Local Government and Regeneration Committee

5th Report, 2012 (Session 4)

Report to the Justice Committee on the Police and Fire Reform (Scotland) Bill

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Local Government and Regeneration Committee

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Local Government and Regeneration Committee

Remit and membership

Remit:

To consider and report on a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment.

Membership:

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Local Government and Regeneration Committee

5th Report, 2012 (Session 4)

Report to the Justice Committee on the Police and Fire Reform (Scotland) Bill

The Committee reports to the Justice Committee as follows—

INTRODUCTION

Procedure

1. The Police and Fire Reform (Scotland) Bill ("the Bill") was introduced by Kenny MacAskill MSP, Cabinet Secretary for Justice ("the Cabinet Secretary"), on 16 January 2012. The Bill is accompanied by Explanatory Notes (SP Bill 8-EN), which include a Financial Memorandum, and a Policy Memorandum (SP Bill 8-PM), as required by the Parliament’s Standing Orders.

2. On 25 January 2012, the Parliament agreed to motion S4M-01814, which designated the Justice Committee as the lead committee, and the Local Government and Regeneration Committee as a secondary committee, for consideration of the Bill at Stage 1. The Parliament agreed a deadline of 11 May 2012, for completion of the Stage 1 process. Under Rule 9.6 of the Parliament’s Standing Orders, it is for a secondary committee to report to the lead committee on the general principles of those parts of the Bill referred to it by the Parliament.

Purpose of the Bill¹

3. According to the Policy Memorandum, the primary policy purpose of this Bill is to create a single police service, and a single fire and rescue service in Scotland to achieve the following aims:

- To protect and improve local services despite financial cuts, by stopping duplication of support services eight times over and by not cutting front line services;

¹ Police and Fire Reform (Scotland) Bill - Policy Memorandum SP Bill 8-PM. http://www.scottish.parliament.uk/S4_BusinessTeam/pm-v1n47-S4.pdf
• To create more equal access to specialist support and national capacity – such as murder investigation teams, firearms teams or flood rescue – when and where they are needed, and

• To strengthen the connection between services and communities, by creating a new formal relationship with each of the 32 local authorities, involving many more local councillors and better integrating with community planning partnerships.

4. To that end, Part 1 of the Bill establishes a new national police service, to be known as the Police Service of Scotland (“the PSS”), which will be headed by a Chief Constable. Part 2 of the Bill establishes a single national fire and rescue service, to be known as the Scottish Fire and Rescue Service (“the SFRS”), to be headed by a Chief Officer.

5. The Bill also establishes two new national authorities to oversee the governance, funding and accountability arrangements for the new services. A new Scottish Police Authority (“the SPA”) will have oversight of the PSS, and a new Scottish Fire and Rescue Service Board (“the SFRS Board”) will perform a similar role in relation to the SFRS.

6. Police forces in Scotland are currently established under the Police (Scotland) Act 1967 (“the 1967 Act”). Part 1 of the Bill will largely repeal the 1967 Act, and replace it as the principal statutory basis for policing in Scotland.

7. The legislative reorganisation of fire services, as set out in the Bill, differs from the approach being taken to police reorganisation. Currently, the principal statutory basis for fire and rescue services in Scotland is the Fire (Scotland) Act 2005 (“the 2005 Act”). Part 2 of the Bill will amend the 2005 Act so as to provide for the new national structures for the SFRS.

Committee consideration

8. At its meeting on 25 January, the Committee agreed to focus its consideration specifically on those parts of the Bill which relate to the arrangements for local authorities, and the implementation of local policing and fire service arrangements.

9. The Bill will have major implications for the governance, accountability and structure of each service, and how they will engage at a local level with local authorities and local communities.

10. Sections 45 to 48 of the Bill set out structures for local policing and establish a duty on the PSS to engage in community planning. Sections 112 and 113 of the Bill set out similar provisions in relation to the SFRS. The Bill also places a duty on the Chief Constable and the Chief Officer to designate for each local authority area, a Local [Police] Commander and a Local Senior [Fire] Officer respectively, who will lead on the various aspects of local engagement and community planning.
11. The Bill also makes consequential provisions for the funding and audit accountability structures for the new services; provisions in relation to shared resources; transfer of staff and workforce issues; and provisions for the continued independent oversight and inspection by the existing police and fire inspectorates.

Written evidence
12. In order to meet the timetable set down by the Parliament for Stage 1 consideration of the Bill, the Committee agreed to seek written evidence only from those organisations from which it would take oral evidence. The Committee issued a call for written evidence, targeting key stakeholders, seeking evidence on—

- the proposed structures of local democracy and accountability for the PSS, the SFRS and local authorities, including the relationship between local authorities and the Scottish Police Authority and the Scottish Fire and Rescue Service Board;

- the implications for community policing and community planning partnerships and the development of local police and fire plans, including issues such as shared resources between CPPs and the new national services;

- the issues of transfer of police and fire and rescue staff, and potentially some associated local authority support staff, from the employment of local authorities to the new national services.

Oral evidence
13. On 8 February, the Committee took oral evidence from Christie Smith, Head of Police and Fire Reform Division, Liz Sadler, Head of Policy and Legislation Unit, Police and Fire Reform Division, and Stephanie Virlogeux, Policy and Legislation Unit, Police and Fire Reform Division, Scottish Government.

14. On 21 February, the Committee took oral evidence from Councillor Barbara Grant, Community Safety Spokesperson, COSLA; Bob Jack, Spokesperson on Community Safety, Justice, Police & Fire, Society of Local Authority Chief Executives (SOLACE); Chief Constable Kevin Smith, President, Association of Chief Police Officers in Scotland (ACPOS); Councillor Iain Whyte, Chair, Scottish Police Authorities Conveners Forum; Andrew Laing, Her Majesty’s Inspector of Constabulary for Scotland; Professor John McNeill, Police Complaints Commissioner for Scotland; Gillian Campbell, Director of Human Resources, Scottish Police Services Authority; Chief Superintendent David O’Connor, President, Association of Scottish Police Superintendents; Donald Urquhart, Chair, Scottish Community Safety Network; Calum Steele, General Secretary, Scottish Police Federation; George McIrvine, Vice-Chair, UNISON Scottish Police Committee; Professor Nicholas Fyfe, Director, Scottish Institute for Policing Research, University of Dundee; Councillor Bob Band, Scottish Fire Conveners Forum; Alex Clark, Chair, Chief Fire Officers Association Scotland and John Duffy, Scottish Secretary, Fire Brigades Union.
STRUCTURE OF THE NEW SERVICES

The Police Service of Scotland

15. The 1967 Act established the “tripartite” sharing of responsibility for policing in Scotland between the Scottish Ministers, the police authorities or joint police boards, and the Chief Constables of the respective forces. For over 40 years, policing in Scotland has been provided by eight territorial police forces: Central Scotland Police; Dumfries and Galloway Constabulary; Fife Constabulary; Grampian Police; Lothian and Borders Police; Northern Constabulary; Strathclyde Police and Tayside Police.

16. The geographical cover of these force areas corresponded with the regional tier of local government introduced in Scotland in 1974, although the Lothian and Borders force covered two regional council areas, Lothian Regional Council and Borders Regional Council. Regional councils were the police authorities for their respective police forces and were responsible for their governance, oversight and administration.

17. Following the most recent reorganisation of local government in Scotland in April 1996, which abolished the regional and district councils, replacing them with 32 single-tier local authorities, the direct link between local government boundaries and police services was, in most cases, severed. However, Dumfries and Galloway Council and Fife Council continued as the police authority for their respective forces, as their council areas continued to correspond with their geographical police force area.

18. The Scottish Government intends that the eight existing forces will cease to exist on 1 April 2013 and all police officer, staff and resources will transfer to the newly established PSS. This will see the merger of the existing command structures of the police, with the appointment of a single Chief Constable, who will be the head of the PSS.

The Scottish Police Authority

19. The Bill also establishes a new separate governance authority for the PSS, the SPA. The SPA will be responsible for holding the Chief Constable to account and for the governance, oversight and administration of the PSS. It will also be responsible for the provision of forensic services for police investigations. The SPA will also, among other things, recruit and appoint the Chief Constable of the PSS, and other senior officers, with the approval of the Scottish Ministers.

20. Funding for the PSS will, under the new arrangements, come directly from the Scottish Government to the Scottish Police Authority. The SPA will set, in agreement with the Chief Constable, the strategic priorities for policing in Scotland, which will require to be approved by the Scottish Ministers. The SPA will also hold the Chief Constable to account for the management of the PSS (and expenditure of public funds, currently approximately £1.37 billion per annum).

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2 Policy Memorandum.
3 SPICe briefing on the Police and Fire Reform (Scotland) Bill.
21. The SPA will consist of between seven and 11 members, appointed directly by the Scottish Ministers, in accordance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland ("the public appointments code"). The SPA will also have its own budget and staff to support the discharge of its functions.

**Local police commanders**

22. Under the Bill, the Chief Constable must ensure that there are “adequate” arrangements in place for the policing of each local authority area. The Chief Constable will be required to appoint a local commander for each of Scotland’s 32 local authority areas. The same officer may, however, be appointed as local commander for more than one local authority area. The Bill does not specify any particular rank of police officer to occupy the role of local commander. In the accompanying documents to the Bill, the Scottish Government states that local commanders may vary in rank across the country, depending on the size of the local authority, or authorities, for which they are responsible.

23. The local commander will have primary responsibility for policing within his or her area, and will be the person who has the statutory duty to participate in community planning and engagement with the local authority and other key stakeholders. The local commander will, subject to the approval of the local authority, draw up the local policing plan. Local plans must take account of the strategic police plan set by the SPA. The local commander will also set out priorities and objectives for policing in their area, in consultation with the local authority.

24. The Scottish Government believes that the Chief Constable’s broad duty under the Bill to ensure adequate arrangements for local policing, together with the responsibilities of the local commander to deliver these services locally, will act together to ensure that the service balances national and local priorities.

