the rules which require registration of interests, are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a councillor.

5.2 It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a councillor in regard to a particular matter. You can, of course, seek advice from appropriate Council officers or from other sources which may be available to you. In making decisions for which you are personally responsible you are advised to err on the side of caution.

5.3 You may feel able to state truthfully that an interest would not influence your role as a councillor in discussion or decision-making. You must, however, always comply with the objective test (“the objective test”) which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

5.4 Much of the content of the rules set out in this section of the Code refers to Council or Committee meetings. The principles relating to declaration of interests are not confined to such meetings. You must apply these principles no less scrupulously in your dealings with Council officers, at meetings with other councillors, including party group meetings, meetings of Joint Boards and Joint Committees and any other meeting, formal or informal, where you are representing your Council.

Interests which Require Declaration

5.5 Interests which require to be declared (if known to you) may be financial or non-financial. They may or may not cover interests which are registrable in terms of this Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration. The paragraphs which follow deal with; your financial interests; your non-financial interests and the interests, financial and non-financial, of other persons.

Your Financial Interests

5.6 You must declare, if it is known to you, ANY FINANCIAL INTEREST (including any financial interest which is registrable under any of the categories prescribed in Section 4 of this Code and any interest as defined in a specific exclusion defined in paragraph 5.18).

There is no need to declare:-

- (i) an interest where a general exclusion, as defined in paragraph 5.18, applies but an interest where a specific exclusion applies must be declared; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:-

- (i) an interest covered by a general exclusion or a specific exclusion; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

Your Non-Financial Interests

5.7 You must declare, if it is known to you, any NON-FINANCIAL INTEREST if:-

- (i) that interest has been registered under category eight (Non-Financial Interests) of Section 4 of the Code; or
- (ii) that interest would fall within the terms of the objective test.

There is no need to declare:-

- (i) an interest where a general exclusion applies, but an interest where a specific exclusion applies must be declared; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:-

- (i) an interest covered by a general exclusion or a specific exclusion; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.8 As a councillor you will serve on other bodies as a result of express nomination or appointment by your Council or otherwise by virtue of being a councillor. Your membership of statutory Joint Boards or Joint Committees which are composed exclusively of councillors does not raise any issue of declaration of interest in regard to Council business. In relation to service on the boards and management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter, whether to declare a non-financial interest. Only if you believe that, in the particular circumstances, the nature of the interest is so remote or without significance, should it not be declared. You must always remember the public interest points towards transparency and, in particular, a possible divergence of interest between the Council and another body. Keep particularly in mind the advice in paragraph 3.18 of this Code about your legal responsibilities to any limited liability company of which you are a director.

5.9 You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a councillor. In the context of any particular matter you will have to decide whether to declare a non-financial interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance. In reaching a view on whether the objective test applies to the interest, you should consider whether your interest (whether taking the form of association or the holding of office) would be seen by a member of the public acting reasonably in a different light because it is the interest of a person who is a councillor as opposed to the interest of an ordinary member of the public.

The Financial Interests of Other Persons

5.10 The Code requires only your financial interests to be registered. You also, however, have to consider whether you should declare any financial interest of certain other persons.

You must declare if it is known to you ANY FINANCIAL INTEREST of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;

- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registrable gift or registrable hospitality;
- (vi) a person from whom you have received registrable election expenses.

There is no need to declare an interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:-

- (i) an interest covered by a specific exclusion; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.11 This Code does not attempt the task of defining "relative" or "friend" or "associate". Not only is such a task fraught with difficulty but is also unlikely that such definitions would reflect the intention of this part of the Code. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor and, as such, would be covered by the objective test.

The Non-Financial Interests of other persons

5.12 You must declare if it is known to you ANY NON-FINANCIAL INTEREST of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registrable gift or registrable hospitality; or
- (vi) a person from whom you have received registrable election expenses.

There is no need to declare the interest unless it is clear and substantial.

There is only a need to withdraw from the meeting if the interest is clear and substantial.

Making a Declaration

5.13 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.

5.14 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

Frequent Declarations of Interest

5.15 Public confidence in a local authority is damaged by perception that a Council's decisions are substantially influenced by factors other than the public interest. If you would have to declare interests frequently at meetings of a particular committee or in respect of any role which you are asked to discharge as a councillor, you should not accept a role or appointment with that attendant consequence. Similarly, if any Council appointment or nomination to another body would give rise to objective concern because of your existing personal involvements or affiliations, you should not accept the appointment or nomination.

