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Legislation Committee No 3

Proposed Local Government (Wales) Measure

Response from the Chair of Mid and West Wales Fire & Rescue Authority

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Ms Carys Jones
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Dear Ms Jones

Thank you for the opportunity to submit a response to the Proposed Local Government (Wales) Measure as introduced to the National Assembly on 12 July 2010. This Authority has considered the general principles of the proposed Measure and its impact upon the Authority.

We have structured our response in accordance with the questions listed in Annex 1 of your consultation letter.

Consultation Questions:

- Is there a need for a proposed Measure to deliver the stated objectives of strengthening the structures and working of local government in Wales at all levels and ensuring that local councils reach out to and engage with all sectors of the communities they serve?***
We have no comment at this time as the proposals do not directly apply to Fire and Rescue Authorities.
- How will the proposed Measure change what organisations do currently and what impact will any such changes have?***

Depending on supporting guidance issued for this Measure the impact will vary from minor to quite significant as detailed in our response to question 3.

3. ***Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?***

In considering this question, the Committee is particularly interested to hear your views on the following:

- (i) *Broaden and increase participation in local government by permitting steps which will help remove barriers and disincentives to standing for election to local councils (Parts 1-2 of the proposed Measure).*
- (ii) Enable the review and improvement of the governance structures introduced through the Local Government Act 2000 so that they better suit the circumstances of local government in Wales (Parts 3-4).
- (iii) Enhance the role of non-executive (“backbench”) local authority councillors in the scrutiny of local services (Parts 5-6).
- (iv) Develop and strengthen the role of community councils in Wales, including enabling them to deliver a wider range of services and actions locally as well as to increase the effectiveness of their representational role and their ability to work in partnership with other bodies (Part 7).
- (v) Reform the system for setting allowances for councillors (Part 8).
- (vi) Allow the Welsh Ministers to issue statutory guidance on collaboration between local authorities, and between them and other bodies (Part 9).

The powers and duties identified in the explanatory memorandum.

"Enable scrutiny committees to require information and responses from organisations outside the council that provide services to the public in their area, and to require representatives of such organisations to attend committee meetings if so required.

Place a duty on local authority scrutiny committees to scrutinise services delivered by providers of public services in their area.

Introduce “councillor calls for action”, enabling local councillors and their electors to ensure a response from their council leadership to issues of local importance."

Create the potential for the Fire and Rescue Authorities to be in a permanent state of scrutiny. Particularly in serving information requests for 'Councillor Calls For Action.'

As raised in our response to "The Consultation on Scrutiny and Political Structures" (16/12/09 – 17/03/10).

“2.3 Scrutiny beyond the functions of a local authority

Of particular concern to the Authority in this section is the absence of any details of the public services the local authorities would be able to scrutinise and “require” information and/or attendance from at a meeting. This has created some difficulty in making a concise response to this section as different

scenarios have had to be considered.

The Fire Authority is particularly concerned that Fire and Rescue Authorities should NOT be included within the list of public services that local authorities can scrutinise under these proposals. It is asserted that this would be inappropriate for the following reasons:

- The Fire and Rescue Authority is comprised of Councillor Representatives from the six constituent local authorities that make up the Mid & West Wales Fire & Rescue Authority.
- Although not required to do so by statute, the Authority has set up a formal scrutiny structure as a matter of good practice.
- If the Fire & Rescue Service was to be included in the schedule of “devolved public services” for which local authorities would have responsibility for scrutiny then there is the potential for this Fire and Rescue Authority and Service being subject to 6 separate scrutiny committees. It is highly likely that each would have different terms of reference, reporting requirements etc. leading to unnecessary complexity and bureaucracy for those servicing the committees.
- The prospect of scrutiny being undertaken by members not familiar with the Fire and Rescue Service would result in an inefficient use of resources (both officer and member time).
- In a similar manner, servicing up to 6 scrutiny committees would result in an inefficient use of resources (officer and member time) with again the potential for the proposed scrutiny committees considering the same or similar issues at differing times throughout the year.
- Additionally, the servicing of such committees would provide an additional burden for Fire and Rescue Authorities. "

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?***

As stated above, the practicalities of serving the potential weight of scrutiny requests.

5. ***What are the financial implications of the proposed Measure for organisations, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure***

The Measure will increase the Democratic Services burden on the Authority. The Authority already has a scrutiny committee, however this Measure will incur extra costs in responding to these extra scrutiny arrangements and answering "Councillor Calls For Action" whether directly or to Council Leadership.

The calculations regarding the costs of servicing scrutiny committee requests do not appear to take into account the extra imposed cost of preparing for each scrutiny request, time away from post attending the scrutiny session and preparation of follow up reports (in our case) for six local authorities.

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

The Authority would reiterate its position from the previous consultation that it already has a scrutiny committee made up from its six constituent authorities and feels that accordingly these proposals should not apply to the Fire Authority.

Yours sincerely

Councillor Eurfyl Evans
Chair of Mid and West Wales Fire & Rescue Authority