**The Scottish Fire and Rescue Service**

25. Following Scottish local government reorganisation in 1974, eight territorial fire services were also established, corresponding to the regions at the time: Central Scotland Fire and Rescue Service; Dumfries and Galloway Fire and Rescue Service; Fife Fire and Rescue Service; Grampian Fire and Rescue Service; Highlands and Islands Fire & Rescue Service; Lothian and Borders Fire and Rescue Service (which covered two regional council areas); Strathclyde Fire and Rescue Service; and Tayside Fire and Rescue Service.

26. The most recent reform and modernisation of services in Scotland came as a result of the 2005 Act. The main objectives of that legislation were to define the role of the modern Fire and Rescue Service in Scotland; ensure that the fire and rescue authorities had clear national and local priorities and objectives; improve the protection offered to communities; and revise existing fire safety legislation. The 2005 Act, however, left the overall structure of the fire service in Scotland unchanged, with eight separate fire and rescue services, each with their own separate management and accountability structures.
27. Part 2 of the Bill amends the 2005 Act to create a national fire and rescue service for Scotland, the SFRS, which a single command and management structure. The SFRS will be headed by a Chief Officer.

28. The Scottish Ministers will appoint the first chief officer and the SFRS Board will appoint subsequent chief officers, subject to approval by the Scottish Ministers. The Chief Officer will not be a member of the SFRS Board. As an employee of the SFRS, the Chief Officer will be held to account by the SFRS Board.

The Scottish Fire and Rescue Service Board
29. The SFRS Board will be established under the Bill, again with seven to 11 members appointed directly by the Scottish Ministers, in accordance with the public appointments code. The SFRS Board will perform broadly the same functions in relation to the fire and rescue service as the SPA will perform in relation to the police service, namely the governance, oversight and administration of fire and rescue services.

30. Funding for the SFRS will, under the new arrangements, come directly from the Scottish Government to the Board. The SFRS Board will set, in consultation with the Chief Officer and other stakeholders, the strategic priorities for fire and rescue services in Scotland, which will require to be approved by the Scottish Ministers. The SFRS Board will also hold the Chief Officer to account for the management of the SFRS (and expenditure of public funds of approximately £372 million per annum currently).

Local senior fire officers
31. As with the requirements for the police, the SFRS will be responsible for appointing a local senior officer for each of Scotland’s 32 local authority areas, a function which will be delegated to the Chief Officer by the SFRS Board. The local senior officer will head the fire and rescue service in that council area and will have the statutory duty to participate in community planning and engagement with the local authority, and other key stakeholders. The local senior officers will, with the approval of the local authority, draw up the local fire and rescue plan, which will set out the priorities for fire and rescue services in that area. Local fire and rescue plans must take account of both the national framework document set out by the Scottish Ministers under the 2005 Act, as well as the strategic plan set by the SFRS Board.

NATIONAL GOVERNANCE AND ACCOUNTABILITY

The SPA and the SFRS Board

Composition of the SPA and the SFRS Board
32. As previously set out, the Bill provides that members of the SPA and the SFRS Boards will be appointed by the Scottish Ministers, on the basis of relevant skills and expertise, with each board having between 7 and 11 members. Various witnesses made representations to the Committee on the issue of the proposed size of the boards. Written evidence received from witnesses argued that the proposed size of the boards was insufficient for both policy and practical reasons.
33. In its evidence to the Committee, COSLA noted its concerns about local authority representation on the national boards, and proposed that a majority of board members be elected council members, nominated by COSLA. In oral evidence to the Committee, Councillor Barbara Grant of COSLA stated:

“…we do not believe that the proposal for a national board with seven to 11 members, with possibly three or four of them elected members, is appropriate for something this large. We have suggested that a national board should have at least 15 members, with a majority of elected members.”

34. The Scottish Community Safety Network also expressed concern about the make-up and size of the boards, arguing that, “with 32 local authorities and related local partners, both in community planning partnerships as well as community safety partnerships, this may not be sufficient to allow for appropriate representation.” In oral evidence to the Committee, Donald Urquhart of the Scottish Community Safety Network reiterated this point, reflecting concerns, that a SPA board of up to 11 members would not provide sufficient flexibility to allow for representation of key policing partners, such as the community safety networks:

“The proposed size of the police authority board will not enable appropriate representation that reflects all 32 local authorities or local community safety partnerships. Although we would not expect one board member per partnership, a larger board might better reflect the variation across Scotland and enable that to be reflected more accurately in some of the board’s decisions.”

35. UNISON Scotland also expressed concern that the proposed size of the SPA and the SFRS Board, might act to restrict the ability of representation from areas such as the Highlands and Islands, stating—

“There is a concern that any board meetings would be difficult for representatives from all across Scotland to attend and that many areas would have insufficient representation.”

36. George McIrvine of UNISON Scotland expanded on this point in oral evidence to the Committee:

“The numbers proposed—seven to 11 members—are not enough to cover a national board; we should be thinking about 15 plus. One of the key principles of the Christie commission on the reform of public services is that a service is built around the people and the community in which they reside. Public reassurance could be affected if the board is seen to be small and not

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5 Scottish Community Safety Network submission.
7 UNISON Scotland submission.
37. The Association of Scottish Police Superintendents also commented that it "would welcome clarity over the status of the part or full time nature of the Board members as well as the qualifications of those members to lead and manage the circa £1.4 billion critical public service that they will be responsible for".  

38. Councillor Bob Band of the Scottish Fire Conveners Forum also argued that an SFRS Board of up to 11 members would be too small, for practical reasons. He stated that there should be “at least 15 members on the board to allow for illness, other commitments and any other issue” which might prevent sufficient numbers of board members from attending meetings.  

39. In contrast to the views of the majority of the witnesses, Gillian Campbell of the Scottish Police Services Authority contended that the proposed board was of a sufficient size:

   “By and large, the SPSA is comfortable with the proposed numbers [of SPA members]. Over the past four to five years, [the SPSA] has usually operated with a board of eight members—currently seven—and with the sub-committees there has been consistent delivery of output and governance at a strategic level. We do not have the same policing organisation that sits underneath the SPSA, nor do we have the interface at a local level, but I am conscious that many multinational and highly complex organisations run with a board of between seven and 11 people.”

Conclusion

40. The Committee notes the concerns expressed about the size and make-up of the national boards.

41. The Committee agrees with the views expressed by the majority of witnesses that the Scottish Police Authority and Scottish Fire and Rescue Service Board should consist of 14 to 16 members each. This will provide the flexibility to allow for sufficient democratic and regional representation, as well as allow for practical considerations, such as vacancies or absences.

42. The Committee also notes the comments of the Association of Scottish Police Superintendents on the need for clarity over the status of the part or full time nature of the Scottish Police Authority members, and on the skills and experience required by those members, to lead and manage a national police force with an annual budget of approximately £1.4 billion. The

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9 Association of Scottish Police Superintendents submission.
Committee recommends that the Justice Committee consider this further and seek clarity from the Cabinet Secretary for Justice on these matters.

Relationship between the national boards and local government
43. One of the principal issues the Committee considered as part of its evidence taking was the proposed relationship between the new national boards for the police forces and fire services, and local government in Scotland.

44. As stated previously, currently police and fire services in Scotland are provided under a system of joint boards, comprising elected council members appointed by the constituent local authorities to which the respective police forces and fire services are theoretically accountable.

45. Policing and fire services will now, however, be accountable both to a national board and to local authorities.

46. In oral evidence to the Committee, Christie Smith, head of the Scottish Government’s Police and Fire Reform Division, stated that he did “not expect conflict between national and local priorities” in terms of the priorities set by the SPA and SFRS Board, and those set at local level by local commanders and local senior officers, with local authorities.\(^{12}\) He went on to inform the Committee—

“Scottish ministers can set strategic priorities for policing or fire and rescue services, but they must consult local authorities before doing so. The Scottish police authority and the Scottish fire and rescue service must prepare strategic plans for policing and fire and rescue, and they must consult local authorities before doing so. Those bodies will have explicit duties to maintain and improve local policing and local fire and rescue. The local plans that are prepared in each locality need to be consistent with and take account of the strategic plans and so on. Finally, the local commanders and local senior officers will both be part of a national structure, but they will also be accountable for performance locally and will provide a mechanism for resolving any issues of priority.”\(^{13}\)

47. Councillor Iain Whyte, of the Scottish Police Authorities Conveners Forum, also reflected a general concern about a possible disconnect between a national level police board and local government, suggesting that there was a risk of placing too heavy an emphasis on “centralised national issues” to “the detriment of local policing”.\(^{14}\)

48. Her Majesty’s Inspector of Constabulary for Scotland, Andrew Laing, recognised these concerns, but stated that efforts to develop a model of police governance which fairly balanced local needs with those of the national level had been on-going for fifty years. He went on to state—


“...the need to strike a balance between democracy—the democratic will of the people on behalf of the citizen—and governance and accountability with the competence and capability to quiz intuitively and call policing to account, taking into account the fact that policing is a professional and specialised area. Much of what is seen at the moment at board level is the superficial face of policing—the public-facing bit. What is often not seen is the bit behind the scenes—the intelligence and the information that is not widely or publicly available. The notions that are contained in the bill suggest to me that the future board, as proposed, could be a mix of democratically elected members and others with competences in the specialisms of policing, finance, resource management and corporate governance. That would be a positive benefit.”

49. Several witnesses, however, expressed concern at what they saw as the potential disconnect between the national governing bodies of the new services, the SPA and the SRFS Board, and the structures for scrutiny of police and fire services established at a local level.