Dispensations

5.16 In some very limited circumstances dispensations may be granted by the Standards Commission in relation to the existence of financial and non-financial interests which in terms of this Code would otherwise prohibit participation in discussion and voting.

5.17 Applications for dispensations will be considered by the Standards Commission which will be able to consider requests for dispensations which will apply generally to a class or description of councillors who are all affected by a particular category of interest. In situations where general or category dispensations are not granted by the Standards Commission, applications for particular dispensations should be made as soon as possible in advance of any meetings where dispensation is sought. You should take no part in consideration of the matter in question unless, and until, the application for dispensation is granted.

Definition of Exclusions

5.18 The following paragraphs refer to General Exclusions and Specific Exclusions

(1) The General Exclusions

The general exclusions referred to in this section of the Code are in relation to interests which a councillor may have:-

- (i) as a Council tax payer or rate payer or in relation to the Council's public services;
- (ii) in relation to setting the Council tax;
- (iii) in relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension; or
- (iv) as a Council house tenant.

In relation to (i), a councillor does not have an interest which has to be declared as a Council tax payer or ratepayer or, in respect of any issue relating to the terms of services which are offered to the public generally, as a recipient or non-recipient of those services.

In relation to (ii), a councillor does not have a financial interest which has to be declared in connection with:-

- (a) the setting of Council tax (including the approval of the total estimated expenses of the authority to be incurred during the year in question); and
- (b) the setting of any substitute Council tax (including the approval of any revised total estimated expenses)

notwithstanding that the councillor may have an interest in any item of expenditure.

In relation to (iii), a councillor does not have an interest which has to be declared in connection with any matter relating to councillors' remuneration, allowances, expenses or support services or in relation to councillors' pension arrangements, including the investment of superannuation funds.

In relation to (iv), a councillor does not have an interest which has to be declared in connection with any matter relating to council house matters, notwithstanding that the councillor has an interest in the tenancy of council housing accommodation (including any garage), always provided:-

- (a) this exclusion does not apply in respect of any matter which is concerned solely or mainly with the particular tenancy from which an individual councillor's interest derives; and
- (b) this exclusion does not apply to any councillor who is in arrears of rent in respect of his or her council house (or garage as appropriate).

(2) The Specific Exclusions

The specific exclusions referred to in this section of the Code are in relation to interests which a councillor may have:-

- (i) as a member, or director of, an outside body; or
- (ii) as a member of the Cairngorms National Park Authority (“CNPA”).

In relation to (i), the exclusion applies to any councillor who has been nominated or appointed or whose appointment has been approved by the councillor’s local authority and who has registered an interest under Section 4 of the Code as a member or director of:-

- (a) devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise;
- (d) a body being a company:-

- i. established wholly or mainly for the purpose of providing services to the councillor’s local authority; and
- ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

So as to enable the councillor to take part in the consideration and discussion of, and to vote upon, any matter relating to the body in question the councillor is required to declare his or her interest at all meetings where matters relating to the body in question are to be discussed. This is always provided the exclusion does not apply in respect of any matter of a quasi-judicial or regulatory nature where the body in question is applying to the local authority for a licence, a consent or an approval, is making an objection or representation or has a material interest concerning such a licence, consent or approval or is the subject of a statutory order of a regulatory nature, made, or proposed to be made, by the local authority.

In relation to (ii), the exclusion applies to (a) Decisions on Planning Applications where the CNPA have submitted comments to the Council and (b) Decisions on Planning

Applications where the CNPA have decided not to call-in the Applications, as follows:-

(a) the exclusion applies to any councillor who is also a member of the CNPA where the CNPA have submitted comments, representations or objections to the Council in relation to a planning application so as to enable the councillor to take part in the consideration and discussion of, and to vote upon, the determination of the planning application by the Council, subject to the following:-

i. this exclusion only applies where the councillor has not participated in the decision to make comments, representations or objections and has not attended during the item of the relevant CNPA meeting to decide on the comments, representations or objections to be submitted.

ii. this exclusion applies to meetings of the Council and of any committee or sub-committee of the Council and to other meetings as referred to in paragraph 5.4 of the Code to deal with the planning application.

Code to deal with the planning application.

