Introduction

The Council’s response to the Justice Committee is based on its submissions to the Scottish Government’s consultations on police and fire reform and public service reform (Christie Commission). The Council has also provided written evidence to the Finance Committee on the Financial Memorandum accompanying the Bill.

A measured and comprehensive approach must be taken to ensure that police and fire and rescue services (and other public services) are fit for purpose for the long term.

However, it is essential that arrangements are in place by 1 April 2013 to deal with key issues such as complaints and conduct.

The Council supports the undernoted Principles of Public Service Reform:

- reform should be framed in terms of the improvement of outcomes
- reform should look at the whole of the public sector not just one element
- reform should be based on robust evidence and a business case that generates community benefit - and this implies local integration rather than central aggregation
- reform should not focus on structures and boundaries to the exclusion of other issues relating to finance, policy, systems and governance
- local democracy and accountability should be at the heart of the reform process and should be enhanced by reform rather than diminished

1. General

1.1 New statutory principles for policing

These are welcomed and a similar statutory purpose for the fire and rescue service to be included in a new Fire and Rescue Framework under the Fire (Scotland) Act 2005 is also welcomed.

1.2 Accountability

The Chief Constable and Chief Officer should be accountable not only to the Scottish Police Authority (SPA) and Scottish Fire and Rescue Service Board (SFRSB), but also to Councils. It is recognised that the detailed arrangements for performance against local plans, budgets and staffing levels are yet to be defined.
1.3 Budgets

Budget details require urgent clarification as the relatively short time available does not allow for confidence and rigour in the projections for financial savings.

2. SPA and SFRSB

2.1 National Boards - size and composition

Councillors must be the foundation of the SPA and the SFRSB. The Authority/Board should have at least 15 members - including 8 Councillors nominated by COSLA - based on expertise, experience and skills and ensuring a geographic spread.

2.2 Strategic Plans

The statutory duties on Scottish Ministers to consult local authority representative bodies before determining strategic police priorities and for the SPA and SFRSB to consult local authorities on their strategic plans are welcomed.

2.3 Status of the new SPA and SFRS

The status of the new services requires urgent consideration to avoid an undesirable position of inability to borrow money (without Ministerial approval); hold reserves; avoid VAT liability; and address the perception of policing and fire and rescue being part of political government.

3. Community Planning

3.1 There should be a statutory duty on the Chief Constable and the Chief Officer - in addition to the Local Commander and Local Senior Officer - to participate in local community planning activity. The statutory duty to include community planning information in the police and fire and rescue local plans is welcomed. The outcome of the national review of Community Planning and Single Outcome Agreements (SOAs) might further inform future community planning arrangements.

3.2 Police and fire and rescue services make a significant contribution to community safety and public protection through involvement at strategic, thematic and local levels and there should be no detriment in local arrangements as a result of reform.

3.3 All inter-agency/multi-agency partnerships will need to be re-examined as the new policing and fire and rescue structures and policies are put in place, including Community Planning Partnerships (CPPs) - and local representation is key. This requires sufficient capacity and capability across police and fire and rescue services at local level for the arrangements to be effective.
3.4 There must be regular and meaningful communication and engagement across partners and communities as the single services are developed and put in place.

4. **Local Arrangements**

4.1 There should be Local Government Elected Member representation in the selection process for the appointment of Local Commanders and Local Senior Officers.

4.2 We welcome the statutory duty on the Local Commander and Local Senior Officer to prepare local plans - for approval by the local authority - that meet the needs of the local area. Local plans should include budget arrangements. In the highly unlikely event that a local authority cannot agree a plan then there must be clear mechanisms to address this.

4.3 Each Local Commander and Local Senior Officer must be provided with a suitable level of budget and decision making autonomy to allow genuine flexibility to engage with the CPP and associated SOA. This should be included in the Bill. The arrangements for local service delivery must contribute to the commitments in SOAs.

4.4 Local accountability is crucial (necessitating an agreed local budget) together with clarity of responsibility and roles.

4.5 Existing local high quality and responsive service delivery and problem solving must continue. If there is any detriment to current service provision, Councils may find themselves having to consider funding additional services e.g. extra police or adding to their own services e.g. to tackle antisocial behaviour.

4.6 Local decision making about police and fire and rescue services should be evidence-based.

4.7 Local employment opportunities must be considered, particularly in rural areas where police and fire and rescue personnel have a key contribution to local fiscal and social economies, and this must be taken into account when decisions are made about the future numbers and location of posts and services.

4.8 A statutory basis for Councils in relation to local committee arrangements for police and fire and rescue services would be helpful, perhaps in the form of a framework setting out the role of committees but avoiding being prescriptive given that best practice and guidance might come from the Pathfinder projects.

4.9 The clarity provided in the Bill for the transfer of staff and property is welcomed. However, it is imperative that the TUPE transfer of police support staff is comprehensive, will not result in any liabilities on employer Councils and will demonstrate the value we place on these staff, their skills and contribution. Further clarity is also required about the detail of assets and liabilities to be transferred.