50. The need for a more defined relationship between the SPA and local authority policing structures was highlighted by the Association of Chief Police Officers in Scotland (“ACPOS”). Chief Constable Kevin Smith drew a comparison between the proposed structure as set out in the Bill, and the current position which exists in the Police Service of Northern Ireland—

   “I spent some time in Northern Ireland looking at the governance set-up there. The one thing that became clear was the void between the district policing partnerships and the national policing board. In policing, there is no clear delineation between the local and the national; it is a continuum and a mosaic. Clarity between the two does not exist for us. We must ensure that the local informs the national and the national informs the local.”

51. Andrew Laing set out what he saw as the important aspects of accountability in a system of national police governance—

   “Within the notion of a single board, some effort must be put into defining what we mean by accountability. In purist terms, I suggest that accountability comes with consequence and that consequence within a linear structure—within a chief constable’s responsibility for day-to-day management—must go down through the organisation. If we get to a position where there are two or more seats of accountability with consequence, we will be in a very difficult position. That has been drawn out, over recent years, in evidence from best-value reviews. The short answer to your question is that, in terms of structure and where accountability is placed, the proposals are positive but need to be taken into a context of local reporting and local answerability where the consequences are drawn back through the top.”

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52. One of the benefits suggested by the Scottish Government in selecting a model of governance under which all board members are appointed by ministers, is the ability to ensure the board has the “relevant skills and expertise to govern the services and hold the Chief Constable and Chief Officer to account”. This benefit was stressed by the Police Complaints Commissioner for Scotland, Professor John McNeill. In his evidence to the Committee Professor McNeill stated—

“My primary concern is whether any police authority is competent to hold the command team to account. I do not subscribe to the view that the current arrangements are uniformly robust, and I therefore welcome the proposal to establish a police authority whose members will be appointed on the basis of their competence. There is another issue here, which is that at least some of the members will need to be security cleared to a fairly high level if they are to hold the chief constable and his or her team to account. I am fond of saying that there is a world of difference between hearing an account and holding to account, and for me the primary role of any police authority and the acid test of its performance will be whether it actively and successfully holds the command team to account.”

53. Alex Clark of the Chief Fire Officers Association stated that board members with the necessary skills could be drawn from many different sectors. He said that, including local authority members “who have experience of the fire and rescue service’s activities can add strength to the board’s scrutiny of the new service’s activities.” However, he emphasised it would be essential that board members placed their efforts in the appropriate direction—

“What is fundamental is the skill set and the view that board members represent the fire and rescue service’s interests and not other interests when they participate in the board—they must leave any prejudices or other influences at the door. The fundamental role that they will perform within the framework of the board will be to contribute to ensuring that the service delivers the right outcomes for the communities of Scotland.”

54. The Fire Brigades Union (“FBU”) underlined the need to ensure that the SFRS Board was both accountable for its oversight of the fire and rescue service, and able to effectively scrutinise the efficient delivery of fire and rescue services by the SFRS. Central to this, the FBU stated, was the need for the SFRS Board to have access to sufficiently well informed advice and research that was independent of the SFRS management structure. John Duffy of the FBU was critical of the oversight of fire services carried out by the current joint fire boards. He stated—

“The current set-up of six joint boards and two unitary authorities has been regularly criticised by Audit Scotland for board and authority members' lack of understanding of the service and their overreliance on chief fire officers. We

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can relate to that, but that is not a criticism of the individuals who are involved, because the system was flawed almost from its inception. The chief officer is the board’s adviser but is also given the task of developing and implementing policy and reporting on how well the service has done. The new service and the new board should avoid that dangerous closed loop. To open up the closed loop, the board must have some way of getting external expert—for want of a better word—advice and other opinion. Perhaps that is where the link into local government is significant, because there must be a way to undertake what was earlier called dispute resolution. There must be a place to voice any difficulties between local government and the national board and to bring in an external view.”

55. In written evidence to the Committee, the Scottish Fire Conveners Forum highlighted the need for more clarity on how the relationship between the SFRS Board and local authorities would operate, stating—

“We need to be clear on whether the service is a national service delivered locally or 32 local services delivered within the context of a national framework. It cannot be both. Local scrutiny and engagement arrangements are currently being piloted to test a range of mechanisms e.g. blue light committees through which elected members may play a direct and formal role in shaping local priorities and scrutinising performance however we need to guard against drawing the FRS away from the multi-agency approach which has been proven to work.”

56. The Scottish Police Authority Conveners Forum, and Society of Local Authority Chief Executive (“SOLACE”), contended that a minimum of 50% of board members should be locally elected representatives. ACPOS also expressed concern with regard to the balance on the boards between appointed and locally elected members, stating in written evidence—

“There should be a number of locally elected members on the SPA ... their contribution on 'local' issues will be as important to the SPA as the other corporate disciplines brought by independent members.”

57. In evidence to the Committee, COSLA stated that the majority of both national boards should be comprised of local authority members, so as to ensure a strong connection between national and local accountability. In its written evidence to the Committee COSLA stated—

“For COSLA, councillor representation on the National Boards is fundamental to ensure there are the diverse skills, experience and expertise required for the two national boards to perform their roles effectively. As long as the new local arrangements retain responsibility for ensuring the delivery of local police and fire outcomes, it is a prerequisite that there should be strong

22 Scottish Fire Conveners Forum submission.
23 ACPOS submission.
representation from local authorities through membership of locally elected members on the two national boards. It is difficult for members to feel anything else would be as meaningful in directly linking national and local accountability given the desired outcome of continuing, and improving, local fire and police services in the context of local community safety.\(^{25}\)

58. Both the Association of Scottish Police Superintendents, and the Scottish Police Federation, supported ACPOS’ view that a national police authority required to have some element of local democratic accountability as part of its structure. However, the Scottish Police Federation stated that the views expressed by the Police Complaints Commissioner for Scotland on the professional requirements necessary for membership of the SPA were also important, and did not “consider the two points of view to be in any way contradictory”.\(^{26}\) Those witnesses who gave evidence on the establishment of the SFRS Board stressed the need to ensure that the board reflected the right mix of skills and accountability. Alex Clark of the Chief Fire Officers Association stressed the importance of ensuring that the structure of the SFRS Board included the necessary skills set, so as to ensure the proper scrutiny of the service’s activities.\(^{27}\)

59. In response to a question on how the national-local relationship of the SFRS Board might work, Councillor Bob Band, of the Scottish Fire Conveners Forum, said he saw “no reason why the fire and rescue service board should not have a representative of the uniformed staff” as a board member.\(^{28}\)

Conclusions

60. It is clear to the Committee that many stakeholders held the view that there was a lack of clarity in the Bill, in relation to the operation and functions of the Scottish Police Authority and the Scottish Fire and Rescue Service Board, especially in terms of ensuring that there is a sufficiently robust and structured relationship between the boards and local authorities.

61. Local authority representation on the national boards is clearly a key priority for many stakeholders such as COSLA, ACPOS, the Chief Fire Officers Association and the Scottish Community Safety Network. However, there are varying views as to whether local authority membership should constitute a majority, or minority, of the total board membership and how such representatives should be selected for appointment to the boards.

62. Such proposals must be considered in the context of the evidence provided by witnesses such as the Police Complaints Commissioner for Scotland, HM Inspector of Constabulary in Scotland and the Fire Brigades Union, that Scottish Police Authority and Scottish Fire and Rescue Service Board membership must be based on merit, ensuring that the members have the skills and abilities necessary to carry out the effective oversight and

\(^{25}\) COSLA submission.
scrutiny of the Police Service of Scotland and Scottish Fire and Rescue Service. The national boards must also act in an effective corporate manner, ensuring that they have the necessary independent advice, research and support to discharge their duties effectively and impartially in order to hold the chief constable and his team to account.

63. The Committee notes the evidence referring to best value reports, indicating the mixed performance of current joint police and fire boards. The Committee agrees that local authority membership of the Scottish Police Authority and the Scottish Fire and Rescue Service Board is necessary and, so far as reasonably practicable, local authority members of the Scottish Police Authority and the Scottish Fire and Rescue Service Board should be appointed on merit through the public appointments process rather than nominated by local authorities or COSLA. In the view of the Committee, it is not necessary for a majority of board members to be local authority members.

Disputes between local authorities and national boards

64. Several submissions to the Committee, such as those from the Scottish Police Services Authority, the Scottish Police Federation, SOLACE, the Scottish Fire Conveners Forum and the Chief Fire Officers Association Scotland, noted concerns with regard to a lack of detail in the proposals on how disagreements between local authorities, local commanders/local senior officers and the national service would be resolved.29

65. The submission from the Chief Fire Officers Association Scotland highlighted that within the new arrangements “it is entirely possible that conflict could arise if any given local authority does not feel that the local plan is sufficient for its purposes in terms of resource allocation, engagement in local initiatives or indeed the role of the local senior officer”.30

66. The Scottish Police Authority Conveners Forum argued that this was “an area of concern given the significant amount of work presently undertaken by police authorities in respect of the monitoring of complaints under current arrangements”.31

67. During oral evidence-taking, the Committee examined the lack of detailed proposals with regard to dispute resolution, and questioned witnesses on whether the Bill should seek to establish a formal dispute resolution procedure to address such issues.

68. In response to concerns about the absence of a dispute process, Chief Constable Kevin Smith of ACPOS stated—

“I think that we want dispute prevention. We suggest that a formal relationship between the local and the national will be key; the local must inform the national, and vice versa. We want dispute prevention, rather than

29 Written submissions.
30 Chief Fire Officers Association Scotland submission.
31 Scottish Police Authority Conveners Forum submission.
a complicated process of dispute resolution. If a process of dispute resolution exits, my concern is that it will be used. My mantra is, “For the vast majority of policing, you will see no difference.” Things will happen the way they happen just now—through effective relationships and through being able to speak to the next person up the chain. That person will still exist, although in most cases, they will not be a chief constable. Many things will be resolved in the way that they are today—through effective dialogue and good relationships.”