(b) the exclusion applies to any councillor who is also a member of the CNPA where the CNPA have decided not to call-in a planning application so as to enable the councillor to take part in the consideration and discussion of, and to vote upon, the determination of the planning application by the Council, subject to the following:-

i. this exclusion only applies provided the CNPA have, in reaching their decision not to call-in, confined themselves to the question whether the application should be called-in and not discussed the merits of the application in so deciding.

ii. this exclusion applies to meetings of the Council and of any committee or sub-committee of the Council and to other meetings as referred to in paragraph 5.4 of the Code to deal with the planning application.

NORTH AYRSHIRE COUNCIL

Agenda Item 2

21 June 2012

Shadow Police and Fire Committee

Subject: **Remit of Shadow Police and Fire Committee**

Purpose: To advise the Committee of its remit as agreed by Council at its Statutory Meeting held on 16 May 2012.

Recommendation: That the Committee notes the report and attached remit.

1. Introduction

- 1.1 The former Executive at its meeting on 31 January 2012 noted a report on the implications of the Police and Fire Reform (Scotland) Bill and agreed to create a Shadow Police and Fire Committee to facilitate changes ahead of implementation which could be as early as April 2013.

2. Current Position

- 2.1 The Council at its Statutory Meeting on 16 May 2012 agreed a remit for the Shadow Police and Fire Committee.

3. Proposals

- 3.1 The Committee is asked to note the agreed remit, a copy of which is appended to this report.

4. Implications

Financial Implications

- 4.1 There are no financial implications arising from this report.

Human Resource Implications

- 4.2 There are no human resource implications arising from this report.

Legal Implications

- 4.3 The Committee should be aware that Strathclyde Police Authority and Strathclyde Fire & Rescue Board will continue to have important legal responsibilities in relation to the scrutiny of local services. The work of the Shadow Police & Fire Committee should complement existing arrangements and will not change current legal responsibilities.
- 4.4 There are no equality implications arising from this report.

Environmental Implications

- 4.5 There are no environmental implications arising from this report.

Implications for Key Priorities

- 4.6 The Committee should note that changes to police and fire & rescue will have implications for Single Outcome Agreement priorities:
 - 9a “Fear of crime and anti-social behaviour has reduced”;
 - 9b “Levels of crime and anti-social behaviour have reduced and crimes being detected have increased”; and
 - 9c “Road Safety has improved”.

It will also have implications for SOA priority 15b “Public services are more efficient and effective”.

5. Consultations

- 5.1 Consultation on the remit of the Shadow Police and Fire Committee has taken place with the Solicitor to the Council, Strathclyde Police and Strathclyde Fire & Rescue.

6. Conclusion

6.1 The Committee is asked to note its remit.



ELMA MURRAY
Chief Executive

Reference : EM/BT

For further information please contact Barry Tudhope, Business Manager
(Chief Executive's) on telephone number 01294 324113

Background Papers

- Report to the Executive of North Ayrshire Council on 31 January 2012 entitled "Police and Fire & Rescue: Local Scrutiny and Engagement Implementation Network".
- Minutes of the North Ayrshire Council Statutory Meeting held on 16 May 2012.

SHADOW POLICE AND FIRE COMMITTEE

Constitution

10 Members of the Council comprising: (a) 4 Members of the SNP group; (b) 3 Members of the Labour group and (c) 3 Independent Members.

Chair

To be appointed by the Council (*Councillor Dickson appointed 16 May 2012*)

Quorum

3 Elected Members of the Council shall constitute a quorum.

Functions Referred

The following functions of the Council will stand referred to the Committee:

- Discharge all duties of the Council in connection with the provision of the Police Services within North Ayrshire as provided by Strathclyde Police Authority;
- Discharge all duties of the Council in connection with the provision of a Fire & Rescue service within North Ayrshire as provided for by Strathclyde Fire & Rescue Service.
- To receive reports from the Council's nominees on Strathclyde Police Joint Board and Strathclyde Fire & Rescue Board.
- To consider reports from Officers and make representations to the Scottish Government in terms of the provisions of the Police and Fire Reform (Scotland) Bill.
- To consider and approve the Council's response to creation of model local delivery plans for the provision of both Police and Fire & Rescue Services throughout North Ayrshire.
- To receive regular reports from Divisional Commander of Strathclyde Police on policing in North Ayrshire.
- To receive regular reports from Area Commander of Strathclyde Fire & Rescue Service on the provisions of Fire & Rescue Services within North Ayrshire.
- To make recommendations to the full Council on the creation of local police and fire and rescue plans for North Ayrshire in terms of the Police and Fire Reform (Scotland) Bill.
- Any other duties as may be provided by the Council in connection with the provision of Police and Fire & Rescue Services in North Ayrshire.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

21 June 2012

Shadow Police and Fire Committee

Subject:	Composition and Remit of Police and Fire Reform Steering Group
Purpose:	To advise the Committee of the composition and remit of the Police and Fire Reform Steering Group.
Recommendation:	That the Committee notes the report and attached remit.

