

LOCAL GOVERNMENT AND REGENERATION COMMITTEE
SUBMISSION FROM THE SCOTTISH GOVERNMENT BILL TEAM

WEDNESDAY 8 FEBRUARY 2012

POLICE AND FIRE REFORM (SCOTLAND) BILL – BRIEFING FOR THE LOCAL GOVERNMENT AND REGENERATION COMMITTEE

This note sets out the key features of the Police and Fire Reform (Scotland) Bill which relate to local government and the interests of local communities, and which may therefore be of particular interest to the Local Government and Regeneration Committee in its Stage 1 consideration of the Bill.

A new purpose for policing and fire and rescue:

The new statutory principles for policing will place communities at the heart of service provision:

- The policing principles set out that the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland;
- The purpose is underpinned by a statutory requirement for the service to work in partnership with others to ensure policing is accessible to and engaged with local communities and promotes measure to prevent crime, harm and disorder.

A similar statutory purpose for the fire and rescue service will be included in a new Fire and Rescue Framework under the Fire (Scotland) Act 2005.

National focus on local services:

Within the national governance structures for the new Scottish Police Authority and the new Scottish Fire and Rescue Service, the Bill ensures an enhanced focus on local delivery of policing and fire and rescue functions:

- The Scottish Police Authority and the Scottish Fire and Rescue Service will be under a statutory duty to ensure adequate arrangements for policing and fire and rescue services in all 32 of Scotland's local authority areas;
- The Scottish Ministers will appoint members to the Scottish Police Authority and the Scottish Fire and Rescue Service Board on the basis of their skills and expertise. Ministers have made clear that this will include a number of members who will be appointed on the basis of their skills and expertise relating to local government;
- The Chief Constable and the Chief Officer must designate a local commander and local senior fire officer for each local authority

area, who will be accountable for local service delivery through the Chief Constable and Chief Officer to the national boards.

A role for local government at national level:

Local authorities will have the right to have a say in the national strategic direction of the new services:

- The Scottish Ministers will have a statutory duty to consult local authority representative bodies before determining strategic police priorities;
- The Scottish Police Authority and the Scottish Fire and Rescue Service will have a statutory duty to consult all local authorities on their strategic plans.

A clear role for local government in local service delivery:

For the first time, each local authority in Scotland will directly influence the delivery of police and fire and rescue functions in their areas:

- The local commander and local senior officer will have a statutory duty to work with the local authority to set priorities and objectives for police and fire and rescue services in the local area;
- The local commander and local senior officer will be required to prepare the local plan for police and a local plan for fire and rescue, that meets the needs of the local area for agreement with the local authority;
- The local authority will have statutory powers to monitor the delivery of police and fire and rescue functions in the area;
- The local authority will have statutory powers to provide feedback to the local commander and local senior officer and to make recommendations for improvements.

The Scottish Government is working with local government and the services to support local partners in trialling these new local monitoring and engagement arrangements. The learning and good practice gathered will help to inform the development of the new arrangements.

Integration with community planning partnerships:

The Bill ensures that the structures for local delivery of police and fire and rescue functions is fully integrated with community planning:

- The local commander and local senior officer will have a statutory duty to participate in the community planning partnership for the local area;

- There will be a statutory requirement on the local commander and local senior officer to include information on community planning in the local plan for police and the local plan for fire and rescue.

A transparent and consultative approach to local planning:

The local commander and local senior officer will have a statutory duty to prepare a police plan and a fire and rescue plan for their area, which will be required to:

- build on the principles set out in the national priorities and objectives for the services;
- incorporate the local priorities and objectives developed with the local authority;
- be prepared in consultation with the local authority and other interested parties, for the agreement of the local authority;
- set out the proposed arrangements for delivery of police and fire and rescue functions in the area, ranging from community policing and fire safety to incident response and provision of specialist capacity;
- identify outcomes against the achievement of priorities and objectives may be measured;
- make clear how the arrangements for local service delivery will contribute to the outcomes identified through local authority community planning partnerships.

Direct funding for the new services:

The Bill sets out clear funding arrangements for the new services:

- The Scottish Police Authority and the Scottish Fire and Rescue Service will be directly grant funded by the Scottish Ministers;
- Any changes to the local government settlement arising from this will be negotiated through the Settlement and Distribution Group which advises Scottish Ministers and COSLA on the settlement.

Clear arrangements for transfer of staff:

Arrangements are set out in the Bill for the transfer of staff – including fire-fighters - to the new services, to ensure clarity for employees:

- All staff employed by police joint boards (as well as the Scottish Police Services Authority and the Scottish Crime and Drug

Enforcement Agency) will transfer to the Scottish Police Authority on a date set by the Scottish Ministers;

- All staff employed by fire and rescue joint boards will transfer to the Scottish Fire and Rescue Service on a date set by the Scottish Ministers;
- The Scottish Ministers will make a staff transfer scheme to transfer to the new services staff employed by individual local authorities on police and fire functions;
- An employee's contract has effect on and after the day of transfer as if it was originally made between the employee and their new employer – i.e. the Scottish Police Authority or the Scottish Fire and Rescue Service;
- Staff will remain eligible to continue in the local government pension schemes after the transfer.

Clear arrangements for transfer of property:

The Scottish Ministers will make property transfer schemes in consultation with the services and local government to ensure fair and transparent transfers of property:

- The statutory transfer schemes will transfer property, rights, liabilities and obligations from local authorities and joint boards to the Scottish Police Authority, the Scottish Fire and Rescue Service where appropriate;
- The statutory transfer schemes can also transfer property, rights, liabilities and obligations from joint boards to individual local authorities;
- The schemes will set out clearly the date of transfer, whether any consideration is payable and any conditions attached to the transfer.

**Scottish Government Bill Team
February 2012**