69. Councillor Iain Whyte of the Scottish Police Authorities Conveners Forum echoed these sentiments in his evidence—

“I am not sure that we need a formal [disputes resolution] system, but there probably needs to be a way of bringing in some outside advice and help for such situations. At the moment, it is partly the job of Mr Laing [HM Inspector of Constabulary Scotland], who is sitting on my right, to provide independent, professional policing advice to the Government and police boards. I think that that would be an appropriate place to start in considering whether a policing plan is appropriate on a professional basis.”

70. A similar view was expressed by witnesses giving evidence on arrangements for the SFRS Board. John Duffy of the FBU stated that his preference was for local authority members, and representatives of the uniformed staff of the fire and rescue service, to have a formal place within the national structure of the SFRS Board, as opposed to establishing a dispute resolution system to mediate between the various levels of the service.

71. Referring to the role of local authorities in developing local fire and rescue plans, and the need for these to be aligned with the national strategic plan set by the SFRS Board, Alex Clark of the Chief Fire Officers Association called for “some clarity around the mechanism for achieving a resolution” for possible disputes, especially “with finances and budgets set by the SFRS Board and devolved to the local authority areas”. He continued—

“There must be some clarity around the mechanism for achieving a resolution of such a dispute. If local needs cannot be met because of a lack of provision, how do we square that off? We need clarity in the bill on how to resolve such situations.”

Conclusions

72. The Committee notes the concerns raised in relation to the lack of mechanisms to resolve disputes between the Scottish Police Authority and
the Scottish Fire and Rescue Service Board and local authorities as regards local and national priorities.

73. Central to these concerns, the Committee considers, is the relationship which will exist between local authorities, the Police Service of Scotland and Scottish Fire and Rescue Service - primarily through the role of the local police commander and local senior fire officer – and the national authorities in the form of the Scottish Police Authority and the Scottish Fire and Rescue Service Board. While highlighting the importance of flexibility and pragmatism in these relationships, the Committee encourages further work to be undertaken to clarify their nature.

74. The Committee agrees with the view expressed by police and fire service witnesses that any formal dispute resolution mechanism included in the Bill may encourage the use of formal channels for addressing such disputes.  

75. The Committee considers that it is preferable that flexibility be retained in terms of finding agreement on issues of concern. The Committee believes that there is no need for any formal dispute resolution structures to be set out in the Bill. 

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37 Margaret Mitchell dissented.
38 Margaret Mitchell dissented.
COMMUNITY POLICING AND FIRE SERVICES

The role of local police commander and senior fire officer

Relationship with local authorities and the community

76. The Bill proposes that local authorities have the right to be involved in the setting of local policing and fire priorities and objectives for their area. The Chief Constable will, for each local authority area, designate a local commander who will have primary responsibility for policing within his or her area. The SFRS Chief Officer will also designate a local senior officer for each local authority area, who will have primary responsibility for fire and rescue services within his or her area.

77. Some witnesses expressed concern about the lack of detail regarding the relationship between the local commander or local senior officer and their respective local authority. Highlighting these concerns, Councillor Barbara Grant of COSLA stated—

“One of the difficulties is that there is a huge gap in the information about how such aspects of the bill will work. From what we have seen of it, it is not at all helpful on how we will engage. We are okay with what will happen at the very lowest level and, perhaps, with the person at the very top, but we do not have enough information about that huge gap in the middle. Unfortunately, what we have is all far too sketchy to be able to give you a definitive answer, which is what I would like to do.”

78. In relation to policing, UNISON Scotland stated in written evidence that the Bill did not “set out how the relationship between local commander and local authority should operate locally – leaving it up to each local authority to determine. This also raises the question of who is the local commander answerable to.”

79. The Scottish Police Federation expressed similar concerns—

“Unless some definition is created the local authority role in policing could be subject to thirty two different interpretations and potentially place an undue burden on local commanders. Not doing so could create enormous bureaucracy and at significant cost to policing.”

80. Commenting on the concerns expressed regarding the development of the relationship between local commanders and local authorities, Chief Constable Kevin Smith of ACPOS stated that it was “not unreasonable to be concerned that the advent of the new force could mean that all the good local policing will stop all of a sudden.” However, these fears, he felt, would not be realised as “local community policing is in our DNA.”

40 UNISON Scotland submission.
41 Scottish Police Federation submission.
81. Chief Superintendent David O’Connor of the Association of Chief Superintendents highlighted what he saw as the important factors to be considered in the development of the relationships the local commanders must build on. He said there is a—

“...need for links into local community and strategic planning. There has been a great deal of focus on and discussion about local commanders—potentially 32 of them—being involved in community planning, but we must consider that some problems will transcend boundaries and consequently we may need to consider community planning arrangements across a number of local authority areas. I sense that some of our discussions will need to go in that direction.” 44

Rank and skill set of local commanders and local senior officers
82. Central to some of the concerns expressed on how the role of the local commander and local senior officer would operate was the view that the influence these officers might have within their respective service might depend on the rank of the officer.

83. Specifically, with regard to the police, some submissions also expressed concerns about the proposal that the local commander could be any rank from Chief Superintendent to Inspector, depending on the size of the local policing area. Professor Nicholas Fyfe said that this “may result in some local authorities that in the past have dealt with a chief officer now engaging with somebody of lower rank which may have implications in negotiations for resources”. 45

84. SOLACE also contended that the potential variation in rank between local commanders could result in “significant divergences in the degree of autonomy”, which could have a negative impact on some local authority areas. In oral evidence to the Committee, Bob Jack of SOLACE went on to say—

“I would have thought that all 32 local area commanders could not by definition be of the same rank, because they will be looking after areas of considerable difference in size, geography and so on. There is an issue around how we deal with that. We certainly felt that a span of four ranks was unacceptable, because the smallest authority’s local area commander could be an inspector and the largest authority’s commander could be a chief superintendent, which is a huge difference in seniority and authority. The system will work best if there is at local level someone of sufficient seniority and authority to build a relationship with the local authority and the local community. There is a question in that regard that must be resolved as the organisational structure is progressed.” 47

85. However, witnesses representing police bodies informed the Committee that the role of police in community engagement was an integral part of policing in

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45 Professor Nicholas Fyfe submission.
46 SOLACE submission.
Scotland and the issue of the rank of local commanders was not the most important factor in this area. Chief Constable Kevin Smith of ACPOS described this issue as a “red herring”. He went on to state—

“There is also concern that people at a lower level cannot draw down resources. We have a fairly sophisticated tasking and co-ordinating process, which means that, if the smallest is having the biggest problems, we, as the biggest gang in Scotland, will go and help and ensure that the resource gets drawn down to assist. Serious and organised crime and counterterrorism happen in places such as Clackmannanshire and the Highlands and Islands, and the beauty of the new service is to do with retaining what is best about the current service and developing the capacity and capability that we want for the more specialist services across Scotland.”

86. Responding to the concerns that the effectiveness of local policing in a given local authority area could be influenced by the rank of the local commander, Chief Superintendent David O’Connor of the Association of Scottish Police Superintendents told the Committee that it would be—

“wholly wrong to focus on the ranks of local commanders. We need to consider the span of command and control within the different local authority areas.”

87. Calum Steele, of the Scottish Police Federation, argued that the most important element in successful community engagement between police and local authorities, community groups and the public was the relationship that officers had with such stakeholders, and not the rank of the police officer or his or her perceived influence within the police force. He stated—

“If any partnership or relationship is built on the rank of the officer, it is built on the wrong thing. Relationships and partnerships surely work most effectively because of the personalities of the individuals involved. I have not yet found a situation where the rank of one person makes them any more informed or better placed to take their place in a partnership than any other individual.”

88. An important factor in the development of the role of local commanders and local senior officers will be the development of the skills set necessary for the post. Central to this consideration will be the level of training support provided to post holders to allow them to engage fully with all aspects of their role. This will assist them in adapting quickly to the new structures of engagement with local authorities and community planning partners.

89. Gillian Campbell of the Scottish Police Services Authority, responding to questions on the potential for officers to receive training, stated—

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“We look at training for all the ranks, and just now we are looking at what will be needed for change management to help to skill and prepare officers of all ranks for the significant change that they will need to deal with. It is well understood that there will need to be a real focus on the training agenda and what needs to be delivered, which continues to evolve as we understand how the picture is evolving. Significant work and thought has already gone into what the training requirements will be for skilling and ensuring that we have the right structure.”

90. Concerns over the issue of rank, in relation to local senior officers in the fire service, were also dismissed by Alex Clark of the Chief Fire Officers Association. Highlighting what he saw as an important factor to be considered in relation to the role of local senior officers, he stated—

“The rank of the local senior officer is not particularly important. However, from the fire and rescue service point of view, there is an additional complexity, in that the service has put in place role maps, which align a person’s responsibilities and activities with a pay grade, for example.”

91. Mr Clark went on to state that a more important consideration for local senior officers was ensuring that they had “the skill set that enables them to build the relationship and contribute effectively to the outcomes that they are expected to achieve through local engagement.”

Conclusions

92. The role of the local commander, and local senior officer, will be key to the success of the new system, as they will be the key point of interface between local authorities and the services.

93. The Committee believes there is a need to provide more clarity on how local authorities will engage with local commanders and local senior officers. Further clarity should also be provided on how local commanders/local senior officers will engage with their colleagues in other local authority areas. This will be important in relation to issues such as coordination of strategic community planning policy across multiple council areas, or, where the same officer is designated the local commander/local senior officer for more than one local authority area.

94. Clarity on the structures of engagement which will support the relationship between local commanders/local senior officers, senior force management and local communities would also be welcome.

95. The Committee agrees with the views expressed in evidence that rank is not an issue in terms of the local commanders and local senior officers. Rather, it is the skill set of these officers that will be central to their success,

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especially in engaging with local communities and community planning partners. Specific consideration should be given to the training support provided to local commanders and local senior officers so as to ensure that their skill set is sufficient for the role they will play in the new system.