1. Introduction

- 1.1 The former Executive at its meeting on 31 January 2012 noted a report on the implications of the Police and Fire Reform (Scotland) Bill and agreed to create a Shadow Police and Fire Committee to facilitate changes ahead of implementation which could be as early as April 2013.

2. Current Position

- 2.1 The Council at its Statutory Meeting on 16 May 2012 agreed a remit for the Shadow Police and Fire Committee.
- 2.2 In support of the work of the Shadow Police and Fire Committee the Chief Executive has established a Police and Fire Steering Group, comprising of officers of the Council, Strathclyde Police and Strathclyde Fire & Rescue.

3. Proposals

- 3.1 The Committee is asked to note the composition and remit of the Police and Fire Steering Group, as set out in the attached appendix to this report.

4. Implications

Financial Implications

- 4.1 There are no financial implications arising from this report.

Human Resource Implications

- 4.2 There are no human resource implications arising from this report.

Legal Implications

- 4.3 There are no legal implications arising from this report.

Equality Implications

- 4.4 There are no equality implications arising from this report.

Environmental Implications

- 4.5 There are no environmental implications arising from this report.

Implications for Key Priorities

- 4.6 The Committee should note that changes to police and fire & rescue will have implications for Single Outcome Agreement priorities:

9a "Fear of crime and anti-social behaviour has reduced";

9b "Levels of crime and anti-social behaviour have reduced and crimes being detected have increased"; and

9c "Road Safety has improved".

It will also have implications for SOA priority 15b "Public services are more efficient and effective".

5. Consultations

- 5.1 Consultation on the remit of the Police and Fire Reform Steering Group has taken place with the Solicitor to the Council, Strathclyde Police and Strathclyde Fire & Rescue.

6. Conclusion

6.1 The Committee is asked to note its remit.

A handwritten signature in black ink that reads "Elma Murray". The signature is written in a cursive, flowing style.

ELMA MURRAY
Chief Executive

Reference : EM/BT

For further information please contact Barry Tudhope, Business Manager
(Chief Executive's) on telephone number 01294 324113

Background Papers

None



STRATHCLYDE
POLICE



North Ayrshire Police & Fire Reform Steering Group Role & Remit

Composition of Steering Group

North Ayrshire Council

Elma Murray, Chief Executive

Ian Mackay, Solicitor to the Council

Jim Montgomery, General Manager (Policy & Service Reform)

Strathclyde Police

Superintendent Alick Irvine

Chief Inspector Roddy Newbigging

Strathclyde Fire & Rescue

Area Commander Hugh Kerr

Group Commander Billy Thomson

Chair/Administrative Arrangements

The Council's Chief Executive will act as the Chair of the Steering Group. The Chief Executive's Secretariat will provide administrative support to the Steering Group.

Operating Structure

The Steering Group will report directly to the Shadow Police & Fire Committee.

Frequency of Meetings

The Steering Group will meet on a six-weekly basis.

Role of the Steering Group

The Steering Group will be responsible for preparing for the implementation of the Police & Fire (Scotland) Bill and overseeing transitional arrangements.

Continues.....

Remit of the Steering

The remit of the Steering Group will be to:

1. oversee the creation of a Shadow Police & Fire Committee (as agreed by North Ayrshire Council at its meeting on 4th April 2012) with up to 10 Elected Members;
2. advise the Shadow Police & Fire Committee on the direction and implementation of the Police & Fire (Scotland) Bill;
3. support the work of the Shadow Police & Fire Committee;
4. review resources to support the implementation of the Police & Fire Reform (Scotland) Bill and transitional arrangements;
5. ensure that regular updates on the work of the Shadow Police & Fire Committee are provided to North Ayrshire Council, these being the Minutes of the Meeting of the Shadow Police & Fire Committee;
6. ensure that six-monthly reports on the work of the Shadow Police & Fire Committee are provided to the Community Planning Partnership Board;
7. identify and monitor any significant risks in relation to the implementation of the Police & Fire Reform (Scotland) Bill and transitional arrangements;



NORTH Ayrshire Council

Agenda Item 4

21 June 2012

Shadow Police and Fire Committee

Subject: Background to Police and Fire Reform

Purpose: To advise the Shadow Police and Fire Committee of the background to Police and Fire Reform in Scotland.

