

ABERDEEN CITY COUNCIL

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| COMMITTEE | Council |
| DATE | 10 October 2012 |
| LEAD OFFICER | Chief Executive |
| TITLE OF REPORT | Police and Fire Reform |
| REPORT NUMBER: | OCE/12/021 |

1. PURPOSE OF REPORT

This report updates the Council on the Police and Fire Reform (Scotland) Act 2012 (the Act) and details the responsibilities the Act places on local authorities.

The report requests that the Council agrees to revise the Orders of Reference of the Corporate Policy and Performance Committee to provide it with the necessary powers to discharge on behalf of the Council its responsibilities in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service.

2. RECOMMENDATION

That the Council agrees to revise the Orders of Reference of the Corporate Policy and Performance Committee to provide it with the necessary powers to discharge on behalf of the Council its responsibilities in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service

3. FINANCIAL IMPLICATIONS

There are no immediate financial implications to this report but the financial implications of discharging the Council's responsibilities under the Act will be kept under review and reports will be brought to the appropriate Committee as required.

4. OTHER IMPLICATIONS

The implications for Council officers in involvement in the preparation of reports to Committee, particularly in relation to the local police plan and the local fire and rescue plan will be kept under review as discussions in relation to the Police Service of Scotland and the Scottish Fire and Rescue Service continue.

The discharging of the Council's responsibilities in relation to the Act will be of direct relevance to the delivery of the Council's responsibilities in relation to Community Planning, the Single Outcome Agreement and the Five Year Business Plan.

5. BACKGROUND/MAIN ISSUES

The Police and Fire Reform (Scotland) Act 2012 received Royal Assent on 7 August 2012. The Police Service of Scotland and the Scottish Fire and Rescue Service become operational from 1 April 2013.

The Scottish Government's stated aims for the new services are that they will:

- protect and improve frontline services for local communities against the backdrop of severe budget reductions by the Westminster government
- keep communities safer by providing more equitable access across Scotland to specialist support, expertise and national capacity when it is needed
- strengthen the links between the police and the fire and rescue service and the communities they serve
- provide clearer national governance.

In making provision about policing and about fire and rescue services, the Act places a range of responsibilities on local authorities. The key relevant measures include:

- i. The Chief Constable is responsible, and must account to the Scottish Police Authority, for the policing of Scotland. The Chief Constable must designate local commanders and ensure that adequate arrangements are in place for the policing of each local authority area;
- ii. The Scottish Police Authority must prepare a strategic police plan and must send a copy of the draft plan to each local authority, inviting recipients to comment on the draft. The Scottish Police Authority must have regard to any comments received.
- iii. For each local authority area the Chief Constable must, after consulting the local authority, designate a local commander;
- iv. The local commander must involve the local authority in the setting of priorities and objectives for the policing of its area;
- v. A local authority may monitor and provide feedback to the local commander on the policing of its area;
- vi. A local authority may specify policing measures that it wishes the local commander to include in a local policing plan;
- vii. A local commander must provide to the local authority such reports, statistical information and other information about policing of its area as the local authority may reasonably require.

- viii. The Chief Constable must delegate the carrying out of the chief Constable's functions in relation to Community Planning in each local authority area to the local commander for that area.
- ix. A local commander must prepare and submit a local police plan to the relevant local authority for approval.
- x. The local commander and the local authority may agree to modify an approved local police plan at any time.

and

- xi. The Scottish Fire and Rescue Service must prepare a strategic plan and must send a copy of the draft plan to each local authority, inviting recipients to comment on the draft and having regard to the comments received.
- xii. The Scottish Fire and Rescue Service must ensure that there are adequate arrangements in place for the carrying out of its functions in each local authority area and must involve each local authority in determining priorities and objectives for the Service in connection with carrying out its functions in the local authority's area.
- xiii. The Scottish Fire and Rescue Service must prepare a local fire and rescue plan for each local authority area.
- xiv. The Scottish Fire and Rescue Service must submit a local fire and rescue plan for approval to the local authority for the area to which the plan relates.
- xv. The Scottish Fire and Rescue Service must give to a local authority such information or reports relating to the carrying out of the Service's functions in the local authority's area as the authority may reasonably request.
- xvi. After consulting the local authority, the Scottish Fire and Rescue Service must designate an employee of the Service as local senior officer for each local authority area for the purpose of carrying out on behalf of the Service delegated functions including –
 - the preparation and review of the local fire and rescue plan
 - the provision of information to the local authority
 - the receiving of feedback from the local authority
 - the Scottish Fire and Rescue Service's functions relating to its duty to participate in Community Planning
- xvii. A local authority may monitor and provide feedback to the Scottish Fire and Rescue Service on the manner in which the Service carries out its functions in the authority's area

Given that the current Orders of Reference of the Corporate Policy and Performance Committee include partnership working, the community planning process and, where requested, monitoring and scrutinising performance it is suggested that with revised Orders of Reference, the Committee is best placed to discharge the Council's responsibilities in relation to the Act.

It is therefore recommended that the Council agrees to revise the Orders of Reference of the Corporate Policy and Performance Committee to provide it with the necessary powers to discharge on behalf of the Council its responsibilities in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service. Attached at Appendix 1 are the suggested revised Orders of Reference for the Committee with the additional powers listed at point 27.