Community planning and the development of local plans

96. Central to the relationship between local commanders and senior officers, and their role in the engagement with local authorities and other community planning partners, will be the development and implementation of local policing and fire and rescue service plans.

97. The Bill places the local commander and local senior officer under a statutory duty to participate in community planning for the local authority area for which they have responsibility. One of the central aspects discussed in relation to the development of such local plans is how they will take account of both local and national priorities. In written evidence to the Committee Andrew Laing, HM Inspector of Constabulary for Scotland, stated—

“If expectations are realistic and the span between national ministerial policing priorities and local policing priorities is not too great, then the policing contribution to community planning partnerships should continue to be strong and effective.”

98. SOLACE questioned whether the statutory duty placed on the local commander and senior officer to engage with community planning should, rather, be a duty on the whole of the new police force, and new fire and rescue service. SOLACE suggested that the Bill should be amended to address this issue because, in relation to community planning, “it cannot just be left at the local area commander level, because some community planning issues are handled above that level.”

99. Bob Jack of SOLACE sounded a note of caution in relation to the reliance on the role of the local commander, or local senior officer, as the primary basis for the engagement of police and fire services in the local community. During oral evidence to the Committee he argued that the risk inherent in “the somewhat simplistic division” of national and local policing was that this “obscures the issue” of effective community planning. He cautioned that “local policing is not the same as community planning in the locality as it operates at the moment”, stating—

“Notwithstanding how the organisational structure of the new force develops, the idea that the local area commander will be the be-all and end-all of the police’s engagement with community planning is fraught with risk and danger…..We suggest that, as well as the local area commander, there will have to be some engagement between local government and the strategic

54 HMICS submission.
55 SOLACE submission.
senior command of the police force; otherwise, for important issues that are currently handled in most of the country, perhaps excepting Strathclyde, at chief officer level, where are we to find the point of connect?\(^{58}\)

100. Councillor Iain Whyte, of the Scottish Police Authorities Conveners Forum, noted that some current police boards in Scotland were more effective at community engagement than others—

“Indeed, community planning works in different ways in different local authority areas. My biggest concern about community planning is that, even when it is working well, it is not open to very much democratic scrutiny, and there could certainly be improvements in that area.”\(^{59}\)

101. The Scottish Police Authority Conveners Forum questioned whether or not local initiatives and partnership working would be maintained under the new structures. In its written evidence to the Committee, it stated that some police authorities currently run local schemes, such as the Lay Diversity Advisers Scheme.

102. This scheme offers opportunities for people with relevant knowledge and expertise to play a role in influencing police activities, critical incidents and policy development that impacts on equality and diversity, together with the regular monitoring of hate crimes. The Scheme aims to cover the nine "protected characteristics" required by the Equality Act 2010: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race (which includes colour, nationality, ethnic or national origin); religion or belief; sex and sexual orientation.\(^{60}\) The Forum called for clarification on how successful schemes such as this would be able to continue to be resourced in the future.\(^{61}\)

103. While reflecting a view that local systems of accountability for policing should not be so over-burdensome that local commanders find they spend a disproportionate amount of time “servicing those bodies”\(^{62}\), HM Inspector of Constabulary in Scotland expressed confidence that the current structures of community planning would continue under the new arrangements as set out in the Bill. In oral evidence to the Committee, Andrew Laing stated—

“Part of the issue about community planning partnerships and the relationship between local commanders and local bodies centres on governance and accountability. Community planning partnerships work reasonably well, but each of the constituent organisations, such as police and social work, housing and other local authority agencies, is functional in its make-up. In the context of what the bill describes, those partners will need


\(^{60}\) Lothian and Borders Joint Police Board: Available at: [http://www.lothianandborderspoliceboard.org/info/3/volunteer/12/lay_diversity_adviser_scheme/1](http://www.lothianandborderspoliceboard.org/info/3/volunteer/12/lay_diversity_adviser_scheme/1) [Retrieved 29 February 2012].

\(^{61}\) Scottish Police Authority Conveners Forum submission.

and require to continue to participate—there is no lack of clarity about that. I think that the community planning arrangements that are in place will be perpetuated under a local commander.”

104. Donald Urquhart of the Scottish Community Safety Network stressed the need to strike a balance between ensuring local commanders were not overburdened by systems of accountability, while also ensuring that any new structures enhanced the effective working of existing partnership systems—

“There are a number of established local partnerships, such as child protection committees, alcohol and drug partnerships, community planning partnerships and community safety partnerships. Their make-up and effectiveness vary significantly. We would like a means of engagement that is effective and improving, so that services such as community safety are delivered much more effectively locally.”

105. Chief Superintendent David O’Connor of the Association of Scottish Chief Superintendents highlighted the need for the new community planning and engagement model to ensure that a wider, more strategic area-based planning system would be needed as “some problems will transcend boundaries and consequently we may need to consider community planning arrangements across a number of local authority areas”.

106. Alex Clark of the Chief Fire Officers Association, referring to the role of the SFRS in community planning and the development of local fire and rescue plans, stated that—

“The ambition is for local authorities to be fully involved in developing the local plan, because there must be that engagement early on if the fire and rescue service is to respond to local needs. Without that, the situation will become one of the fire and rescue service saying that it knows best and telling local authority how it will deliver the local plan to meet local needs, without there having been a dialogue to determine what those needs are.”

107. John Duffy of the FBU stressed the importance of ensuring that information gathering systems that drive the development of local fire and rescue plans, were operated at the lowest possible level in the service—

“I suggest that a key point is how we drive down the level at which community planning partnerships work, so that fire stations and their crews are much more involved with other agencies at their level, because that is where the snippets of information can be gathered and utilised. During the bill process we will be looking for as much as possible of the responsibility within

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the service to be devolved to local stations and local areas, so that they can best use the knowledge that is gained from being within structures such as community planning partnerships.  

Conclusions

108. The Committee believes that the establishment of the new services is a good opportunity to further develop and strengthen community planning structures in terms of police and fire and rescue services. However, there needs to be early and robust engagement with all community planning stakeholders in the run up to the establishment of the new services, to ensure that community planning is embedded in the new structures and to provide clarity to stakeholders on the role of the new services. This will be central to the effective development of local police and fire plans.

109. The Committee notes the view expressed by COSLA that the statutory duty to engage in the community planning process should apply both to the new police service and fire service, and their respective governing authorities, and not just to specific holders of local police commander and local senior fire officer posts.

Public and stakeholder engagement

Engagement with the public and community groups

110. Concerns were raised in evidence about the extent to which, in the future, community groups and the public more generally would be able to shape the development of the new fire and police structures and to engage with the services.

111. In his submission to the Committee, Professor Nicholas Fyfe, Director of the Scottish Institute for Policing Research at the University of Dundee, stated that it was important for local authorities to have the “capability to monitor and scrutinise local policing issues in ways which do not rely exclusively on information provided by the local police”.  

112. The Scottish Community Safety Network also believed that it was important for the services to have “strong links with local communities”. In his evidence to the Committee, Donald Urquhart argued that there was a need for strong systems of engagement with the public when referring to potential changes to the delivery of community policing under the new force structure. He stated—

“There is no doubt that communities would be concerned if they were to see a significant reduction in the numbers of police staff, which includes police officers and support staff, who fulfil an important function. One of the issues that we will have to come to terms with, against the backdrop of significant financial reductions, is how we will engage with communities so that they police themselves more effectively with the support of the proposed new police authority and a number of local partnerships that are in existence already….we are where we are, but we undoubtedly need more detail. We

68 Professor Nicholas Fyfe submission.
69 Scottish Community Safety Network submission.
need to start thinking about how we can put what is proposed into effect in the most beneficial way for communities. We need to reassure people that although there may be reductions in police staff, there are better and more effective ways of delivering safer communities for Scotland. That would be one of the things that partnerships would seek to achieve.”

113. The Scottish Police Federation expressed concern that there was “no reference in the Bill to any requirement for engagement between the SPA, local authorities and the public”. The Federation argued that this had “the potential to create a disconnection” that might “harm local policing.”

114. Councillor Iain Whyte of the Scottish Police Authorities Conveners Forum also argued that the Bill should specify how the SPA would consult and engage with the public on the strategic development of policing in Scotland, stating that there was a need for there to be a “direct relationship” between the SPA and the public.

Conclusions

115. Joint police and fire boards have existing structures for liaising with the public, local partners, local communities and other stakeholders. Best value reports from Audit Scotland and HM Inspector of Constabulary for Scotland, have provided guidance on developing and improving these structures, and this should form the basis of future engagement.

116. The Committee believes that it is critical for local police commanders and senior fire officers to develop clear strategies for engaging with the public on policing and fire services. These strategies should set out ways in which input and feedback from members of the public and from officers and staff of the new services will help to shape the strategic planning and development of policing and fire service priorities.

Relationship with the Scottish Parliament

117. John Duffy of the Fire Brigades Union raised the issue of the potential relationship between the SFRS Board and the Scottish Parliament. In oral evidence to the Committee he stated—

“The key priority is the scrutiny by and democratic accountability of the new board. The current arrangements lack oversight above the local fire board level. In my time in the Fire Brigades Union, I have been involved in preparing submissions and briefing notes for a number of parliamentary debates on the fire service. It is clear that the Parliament has an interest in the fire service operating and functioning properly. A key point that we look

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71 Scottish Police Federation submission.
for is that the new board should be answerable to the Parliament, which is the right place for ultimate public scrutiny of the fire service.‖

118. The Policy Memorandum states that the provisions for scrutiny of police and fire service functions by the Parliament would be enhanced—

“The Bill provides the Scottish Parliament, for the first time, the opportunity to have a formal role in scrutinising the police and fire and rescue services. The current structural framework for policing in Scotland pre-dates the establishment of the Scottish Parliament and, with the exception of the SPSA and the SCDEA, the Scottish Parliament currently has a limited role in the scrutiny of policing. The Scottish Parliament passed new legislation for fire and rescue in 2005 and has a role in approving the strategic priorities set by the Scottish Ministers in the Fire and Rescue Framework. This will be augmented in the Bill. The Scottish Parliament will approve the budget for the Scottish Police Authority and Scottish Fire and Rescue Service through the budget process. The Bill requires the key strategic and planning documents as well as the annual report and accounts for each service to be laid before the Scottish Parliament. The Bill also requires the Police Investigations and Review Commissioner, HMICS and the Inspectors of SFRS (which replaces CIFRA as described below) to publish their reports and to lay them before the Scottish Parliament." 74

119. The Committee believes that the requirements to lay the fire and police annual reports and strategic plans before the Scottish Parliament, will provide an opportunity to establish a degree of democratic accountability for the services, and to provide parliamentary scrutiny of their progress.