Recommendation: That the Shadow Police and Fire Committee notes the content of this report.

1. Introduction

- 1.1 On 8 September 2011, the Scottish Government announced its intention to bring forward legislation to create a single Scottish Police Service and a single Scottish Fire & Rescue Service.
- 1.2 A consultation entitled "Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire & Rescue Services in Scotland" setting out the Scottish Government's proposals for the new services was published in September 2011. The Council's Executive approved a response to the consultation at its meeting on 8 November 2011.
- 1.3 The Police and Fire Reform (Scotland) Bill was formally introduced to the Scottish Parliament on 16 January 2012. The key provisions of the Bill are summarised in Appendix 1.
- 1.4 The Bill includes a framework for the delivery of local policing and fire & rescue services that will protect and improve local services and strengthen the connection between services and communities. This is based on three key elements:
 - **the designation of a Local Commander (police) and a Local Senior Officer (fire & rescue)** with significant delegated authority and devolved resources for each local authority area;
 - **the production of a Local Policing and a Local Fire & Rescue Plan for each local authority area**, prepared by the Local Commander and Local Senior Officer respectively, and agreed by the local authority;

- **the creation of a strong formal relationship between councils and the services**, for example, through local committees or other arrangements deemed appropriate locally, through which many more elected members would play a direct and formal role in shaping local priorities and scrutinising performance.
- 1.5 When the Bill receives Royal Assent and become an Act, all local authorities and the new services will need to ensure that they are in a position to put in place these new arrangements for local scrutiny and engagement from Day 1 of the new police and fire & rescue services which is scheduled for April 2013.
- 1.6 As a result, the Scottish Government indicated that it would facilitate a Local Scrutiny and Engagement Network. The Network provides an opportunity to plan, trial, evaluate, refine and share learning about the implementation of local arrangements before 'going live'.
- 1.7 The Network is overseen by a Project Board comprising of representatives from the Scottish Government, COSLA, SOLACE, ACPOS, CFOAS, the Police Authorities' Conveners Forum, the Scottish Fire Convener's Forum and the Improvement Service.
- 1.7 In January 2012, Expressions of interest were sought from local authorities and police and fire & rescue services to join the Network as either:
- **Pathfinders** - Pathfinders will put in place new local scrutiny and engagement arrangements that include the three elements described above (local commander/senior officer), local plan, robust scrutiny and engagement arrangements), and to share their learning with other in the Network and beyond
- or
- **Networkers** - Networks will participate in learning and contribute to discussion but will not wish to or be in an a position to begin trailing new arrangements.
- 1.8 The Executive at its meeting on 31 January 2012 agreed that the Council should act as a Pathfinder on the Network.
- 2. Current Position**
- 2.1 The Council at its Statutory Meeting on 16th May 2012 agreed to the formation of a Shadow Police and Fire Committee to put in place new local scrutiny and engagement arrangements in terms of Police and Fire & Rescue Services.

- 2.2 The Chief Executive has also established a Police and Fire Steering Group consisting of officers of the Council, Strathclyde Police and Strathclyde Fire and Rescue to support the work of the Shadow Police and Fire Reform Committee. The remits of both the Committee and Steering Group are the subject of separate reports to the Committee.
- 2.3 The first Local Scrutiny and Engagement Implementation Network Learning Event was held on 19th April 2012. However, due to the local government elections it was recognised that Elected Members were unlikely to attend. Therefore a decision was taken to hold a separate event for Elected Members in June 2012.
- 2.4 All Members of the Shadow Police and Fire Committee have been forwarded details of the event which will be held at COSLA, Verity House, Edinburgh on Monday 25th June 2012.

3. Proposals

- 3.1 The Shadow Police and Fire Committee is asked to note the content of this report.

