Justice Committee

Police and Fire Reform (Scotland) Bill

Supplementary written submission from the Convention of Scottish Local Authorities

Having reflected on the evidence, Cllr Grant asked that I clarify a couple of points that she and Cllr Watters raised. She felt that there was the possibility they could have been misinterpreted by the Committee.

You will recall that Cllr Watters spoke on the 600-800 additional police officer posts funded by local authorities for various reasons. TUPE was mentioned during that discussion. Cllr Grant wanted it to be clear that these posts are held within the existing forces’ establishment – ie while councils pay for them from funds additional to the grant to the relevant police force, councils are not the employer. TUPE would undoubtedly apply to these postholders the same as any other police force employee on 31 March 2013. However, Cllr Watters’ point was that the Government’s current assumption was that all 600-800 would actually still be in post on that date. He questioned whether councils would continue to fund these posts in 2012/13, given that the additional funding being provided would likely transfer with the posts out of Local Government and into the new single service budget to subsidise the commitment to 1000 extra police officers in the new single service. The reason for the additional funding will vary in each case but primarily it will be for specific local community safety benefit, or for preventative work. Even had the existing regional structure continued, such funding of posts should not be assumed to be a commitment by a council for ever. And the simplest way for a council to avoid losing the funding on 31 March 2013 is not to be funding a post at that time. Cllr Watters was not suggesting that this would necessarily happen, just that the fact that this additional funding would automatically transfer with the service was another assumption that the Government seemed to be making.

Further Cllr Watters had concerns that, in future, councils might be less likely to fund ‘additional’ posts in their local area, unless they were absolutely sure that this was not actually substituting for previously existing posts in their area that the Chief Constable had chosen to move elsewhere in the country. The only way that COSLA can see to avoid this is to have local budgets, approved alongside the local plan.

One final point that Cllr Grant thought had not been clear enough in our evidence was around the local and regional accountability of the police force in future. Everyone accepts that this works well at the moment and the police are committed to community planning. That works because the police is a Local Government service and, ultimately, it is local elected members who are accountable to the electorate for it – every local authority being a police authority. However in future, while a commander (or for us, the Chief Constable) will have a duty to participate in community planning, there will be no accountability locally. Elected members will not have the same relationship with the police at any level, as they are no longer their employers. While this may not mean much difference in the short term, our concern is that in the longer term as personalities change the culture will be to prioritise reporting and responding upward and centrally to those that run the service, rather
than outward to councils and communities across the country. That is why we feel that there must remain some genuine local accountability into the future. Local “committees” must provide the opportunity for more than just the reporting of statistics.

One final point which was not raised with us by the Committee, but was asked of Conveners. COSLA is keen that the new SPA and SFRS and their sub-committees meet transparently in public, on the same basis as boards and council committees do now. Accordingly they must be sited somewhere that is easily accessible and should consider regular meetings around the country, council chambers being an obvious possibility.

I hope this is helpful to you in clarifying the points that Cllrs Grant and Watters were making.

James Fowlie
Team Development Manager, COSLA
23 March 2012