RESOURCES AND STAFFING

Funding and resourcing arrangements

120. In evidence to the Committee, the Scottish Government’s bill team commented on the funding arrangements for the new police and fire services—

“At present, about two thirds of police funding is provided by the Scottish Government and the other third is provided by the 32 local authorities so, in effect, the funding is assembled from 33 places. The proposal is that all the funding for the police will come directly from the Scottish Government. In fire and rescue, most of the funding comes through councils and joint boards from the local government settlement, although there is some national funding for national assets and so on. Again, we propose that all the funding for the Scottish fire and rescue service will come from the Scottish Government”.75

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74 Policy Memorandum.
121. In response to questions regarding the role of local authorities in funding joint police and fire boards, and whether a situation had ever arisen where a local authority had refused to provide funding, Mr Smith responded—

“I have never heard of a local authority refusing to pay the requisition, although negotiations can take place about the amount of the requisition. The Scottish Government used to provide 51 per cent of the police grant and require local authorities to provide the other 49 per cent. An interesting fact is that, since we discontinued that requirement several years ago, police funding has still been more or less split 51:49. It is difficult for a single local authority that is part of a joint board to take an independent decision about police funding, so the local authorities have by and large followed the previous pattern and have met the requisition‖. 76

122. Various witnesses expressed concern about how resources would be allocated under the Bill proposals. ACPOS argued that “local policing resource needs to reflect variance in our communities across the country” and warned against “resources being dragged in to the busier urban areas at the expense of localised need or lack of regard for geography or spread of population, or other variables”. 77

123. The Scottish Fire Conveners Forum noted that the budget would be held centrally and allocated on the basis of priorities within the national strategic plan. However, in its written evidence to the Committee it states—

“The reality of being able to shape priorities locally and engage more effectively with the service at local authority level is obviously influenced by the extent to which budget decisions are driven nationally or locally...It is not clear what recourse the local authority has should that allocation not be considered sufficient for its needs or indeed does not match the priorities for the area as determined through the single outcome agreement or the local service plan which must be approved by the local authority‖. 78

124. Responding to questions on these views, and whether further clarity was required on issues surrounding local resourcing, Councillor Bob Band of the Scottish Fire Conveners forum stated—

“That is essential. We need more clarity on what the level of delegation of budgetary control will be. I keep harking back to other committees that I deal with. In education, for example, we have the devolved school management budget...We require more clarity on the budgetary situation—and on the plan.” 79

77 ACPOS submission.
78 Scottish Fire Conveners Forum submission.
125. SOLACE argued that local government should have some control of funding to ensure that councils had real influence over matters of local concern. In its written evidence to the Committee, it said—

“...there is no reason why a system cannot be designed to give a locality some influence over and some responsibility for resource allocation, as well as the ability to hold people to account. That model is different from what is set out in principle in the bill. It would still involve a single national force, but it would be governed and organised differently.”

126. In oral evidence, Bob Jack of SOLACE argued that responsibility for resources, or having some influence over how resources are allocated to localities, was “at the heart” of accountability and responsibility, asking how people could be accountable “without having responsibility for resources”. He continued—

“...there is no reason why a system cannot be designed to give a locality some influence over and some responsibility for resource allocation, as well as the ability to hold people to account. That model is different from what is set out in principle in the bill. It would still involve a single national force, but it would be governed and organised differently.”

127. Responding to questions on the issue of local resourcing, and the ability of local authorities to ‘buy-in’ additional services from the police, or fire and rescue services, Councillor Barbara Grant of COSLA stated—

“Local authorities already put in money for additional services, such as campus cops. We do not know what will spring up, but there is a level of business that must be undertaken, which I presume has to be agreed locally. We would hope that the funding would be available, but we have no guarantees of that.”

128. During discussion of the issue of local authority funding for police and fire services, and whether the changes to the funding model for the services being introduced under the Bill really constituted a major shift in policy on funding, Bob Jack of SOLACE confirmed that, currently, should a local authority decide not to pay funds to a police or fire service, the joint police or fire board in question, can requisition funding from councils, who have no statutory rights to prevent such funds being requisitioned.

129. UNISON Scotland outlined concerns that local authorities might face additional budgetary pressures as a result of the Bill proposals - for example, in paying for the scrutiny of complaints, training for members, or even the administration of local police, and believed that “this should come from the

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80 SOLACE submission.
Local Government and Regeneration Committee, 5th Report, 2012 (Session 4)

Scottish Police Authority resources rather than from local authorities’ own funding streams.”

130. Some concerns were expressed about resources being moved from local authorities to the new national authorities. COSLA and the Scottish Police Authorities Conveners Forum raised issues in relation to the resources available to local authorities, to be able to provide sufficient independent research information, administrative or training support, or operational advice, to support whatever accountability structures councils might wish to put in place. This, it was believed, was especially pertinent in the light of the proposed transfer of current local authority resources to the SPA and SFRS Board to support their functions.

Conclusion

131. As the majority of local government funding for these services currently originates from central government by way of support grants and other means, it appears to the Committee that the move to services funded wholly by the Scottish Government (with the approval by the Scottish Parliament) may represent little real change to the present funding system.

132. The Committee also notes that no local authority has sought to withhold funding from a joint police or fire board.

133. It is clear from the volume of evidence received from key stakeholders, with regard to funding issues, that this is a matter on which further clarity from the Scottish Government would be welcomed.

134. In particular, the Committee notes the views expressed by some witnesses regarding concerns over the resources available to local authorities to support their engagement role in the new policing and fire service structures. Further clarity from the Scottish Government on how these structures will be resourced would be welcome.

Staff transfer

135. The Bill provides for the staff of joint police and fire boards to be transferred to the SPA, or the SFRS Board, along with staff currently employed by individual local authorities on police and fire functions. The Policy Memorandum stated that the “Scottish Government’s policy is that staff transferring within the public sector should do so as far as possible without any detriment to the individual in accordance with the Cabinet Office’s Statement of Practice on Staff Transfers in the Public Sector.” The Policy Memorandum further states that the Bill sets out arrangements for the transfer of police officers, fire-fighters and all other staff in post on the day the services are established to the new services, retaining their

84 UNISON Scotland submission.
86 The Committee agreed paragraph 130 by division: ANNEXE B Record of Divisions Taken in Private.
87 Margaret Mitchell dissented.
88 The Committee agreed paragraph 131 by division: ANNEXE B Record of Divisions Taken in Private.
terms and conditions on that date. Joint board staff will transfer under the provisions of the Bill while other staff will transfer by transfer schemes.  

136. The Scottish Police Authority Conveners Forum explained that the SPA would determine whether or not a police employee was to be a member of staff under the control and direction of the Chief Constable, or under the control and direction of the Authority, but that “at this time there is no information available as to when such decisions may be taken”.  

137. UNISON Scotland called for “greater clarification on which staff are transferred in areas where the delivery of services are provided by local authorities”, and whether staff, once transferred, “would be subject to the Scottish Government guidance on non-compulsory redundancies”.  

138. Transfers, it was argued, could have an impact on current staff in shared services, such as camera safety partnerships. The Scottish Police Authority Conveners Forum argued that there might be a “risk of losing expertise and specialist knowledge should staff be transferred to the new Authority requiring replacement at further additional cost”.  

139. The Scottish Community Safety Network also voiced concerns that “the position of specialist officers such as school liaison officers and neighbourhood officers remains unclear”.  

140. One of the issues raised during oral evidence taking was the experience from the amalgamation process that took place during the establishment of the Scottish Police Services Authority and the impact on staff morale in that case.  

141. Gillian Campbell of the Scottish Police Services Authority referred to the experience of this amalgamation process in her oral evidence to the Committee—

“From an employment law perspective, a number of things need to be taken into consideration in the context of contract harmonisation. On its formation, the SPSA had its own set of terms and conditions and policies, and eight other sets came in. It took four years for the position to be resolved so that we had a harmonised set of terms and conditions. The scale of work and the amount of negotiation and consultation that is involved should not be underestimated. I hope that we have learned a number of lessons that can be taken forward in the new police authority, so that we can expedite the process, but employment legislation must be taken into consideration in relation to the timing and delivery of changes.”

142. Responding to these comments, George McIrvine of UNISON Scotland stated that the amalgamation process that led to the establishment of the SPSA
was not as fraught with difficulty as anecdotal evidence might initially suggest. Commenting on the evidence of the SPSA, he stated—

“That is not my recollection; it happened much more quickly than that. At the inception of the SPSA, the employer and the trade unions came together admirably on harmonisation of terms and conditions of employment. If we do the same again, I do not think that there will be a problem and it will not take four years. There is a lack of clarity and detail on where we are with the reform group. I cannot comment at this juncture on where we are on harmonisation, but I hope that we will be able to give an update on it soon.”

Conclusion

143. The Committee considers that issues relating to staff transfer and morale will be vital to the early success of the new services. The Committee therefore calls on the Scottish Government to take such measures as are necessary, including working with staff and their representatives, in order to minimise any negative impact on staff morale.

144. The Committee considers that uniformed and civilian staff would welcome further clarity from the Scottish Government on these matters before the planned transfer of staff to the new services in April 2013.