4. Implications

Financial Implications

- 4.1 The Scottish Government has indicated that it will provide resources to cover the cost of facilitating the Network, providing evaluation support and producing any national guidance and tools to help support the transition process.
- 4.2 It is difficult to determine any financial implications for the Council at this time as this will depend on what local arrangements/approaches the Council and the services adopt. Participating as a Pathfinder will however provide a good opportunity for the Council to monitor the cost implications of the new arrangements.

Human Resource Implications

- 4.2 There are no human resource implications arising from this report.

Legal Implications

- 4.3 The Committee should note that Strathclyde Police Authority and Strathclyde Fire and Rescue Board will continue to have important legal responsibilities in relation to the scrutiny of local services. New Pathfinder arrangements/the work of the Committee should complement existing arrangements.

Equality Implications

- 4.4 There are no equality implications arising from this report.

Environmental Implications

- 4.5 There are no environmental implications arising from this report.

Implications for Key Priorities

- 4.6 The Committee should note that changes to police and fire & rescue will have implications for Single Outcome Agreement priorities:

9a "Fear of crime and anti-social behaviour has reduced";
9b "Levels of crime and anti-social behaviour have reduced and crimes being detected have increased"; and
9c "Road Safety has improved".


It will also have implications for SOA priority 15b "Public services are more efficient and effective".

5. Consultations

- 5.1 Consultation has taken place with Strathclyde Police, Strathclyde Fire & Rescue and officers of the Council.

6. Conclusion

- 6.1 The Shadow Police and Fire Committee is requested to note this report which provides background information on Police and Fire Reform in Scotland and the establishment of the Committee.



ELMA MURRAY
Chief Executive

Reference : EM/BT

For further information please contact Barry Tudhope, Business Manager (Chief Executive's) on telephone no (01294) 324113.

Background Papers

Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire & Rescue Services in Scotland (available at www.scotland.gov.uk)

Report to The Executive of North Ayrshire Council on 8th November 2011 entitled "Response to the Scottish Government's Consultation on proposed National Police and Fire and Rescue Services in Scotland".

Report to The Executive of North Ayrshire Council on 31 January 2012 entitled "Police and Fire & Rescue Reform: Local Scrutiny and Engagement Implementation Network.

POLICE AND FIRE REFORM (SCOTLAND) BILL KEY POINTS – POLICE

ROLES AND FUNCTIONS OF SCOTTISH POLICE AUTHORITY AND THE CHIEF CONSTABLE

- Throughout the Bill the relationship is between Ministers and the Authority and the Authority and the Chief Constable – not Ministers and the Chief Constable.
- Ministers will appoint 7-11 members of the SPA on the basis of skills and expertise
- The SPA will be responsible for maintaining the police service and holding the chief constable to account
- Ministers may direct the SPA but not in relation to a specific operation or the way it is being carried out; nor may they direct the chief constable
- The chief constable is accountable to the SPA for the policing of Scotland and has direction and control of the police service.
- The SPA must provide forensic services to the police service.

FUNCTIONS OF A CONSTABLE

- The oath has been modernised.
- The Bill restates most of the existing constable functions provided in the 1967 Act
- All constables, police cadets and police staff are subject to the direction and control of the chief constable

PRINCIPLES, PRIORITIES, PLANNING AND REPORTING, AND BEST VALUE

- Policing principles set out in the Bill
- Responsibility for statutory aspects of planning and reporting rests with the Scottish Police Authority. It is required to involve the Chief Constable and the Chief Constable is required to provide the SPA with reasonable assistance.
- Statutory building blocks for strategic/corporate planning –Ministers set strategic police priorities; the Authority produces a strategic police plan and annual police plan.
- Priorities, plans and reports cover the functions of the Authority, including forensics, and the Police Service – i.e just one plan/report.
- Statutory duty of best value of the Scottish Police Authority and Chief Constable – examined by the Auditor General and HMICS

LOCAL POLICING

- Chief Constable must ensure adequate arrangements for the policing of each local authority area.

- Designated local commander for each local authority area
- Local commanders subject to direction and control of the Chief Constable
- Local authority can request reports and information on policing in the local area
- Local Plan, agreed between local commander and local authority, setting out priorities, objectives and arrangement for policing in the local authority area

COMPLAINTS REVIEW AND INVESTIGATIONS

- The Chief Constable and the SPA are required to maintain suitable arrangements for the handling of relevant complaints
- Complaint reviews and investigation of serious incidents and criminal offences involving the police to be handled by one independent body, the Police Investigations and Review Commissioner.
- Crown Office will direct investigations by the Commissioner.
- Commissioner will be able to investigate other police matters where s/he considers it would be in the public interest to do so.
- Commissioner will be appointed by Ministers and will appoint staff with relevant skills and experience to carry out investigatory work.