The Corporate Policy and Performance Committee at its meeting of 27 September 2012 considered a report by the Chief Executive on this matter (OCE/12/018) and noted that the request to revise the Orders of Reference would be brought to Council.

In addition, the Committee agreed, subject to the decision of Council, that briefing sessions on police and fire matters would be arranged for members of the Committee during late October and early November ahead of reports relating to Police and Fire Reform being brought to the Corporate Policy and Performance Committee for consideration at its meeting on 29 November 2012.

The Committee also agreed, subject to the decision of Council, that the arrangements for discharging the Council's responsibilities in relation to the Police and Fire Reform (Scotland) Act 2012 should be kept under review as the Council's relationship with the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service develops.

6. IMPACT

As noted above, the subject matter of this report is relevant to the Council's work in relation to Community Planning, the Single Outcome Agreement and the delivery of the Five Year Business Plan. The subject matter of the report will be of interest to the public.

7. BACKGROUND PAPERS

The Police and Fire Reform (Scotland) Act 2012. Available [here](#) .

8. REPORT AUTHOR DETAILS

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CORPORATE POLICY AND PERFORMANCE COMMITTEE ORDERS OF REFERENCE

1. To develop and approve corporate policy and strategies including partnership working, and HR policies except those specified as relating to teaching staff and falling within the remit of the Education, Culture and Sports Committee.
2. To oversee the community planning process.
3. To agree and monitor neighbourhood community action plans.
4. To ensure involvement of community, neighbourhood networks and partners in Committee decision making.
5. To be accountable for the services provided by the Corporate Governance Service except internal audit.
6. To receive and scrutinise performance information for the Corporate Governance Service (with the exception of budget monitoring reports).
7. To be accountable for the services provided by the Office of Chief Executive.
8. To receive and scrutinise performance information for the Office of Chief Executive.
9. To oversee the provisions of the Code of Conduct for Elected Members including the taking of action in regard to allegations of misconduct and the introduction of any guidance, policy or procedures in accordance with the provisions of the Code.
10. To oversee the implementation of the Five Year Business Plan.
11. To approve a plan for Best Value Audits and to consider performance outcomes from the Audit.
12. To ensure the Council meets its obligations in terms of Corporate Governance compliance.
13. To ensure that the Council meets its responsibilities in terms of Best Value legislation.
14. To monitor annually performance and consistency between service committees.
15. Where the Chief Executive or Council so request, to monitor and scrutinise particular performance or service delivery matters.
16. To receive reports on whistleblowing and other investigations.
17. To instruct such performance information as the Committee requires to fulfil its remit.
18. To ensure that in fulfilling this remit the Committee has regard to statutory requirements such as the Local Government in Scotland Act 2003, in relation to Best Value and continuous improvement.

19. To ensure the Council meets its legal obligations through:-
 - (a) The approval of a fraud policy and monitoring its implementation; and
 - (b) Commissioning investigations to secure value for money in the delivery of services.
20. To oversee the processes by which services are exposed to competition and costs are let, where the Council itself is a bidder for the work.
21. The Committee will refer business items relating to service delivery issues to the appropriate committees, while reserving the function of monitoring performance of those other committees in dealing with items so referred.
22. To receive external performance reports, and ensure any necessary action, unless service specific.
23. To receive reports from the Commission of Local Administration in Scotland and ensure any necessary action.
24. To maintain an overview of the Code of Guidance on Funding External Bodies and Following the Public Pound - Review of the allocation of grants to outside bodies.
25. The Committee is charged with the responsibility for corporately monitoring and validating the activities of other Standing Committees relating to the development and implementation of processes for achieving Continuous Improvement (including Best Value) in the design and delivery of services and in the development of measures to achieve social inclusion and sustainable development, and generally with the promoting, in a visible and challenging manner, the development of Continuous Improvement (including Best Value) in all its senses.
26. The committee will have the responsibility of monitoring:-
 - (a) the development and implementation of new systems for ensuring performance management and quality assurance in the Council's structure for service delivery;
 - (b) the due influencing of service delivery, planning and strategic development;
 - (c) the planning and progress of service reviews and the implementation of action plans arising from those reviews;
 - (d) arrangements for achieving Value for Money, Continuous Improvement and Best Value in services provided by external contractors; and
 - (e) the adoption and implementation of the management framework for planning, implementing, monitoring, reporting and reviewing delivery
27. In respect of the Council's responsibilities in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service under the Police and Fire Reform (Scotland) Act 2012:-

- (a) to comment on the strategic police plan and the strategic fire and rescue plan when consulted by the relevant national authority;
- (b) to respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;
- (c) to be involved in the setting of priorities and objectives for the policing of Aberdeen and for the Scottish Fire and Rescue Service for the undertaking of its functions in Aberdeen;
- (d) to specify policing measures the Council wishes the local commander to include in a local policing plan;
- (e) to approve a local police plan submitted by the local commander and to approve a local fire and rescue plan prepared by the local senior officer and submitted by the Scottish Fire and Rescue Service;
- (f) to monitor service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;
- (g) to consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;
- (h) to agree, with the local commander, modifications to an approved local police plan at any time; and
- (i) to liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.

10/10/12