The benefits of the best value regime

145. Reference to best value reports from Audit Scotland and HM Inspector of Constabulary Scotland on the efficiency and effectiveness of the current joint boards were referred to in several contexts during the Committee’s evidence taking.

146. Responding to questions on best value reports on joint police boards, the Scottish Police Complaints Commissioner, Professor John McNeill, stated that he was “convinced that a national [police] authority can improve performance”. Professor McNeill qualified this remark by pointing out that performance of joint police boards was not uniform across Scotland, emphasising the importance of the police boards being resourced adequately. He continued—

“That means not just having an executive director or the finance, but having information and time made available, along with training in the discharge of their role. One of the primary functions of a Scottish police authority should be to confirm public confidence in policing by underlining the need to learn from complaints and, in my judgment, it would be able to do that more effectively than would a variety of boards across Scotland. Although the bill places very clear responsibilities on the Scottish police authority, it places an equally clear responsibility on the local commander to provide information to local areas. I hope that the combination of the police authority, the local

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authority and the police investigations and review commissioner will drive up standards of governance and accountability.”

147. HM Inspector of Constabulary Scotland, Andrew Laing, made it clear that elected members of joint police boards, who perform the function of bringing chief constables to account locally, “by and large do a good job”, and that this was borne out by best-value reviews. He said, however, that policing was now “a hugely complex, highly demanding and an expensive asset” to monitor and oversee. Questions raised in recent “best value 2” reviews, centred “more on boards’ capacity to bring chief constables to account and the individual capability and competence of members vis-à-vis their professional knowledge, their business knowledge and their knowledge of organisational structures”.

148. Mr Laing also drew the Committee’s attention to the issue of the support which needed to be provided to police board members, stating—

“The vast majority of board members are part-time and have limited time to commit to police committees and, similarly, the support provided across Scotland often comes from constituent local authorities on a part-time basis. All of that leads me to believe that there is room for significant improvement, partly by selecting individuals on the basis of competence and partly by taking into account the fact that the individuals who make up the board must have not only those professional qualities but the ability to exercise the democratic will and provide a democratic voice.”

149. Mr Laing pointed to the benefits of the best value regime continuing to apply to the newly established police force, although it would no longer be part of the local government structure. In evidence he stated—

“To give some confidence … I say that the best-value characteristics for police authorities and forces take into account local relationships. For the inspectorate or Audit Scotland as we move to the future, those relationships will form part of an inspection and audit or scrutiny regime that reports back into the system. I have no great concern that the existing arrangements will be deviated from. The local or additional scrutiny arrangements will provide confidence that such arrangements are happening.”

Conclusion

150. The Committee believes that the application of a duty of best value across the new police and fire and rescue services would improve and strengthen the efficiency and effectiveness of governance. The Committee notes the comment from Prof. John McNeill that the bill places very clear responsibility on the local commander to provide information to local areas.

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In addition to this, the Committee believes local authorities have a duty not only to receive information from the local commanders but to hold them to account.

IMPLEMENTATION AND OTHER ISSUES

151. The following issues were raised with the Committee by witnesses in relation to the Bill. While these are issues primarily for the consideration of the Justice Committee, as the lead committee, the Committee draws them to the attention of the lead committee, for information.

Timescale for the establishment of the PSS and SFRS

152. Various witnesses highlighted potential confusion and difficulties in the preparation for the commencement of the new police and fire services, owing to the proposed timescale for their establishment. The Government proposes the Police Service of Scotland, and the Scottish Police Authority will be established on 1 April 2013.

153. The Scottish Fire and Rescue Service, and the SFRS Board, have, as yet, no identified commencement date. The Chief Fire Officers Association Scotland explained that the absence of a definite commencement date for the new service meant “that many transfer issues cannot be planned definitively prior to vesting date and must therefore be for the new service to resolve.” 101 The association also stated that “the lack of proper shadow arrangements will undoubtedly have an effect on employee morale and hampers the ability of current employers to provide meaningful information to staff on their future” 102.

154. Alex Clark, of the Chief Fire Officers Association, argued in oral evidence that the timescales laid down for establishing the new fire and rescue service were challenging. Referring to the Association’s written evidence, he stated—

“….we make the case for earlier appointment of the chief fire officer so that a shadow management arrangement can be established much earlier and we can move towards the new service far more quickly. At present, we are taking a collegiate approach. The services are involved in trying to develop the shape of the new service, but that is being done with no clear leadership and direction in decision making. Currently, we are eight individual fire and rescue authorities that service the needs of our fire boards. That is a difficult place to be. The early appointment of the chief fire officer and, subsequently, the management team will provide authoritative direction setting to allow us to move forward on some of the innovative ideas that are arising about what the new service can deliver. Until such time as we have that person in place, it will be difficult to make progress. The longer it takes to put that person in place, the more the timescales for implementation will be compromised.” 103

101 Chief Fire Officers Association Scotland submission.
102 Chief Fire Officers Association Scotland submission.
Conclusion

155. The Committee notes witnesses’ views that the timescale for establishing the Police Service of Scotland by 1 April 2013 may be challenging. The Committee also notes the concern of fire service witnesses over the lack of clarity regarding a definite commencement date for the Scottish Fire and Rescue Service.

156. The Committee further notes the suggestion to appoint transitional board members, on an interim basis, to progress the work towards the establishment of the services and invites the lead Committee to consider this proposition further.

Ministerial direction and clarity of operational independence

157. A number of witnesses stressed the importance of political neutrality and operational independence for the police. Responses from ACPOS, the Scottish Police Federation, the Association of Scottish Police Superintendents, the Scottish Community Safety Network and the Scottish Police Authority Conveners Forum indicated that stakeholders have concerns that the proposed ministerial powers of direction may allow Ministers to have inappropriate influence over the Chief Constable or the SPA.\(^{104}\)

158. The Scottish Police Authority Conveners Forum argued that “the proposed lack of treasury function, ability to carry-forward reserve funding, constraints on borrowing capabilities, potential inability to recover VAT and being subject to general or specific Ministerial direction clearly do not achieve the essential separation from Scottish Ministers and the Authority will therefore remain too closely linked to government.”\(^{105}\)

159. On the other hand, Professor Nicholas Fyfe, Director of the Scottish Institute for Policing Research at the University of Dundee, explained that he believed that the proposals did safeguard neutrality and operational independence, stating—

“There is, for example, a requirement on local police commanders to work with local authorities to produce local policing plans and there is clarity around the fact that Scottish Ministers may not give any direction in respect of specific operations carried out by the Police Service.”\(^{106}\)

160. The concept of operational independence was discussed by several witnesses. HM Inspector of Constabulary in Scotland, Andrew Laing, commented on the difficulty of maintaining operational independence in terms of the relationship between elected politicians, an appointed SPA and the duties of the Chief Constable, and sworn police officers, in discharging their police duties. Referring to the current relationship between Chief Constables and the elected membership of joint police boards, Mr Laing commented—

“As I have said before, policing is to a great extent self-regulated. Very often, chief constables determine what will be presented to the board and when it

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\(^{104}\) Written submissions.

\(^{105}\) ACPOS submission.

\(^{106}\) Professor Nicholas Fyfe submission.
will be presented and then ask elected members to call them to account on it. Much of that is secreted in the concept of operational independence. There is no clear definition of the term; we certainly need a clearer definition but, in my view, the bill does not go far enough in trying to set that out. The questions that need to be asked include what a chief constable should be operationally independent from, why they should be operationally independent and where the boundaries lie. I do not think that we will get a definitive answer to that but, at the moment, the gulf is so wide as to leave chief constables in a reasonable position to use operational independence as a defence mechanism when called to account.”

161. Commenting on the potential definition of ‘operational independence’ in terms of the powers of ministers to issue directions to the Scottish Police Authority, or the Chief Constable, the Police Complaints Commissioner for Scotland, Professor John McNeill, drew upon the work of the Patton Commission in Northern Ireland. He stated—

“I do not subscribe to the myth of operational independence. Patten put it much more appropriately in Northern Ireland when he talked about “operational primacy”. One of the tensions that any police authority at national—and I dare say local—level must confront is the idea of the independence of policing. Policing is about working with and in the community and being informed by the community, but consent to policing must be informed. The whole concept of operational independence flies in the face of that, so I prefer the concept of operational primacy, which is subject to being tested.”

Conclusion

162. The Committee notes the concerns expressed in evidence as regards “operational primacy” and suggests that the lead Committee may wish to explore this issue further.

Public complaints procedure

163. Another issue considered by the Committee in relation to the proposed new structures, and how they will differ from the current system of joint boards, was the handling of public complaints made against the police, and ensuring that the new single national police structure facilitates best practice in ensuring complaints are dealt with swiftly, and at the most local level possible. The Police Complaints Commissioner for Scotland. Professor John McNeill, pointed out that—

“A key element is how complaints that are essentially about local relationships are resolved at the local level. In the guidance that I set out last year, I expected them to be resolved as quickly as possible at the lowest possible grade in the police and clearly within the locality. I am delighted that ACPOS is currently taking forward training in dealing with complaints, and I
see no reason why that training should not inform the approach of any future Scotland police service in dealing with complaints at the national and local levels.... In essence, complaints are about relationships. Most relationships will be at the local level, so it makes sense for them to be resolved quickly at the lowest rank possible."\textsuperscript{110}

164. Responding to Professor McNeill’s comments, Councillor Iain Whyte, of the Scottish Police Authorities Conveners Forum, spoke of the need to ensure that the developing culture of dealing with complaints was maintained within the new police structure—

“If the culture is that the local force commander reacts to complaints from the public, there is an oversight role locally, through police boards, to ensure that complaints are handled properly and issues highlighted. Members raise issues relating to their own areas, and I am sure that that will continue. Feedback is very important in local scrutiny."\textsuperscript{111}

Conclusion
165. The Committee supports the view that local authorities should seek to use current good practice to resolve public complaints with local police commanders, or local fire officers, at the local level. Individual public complaints should not be allowed to escalate to a stage where they become a central consideration for the Scottish Police Authority, or Scottish Fire and Rescue Service Board, unless they involve very serious issues which may have national implications for the service in question.