INDEPENDENT CUSTODY VISITING

- Arrangements for independent custody visiting (ICV) put on a new statutory footing ensuring that it is compliant with the United Nations Protocol to the Convention Against Torture (OPCAT).

HER MAJESTY'S INSPECTORS OF CONSTABULARY

- The Bill retains Her Majesty's Inspectors of Constabulary's (HMICS) functions to inspect the state and efficiency of the Police Service of Scotland (PSS) and extends their power to examine best value to both the Scottish Police Authority and the Chief Constable.

WORKFORCE - POLICE OFFICERS

- The Bill establishes a constabulary to be known as "the Police Service of Scotland", comprising a CC, one or more DCCs and one or more ACCs appointed by the SPA.
- The SPA may appoint police staff to assist constables and Authority staff to assist it in carrying out its functions, on such terms and conditions as they determine.
- Constables' terms and conditions continue to be set through regulations, and the Bill is more prescriptive than in the 1967 Act in relation to the provisions that can be made through regulations.
- All constables will transfer to the new service.

WORKFORCE - STAFF

- The Bill enables the SPA to appoint police staff and authority staff - police staff assist constables in carrying out of police functions, authority staff assist the authority (SPA) in the carrying out of its functions.
- All staff employed by joint boards, SPSA (incl. SCDEA), those appointed under contract for service and local authority employees identified by a staff transfer scheme are to transfer to the new services.

POLICE AND FIRE REFORM (SCOTLAND) BILL

KEY POINTS – SCOTTISH FIRE AND RESCUE SERVICE

ESTABLISHMENT OF THE SCOTTISH FIRE AND RESCUE SERVICE

- Throughout the Bill the relationship is between Ministers and the Scottish Fire and Rescue Service and SFRS and the Chief Officer.
- Ministers will appoint 7-11 members of the SFRS Board on the basis of skills and expertise
- SFRS will be responsible for the provision of fire and rescue services and holding the Chief Officer to account.
- Ministers have powers to direct SFRS – but do not have powers to direct the Chief Officer.

FUNCTIONS OF THE SCOTTISH FIRE AND RESCUE SERVICE

- The Bill does not propose changing the functions conferred on the fire and rescue authorities – existing functions will transfer to SFRS.

CHIEF OFFICER

- The Bill provides for the appointment of a Chief Officer for SFRS
- The Chief Officer will be responsible to the SFRS Board for the delivery of delegated functions
- Chief Officer to designate a Local Senior Officer for each local authority area

PLANNING AND REPORTING

- Scottish Ministers set priorities and objectives for SFRS in a new Fire and Rescue Framework
- SFRS required to prepare a strategic plan to be approved by Ministers
- SFRS required to produce an annual report and accounts
- Statutory duty of best value on the SFRS – examined by the Auditor General and Inspectors of the Scottish Fire and Rescue Service

LOCAL FIRE AND RESCUE SERVICES

- SFRS must ensure adequate arrangements for SFRS functions in each local authority area.
- Local Senior Officer to involve the local authority in setting priorities and objectives for that area and prepare a local fire and rescue plan for the authority's agreement
- Local authority powers to request reports and information on SFRS functions in the local area

WORKFORCE

- SFRS to employ staff (both uniformed and non-uniformed) to assist it in carrying out its functions
- All fire-fighters and other staff employed by joint boards, as well as certain local authority employees and civil servants identified by a staff transfer scheme are to transfer to the new services

INSPECTORS OF THE SCOTTISH FIRE AND RESCUE SERVICE

- Inspectors of the Scottish Fire and Rescue Service will have new powers to initiate inquiries into SFRS, in addition to powers to carry out inquiries when directed to do so by Ministers
- Inquiries may relate to the state and efficiency of SFRS, how SFRS is carrying out its functions and whether SFRS is complying with its duty of best value
- The Chief Inspector must publish a plan setting out priority areas for inquiry by the inspectors and how such inquiries will be carried out
- SFRS will be required to have regard to any inquiry reports that it receives from the Chief Inspector when carrying out its functions and to take remedial measures that it considers appropriate

