

APPENDIX 2

DRAFT CONTENT OF RESPONSE FROM NORTH WALES FIRE AND RESCUE AUTHORITY TO THE CONSULTATION ON THE PROPOSED LOCAL GOVERNMENT MEASURE.

Thank you for the opportunity to submit responses to the proposed Local Government Measure in its current form. In accordance with your request, we have attempted to be as succinct as possible in our response, but if it would assist the Committee we can provide further evidence from a fire and rescue authority perspective, either orally or in writing.

We are pleased that Fire and Rescue Authorities (FRAs) have been so fully incorporated into this proposed Measure which we see as an acknowledgement of the important role they play in a range of local and national strategies. Working closely with communities and public bodies, today's fire and rescue service plays a prominent part not only in public safety but also in community wellbeing, environmental protection, economic vibrancy, national resilience and social justice.

In addition to responding to fires, floods, vehicle accidents and a range of other emergency incidents, the service routinely works in the community with children and young people, young drivers, frail elderly people and people whose lifestyles, health or disabilities make them particularly vulnerable.

A special task group set up in North Wales Fire and Rescue Service identified that the people who died in fires were almost without exception already known to other agencies, frequently to more than one. We are therefore well aware of the mutual benefits that collaboration brings to the effectiveness of both public and voluntary organisations, and welcome any strategies that make this easier to achieve.

Q1. Is there a need for legislation to reform the statutory basis for service improvement by local authorities and community planning and strategies?

We welcome the proposal that equal powers of collaboration and delegation should be extended to fire and rescue authorities as to local authorities.

We agree that improvements are possible – and needed - through reform of the legislation, but are not convinced that the proposed Measure has gone far enough in tackling the identified shortcomings in the existing legislation. Taking each one in turn:

- a) The concern about a focus on short-term gains – this may continue as the new Measure still requires Authorities to set annual improvement objectives (s.3), produce annual improvement plans containing annual performance information (s.15), undergo annual audit and assessment (s.17-20) and compile annual improvement reports (s.25).

- b) The culture of pre-determined planning to meet pre-specified output targets also seems likely to continue as long as there is a requirement for Authorities to set annual improvement objectives and for Welsh Ministers to specify performance standards that Authorities would have to meet (s.8).
- c) The perceived inflexibility of how Authorities account to citizens for their performance and their plans to improve seems unchanged in the proposed Measure – the reporting requirements in sections 15, 21, 23, and 42 seem no more flexible than sections 6 and 9 of the 1999 Act.
- d) The assertion is made that section 29 of the new Measure is needed to close a gap in the 1999 Act because section 15 of the latter only made provision for intervention in the event of failure. However, this is perhaps missing the point because nothing in the 1999 Act has ever prevented Welsh Ministers from acting supportively.

Also, much of the content of Part 1 already existed in the 1999 Act as enacted, but since that time changes have been incrementally introduced through issued guidance and maturing of processes. Whereas the WPI has gone some way towards removing some of the rigidity associated with the early years of the 1999 Act, there is a risk that by introducing reform through this new Measure, some of that rigidity – and confusion - will be reintroduced. As was stated in the explanatory memorandum, fire and rescue authorities were not issued with WPI guidance until 2007. We would therefore strongly urge that guidance on compliance with the new Measure should be issued before the introduction of the new Measure, not months or years later.

Q.2 How will the proposed Measure change what organisations do currently and what impact will any such changes have in terms of service improvement and community planning?

As much of Part 1 of the Measure replicates the 1999 Act, the most striking changes for ourselves would probably be around the new powers of collaboration and delegation, and the new focus areas identified in the list of improvement objectives and aspects of improvement.

Currently in fire and rescue authorities, Risk Reduction Planning sits alongside Improvement Planning, with some areas of commonality between the two. Both are undertaken on an Authority-wide basis, with efficiencies and the movement of resources being managed for the whole of the Service. Although this new Measure could potentially improve matters in terms of collaboration at local levels, the co-ordination of inputs and outcomes in a number of community strategies and Local Service Boards simultaneously, and of meeting the public engagement requirements of the new Measure too, could become distracting. The majority of North Wales Fire and Rescue Service staff are firefighters who work the Retained Duty System, and capacity could be an issue. As stated, the new powers to collaborate and delegate are welcomed, but this can work in either direction, and it is impossible to know with any degree of certainty how helpful they will be in practice.

Q.3 Are the sections of the proposed Measure appropriate in terms of reforming the statutory basis for service improvement by local authorities and reforming community planning and strategies? If not, how does the proposed Measure need to change?

We can see the benefit of bringing together the improvement planning requirements in Part 1 with the community planning requirements in Part 2 in a single Measure. However, we do not underestimate the impact that the formal inclusion of fire and rescue authorities as community planning partners in all their constituent authority areas simultaneously will have on the Authority's resources.

The National Evaluation identified the tendency for local authorities to dominate rather than lead community strategy working. Although supporting in principle the requirement in section 37(3) of the new Measure that 'every community planning partner *must* assist the (local) authority in the discharge of its community planning duties', this may prove to be over-ambitious, depending on the resource demands this duty might create.

There are also questions around how assessment of the success or otherwise of such close inter-working will be undertaken. For fire and rescue authorities there may be an issue as to whether auditors will be able to co-ordinate their assessment findings across authorities so that the impact of their recommendations in one constituent authority area will be taken into account in another. The co-ordination of audit described in section 24 may not be sufficient for this purpose.

Q.4. What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?

These have been described in answers to other questions.

Q.5 What are the financial implications of the proposed Measure for organisations, if any? In answering this question you may wish to consider whether you agree with section 6 of the Explanatory Memorandum accompanying the proposed Measure and, in particular, the statement that "The provisions of the proposed Measure do not give rise to any administrative, compliance or other costs".

The national evaluation acknowledged that there are costs associated with the co-ordination and servicing of community strategy processes, but considered that these could be covered from within the partnerships themselves. Fire and rescue authorities do not seem to have been considered in the national evaluation, and we would question whether the same conclusion would have been drawn in relation to a single community planning partner that is involved in a number of different community strategies.

The evaluation also recognised the challenges of balancing public participation and elected representation, and the complexity of engaging ordinary citizens in community strategies. Section 44 of the proposed Measure presents a challenging list of consultees for any single community partnership to engage with, but overlooks the question of resourcing for partners involved in several such partnerships.

Q.6 Are there any other comments you wish to make about specific sections of the proposed Measure?

Section 9 – Powers to collaborate etc. – gives equal powers to all three types of Welsh Improvement Authority. However it is unclear what is meant in this context by 'to provide', and how (for example) accounting arrangements, charging, and equal pay issues might be dealt with when 'staff, goods, services or accommodation' had been provided. We note that the first element of Section 2(4) of the Local Government Act 2000 – the power to incur expenditure – has been omitted from the list in Section 9(2) of the proposed Measure.

In the same Section – we note that 'information' is not included on the list of things that may be provided. Whilst recognising the legal difficulties of this, removing some of the obstacles to sharing information with other authorities would assist immensely in terms of increasing the Service's intervention and prevention roles.