Clarity on the statutory duties of the fire service
166. John Duffy of the FBU called for the Scottish Government to take the opportunity to set out in the Bill the principal duties expected of the Scottish Fire and Rescue Service, so that such duties can be strategically planned, developed and funded. In evidence to the Committee he stated—

“A generation ago, our activities in dealing with road traffic collisions and accidents were not a funded part of the service; they now are. However, none of the other things, such as water rescues and line rescues, is a funded part of the service. The Government must tell us what the basis is for its figure on the funding of the fire service and what the expectation is—what the Government wants us to do in exchange for the money."\textsuperscript{112}

167. Alex Clark of the Chief Fire Officers Association echoed this view—

“An opportunity has perhaps been missed in the bill to recognise the broader role that the fire and rescue service plays in the prevention agenda and through our contribution to road safety work and water rescue activity. If the service is currently undertaking additional functions—in the absence of


anyone else doing those things—the bill presents an opportunity to make that work part of the role of the fire and rescue service and to bring clarity to its functions. That would allow us to develop into a service that will deliver the functions far more succinctly.”

Conclusion

168. The Committee notes the views expressed by the Fire Brigades Union and the Chief Fire Officers Association that the Scottish Government should consider taking the opportunity provided by the Bill to amend the Fire (Scotland) Act 2005 so as to ensure that those functions regularly carried out by fire and rescue services, such as water rescues and line rescues, are defined and funded as fire service responsibilities. The Committee suggests that the lead Committee might wish to explore this issue further.

ANNEXE A: EXTRACTS FROM THE MINUTES OF THE LOCAL GOVERNMENT AND REGENERATION COMMITTEE

2nd Meeting 2012 (Session 4), Wednesday 25th January 2012

Police and Fire Reform (Scotland) Bill (in private): The Committee considered and agreed its approach to the scrutiny of the Bill at Stage 1. The Committee also agreed to hold a discussion, in private, at the end of each meeting at which oral evidence is taken; to delegate to the Convener the responsibility for arranging for the SPCB to pay, under Rule 12.4.3, any expenses of witnesses, and to consider all draft reports on the Bill, in private, at future meetings.

4th Meeting, 2012 (Session 4), Wednesday 8th February 2012

Police and Fire Reform (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from—

Christie Smith, Head of Police and Fire Reform Division,
Liz Sadler, Head of Policy and Legislation Unit, Police and Fire Reform Division, Stephanie Virlogeux, Policy and Legislation Unit, Police and Fire Reform Division, Scottish Government

Police and Fire Reform (Scotland) Bill (in private): The Committee considered the evidence received

5th Meeting, 2012 (Session 4) Tuesday, 21st February 2012

Police and Fire Reform (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from—

Councillor Barbara Grant, Community Safety Spokesperson, COSLA
Bob Jack, Spokesperson on Community Safety, Justice, Police & Fire, Society of Local Authority Chief Executives
Chief Constable Kevin Smith, President, Association of Chief Police Officers in Scotland
Councillor Iain Whyte, Chair, Scottish Police Authorities Conveners Forum
Andrew Laing, Her Majesty’s Inspector of Constabulary for Scotland
Professor John McNeill, Police Complaints Commissioner for Scotland
Gillian Campbell, Director of Human Resources, Scottish Police Services Authority
Chief Superintendent David O’Connor, President, Association of Scottish Police Superintendents
Donald Urquhart, Chair, Scottish Community Safety Network
Calum Steele, General Secretary, Scottish Police Federation
George Mcl Irvine, Vice-Chair, UNISON Scottish Police Committee
Alex Clark, Chair, Chief Fire Officers Association Scotland
John Duffy, Scottish Secretary, Fire Brigades Union
Professor Nicholas Fyfe, Director, Scottish Institute for Policing Research, University of Dundee
Councillor Bob Band, Scottish Fire Conveners Forum;
Alex Clark, Chair, Chief Fire Officers Association Scotland;
John Duffy, Scottish Secretary, Fire Brigades Union.

**Police and Fire Reform (Scotland) Bill (in private):** The Committee considered the evidence received.

**6th Meeting, 2012 (Session 4) Wednesday, 7th March 2012**

**Police and Fire Reform (Scotland) Bill (in private):** The Committee considered a draft report to the Justice Committee. Various changes were agreed to, and the Committee agreed to consider a revised draft at its next meeting.

**7th Meeting, 2012 (Session 4) Wednesday 14 March 2012**

**Police and Fire Reform (Scotland) Bill (in private):** The Committee considered a draft report to the Justice Committee. Various changes were proposed and decided upon (three by division), and the Committee agreed the draft report as amended.
ANNEXE B: RECORD OF DIVISIONS TAKEN IN PRIVATE BY THE LOCAL GOVERNMENT AND REGENERATION COMMITTEE

1. On Wednesday 14 March 2012, the Local Government and Regeneration Committee consider its draft report to the Justice Committee on the Police and Fire Reform (Scotland) Bill. This consideration took place in private session.

2. David Torrance submitted his apologies for this meeting. Jamie Hepburn (Committee Substitute), attending the meeting in his place.

3. James Dornan attended the meeting following his appointment as a member of the Committee by the Parliament on 7 March 2012.

4. During consideration of the draft report, Margaret Mitchell proposed that paragraph 130 be amended by deleting the paragraph and replaced it with the following text—

   The Committee notes that the majority of local government funding for these services currently originates from central government, by way of support grants and other means and further notes that this is the same arrangement proposed in the bill under the new system.

5. The proposal was disagreed to, by division: For 1 (Margaret Mitchell); Against 6 (James Dornan; Jamie Hepburn; Joe FitzPatrick; Anne McTaggart; John Pentland; Kevin Stewart); Abstentions 0.

6. During consideration of the draft report, John Pentland proposed that paragraph 131 be amended by adding the following text at the end—

   but recognises the loss of local accountability that may come from changes to funding arrangements.

7. The proposal was disagreed to, by division: For 3 (Anne McTaggart; Margaret Mitchell; John Pentland); Against 4 (James Dornan; Jamie Hepburn; Joe FitzPatrick; Kevin Stewart); Abstentions 0.

8. During consideration of the draft report, Margaret Mitchell proposed that paragraph 161 be amended by adding the following text at the end—

   The Committee also notes concerns about the new SPA’s lack of treasury function.

The proposal was disagreed to, by division: For 1 (Margaret Mitchell); Against 6 (James Dornan; Jamie Hepburn; Joe FitzPatrick; Anne McTaggart; John Pentland; Kevin Stewart); Abstentions 0.
ANNEXE C: ORAL EVIDENCE AND ASSOCIATED WRITTEN EVIDENCE OF THE LOCAL GOVERNMENT & REGENERATION COMMITTEE

4th Meeting, 2012 (Session 4), Wednesday 8th February 2012

ORAL EVIDENCE

Christie Smith, Head of Police and Fire Reform Division, Scottish Government’
Liz Sadler, Head of Policy and Legislation Unit, Police and Fire Reform Division, Scottish Government
Stephanie Virlogeux, Policy and Legislation Unit, Police and Fire Reform Division, Scottish Government.

WRITTEN EVIDENCE

Scottish Government (149KB pdf)

5th Meeting, 2012 (Session 4), Tuesday 21st February 2012

ORAL EVIDENCE

Councillor Barbara Grant, Community Safety Spokesperson, COSLA
Bob Jack, Spokesperson on Community Safety, Justice, Police & Fire, Society of Local Authority Chief Executives
Chief Constable Kevin Smith, President, Association of Chief Police Officers in Scotland
Councillor Iain Whyte, Chair, Scottish Police Authorities Conveners Forum
Andrew Laing, Her Majesty's Inspector of Constabulary for Scotland
Professor John McNeill, Police Complaints Commissioner for Scotland
Gillian Campbell, Director of Human Resources, Scottish Police Services Authority
Chief Superintendent David O'Connor, President, Association of Scottish Police Superintendents
Donald Urquhart, Chair, Scottish Community Safety Network
Calum Steele, General Secretary, Scottish Police Federation
George McIrvine, Vice-Chair, UNISON Scottish Police Committee
Alex Clark, Chair, Chief Fire Officers Association Scotland
John Duffy, Scottish Secretary, Fire Brigades Union
Professor Nicholas Fyfe, Director, Scottish Institute for Policing Research, University of Dundee

Councillor Bob Band, Scottish Fire Conveners Forum

Alex Clark, Chair, Chief Fire Officers Association Scotland

John Duffy, Scottish Secretary, Fire Brigades Union

**WRITTEN EVIDENCE**

- Association of Chief Police Officers in Scotland (276KB pdf)
- Association of Scottish Police Superintendents (237KB pdf)
- Chief Fire Officers Association Scotland (274KB pdf)
- COSLA (146KB pdf)
- Fire Brigades Union (301KB pdf)
- HM Inspectorate of Constabulary for Scotland (152KB pdf)
- Police Complaints Commissioner for Scotland (200KB pdf)
- Professor Nicholas Fyfe (263KB pdf)
- Scottish Community Safety Network (79KB pdf)
- Scottish Fire Conveners Forum (166KB pdf)
- Scottish Police Authorities Conveners Forum (157KB pdf)
- Scottish Police Federation (88KB pdf)
- Scottish Police Services Authority (155KB pdf)
- SOLACE (95KB pdf)
- UNISON (131KB .pdf)

**SUPPLEMENTARY WRITTEN EVIDENCE**

- Scottish Fire Conveners Forum (189KB pdf)
- Scottish Police Authorities Conveners Forum (465KB pdf)
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