

Appendix 2 Reform of Fire & Rescue Authorities in Wales

Consultation Response Form

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On behalf of Flintshire County Council

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Question 1: Do you agree the objectives for reform are appropriate and important?

Response: No. The objectives of the reform seek to make changes where there is no evidence of need. Paragraph 1.25 is somewhat dismissive of the role and value of the 'back bench' Councillors who are appointed to the FRAs. In Flintshire's case, whilst the nominees are, as they must currently be, non-executive Members, there is a wealth of local authority leadership experience, with several having held major regulatory committee chairs.

Question 2: Are there other objectives that the reform programme should pursue?

Response: The most significant requirement is for FRAs to become precepting rather than levying bodies. The Council Tax payer should be able to see on their Council Tax bill what they are paying for the FRA and Fire and Rescue services.

Question 3: Do you agree that FRAs should remain as separate and distinct entities, with the same boundaries as now?

Response: Yes.

Question 4: Do you agree that transferring control of Fire and Rescue Services to Police and Crime Commissioners or local authorities would not be appropriate?

Response: Yes, it is agreed that it would be inappropriate to transfer control of Fire & Rescue Services to Police & Crime Commissioners, for the reasons given within the White Paper.

Question 5: Do you agree that there are legitimate but limited national interests in the service that need to be reflected in its governance arrangements?

Response: This has not been sufficiently considered within the consultation document for an informed decision to be made one way or the other.

Question 6: Do you agree that local authorities should continue to nominate FRA members?

Response: Yes.

Question 7: Do you agree that local authorities should nominate one FRA member each, drawn from their Cabinets?

Response: No. The current arrangements where local authorities nominate based on population is a fairer system than each local authority having one vote, which would not be equal across the FRA area. Under the proposal, a Flintshire vote would have less 'weight' than Anglesey which has a much lower population. This is not equitable and would be out of proportion to the financial contribution currently made by constituent authorities, which is based on their population size.

In addition, the role of a Cabinet member is already meant to be the equivalent of a full time job, as the Independent Remuneration Panel for Wales have identified during discussions with local authorities across Wales.

A reduction in membership from the current 28 to 6 Members would significantly reduce the 'Member' capacity of the NWFRA, and of the other two Welsh FRAs, which would also then have an impact on those organisations' resilience. This would not be a safe or proportionate change to make.

Question 8: Do you believe any changes are needed to the law on the size and remuneration of Council Cabinets to allow their members also to serve on FRAs?

Response: No – no evidence or argument has been put forward for this. It is certainly not the 'promising option' referred to in paragraph 3.10

Question 9: Do you agree that FRAs should also have non-executive members?

Response: No – within the White Paper, no evidence or argument has been put forward for this. We would have liked to have heard why this approach is being considered, so as to be able to understand the impetus for this. Not providing evidence suggests that this is a change being made for the sake of a change, which is not a sustainable point. The introduction of 'non-executive' directly appointed Members would effectively replicate the governance structure used for the National Parks. This might work for them. However, the current FRA structure certainly works very effectively in North Wales and has produced a stable governance structure over two decades.

Question 10: Who should appoint non-executive members of FRAs?

Response: No effective argument has been made for the appointment of non-executive members of FRAs. However, the arrangements for appointment to the National Park Authorities does offer one solution. However, that would be a retrograde step, taking a 'local' decision away from the areas served and moving it to the Welsh Government.

If it is believed that FRAs should have directly appointed non-executive members, (and so far the case has not been compellingly put) then these should be chosen by the FRAs themselves, in the same way that local authorities currently appoint lay members of their Audit and Standards Committees. We know from experience that such an approach can produce high calibre candidates who make a significant contribution. The Committees are

richer in experience and knowledge for having the lay members amongst their number. Those lay members, who are not interested in participating in local politics would probably not stand for election, or want to have a ward work load as their elected colleagues have..

Question 11: Do you agree that, in the longer term, responsibility for the services should vest in a statutory Chief Fire Officer, with FRAs fulfilling a scrutiny and oversight role? If so, would that require any change to membership arrangements?

Response: No. The status quo should prevail for FRAs, as they are already strong and accountable, with an effective level of delegation to their Chief Fire Officers. However, we do think that the Chief Fire Officer role itself should become a statutory role, similar in functions to a local authority's head of paid service. Given the relatively small size of FRAs, any other changes could become bureaucratic.

Question 12: Do you have any other proposals for how to reform FRA governance which meet the criteria in Chapters 1 and 2?

Response: Given the small size of FRAs currently, unnecessary changes to governance arrangements could become bureaucratic and more costly.

Question 13: Do you agree that FRAs and local authorities should agree the level of FRA funding each year, with a reserve arbitration power for the Welsh Ministers?

Response: No. FRAs should be precepting authorities on the same basis as the Police & Crime Commissioners. They should continue to consult on their plans, but make their own decisions which are then reflected in a clear entry on Council Tax bills. The current levy arrangement lacks transparency and is divisive.

Question 14: Do you agree that, in the longer term, FRAs should have powers to set a Council Tax precept, with the balance of their funding from Welsh Government grants?

Response: Not exactly. FRAs becoming precepting authorities should be in the shorter, rather than the longer term. They should be required to formally consult the constituent authorities and the public as part of this process. It would be the most effective way of reforming FRA governance and provide much needed clarity in their funding source.

Question 15: Do you have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2?

Response: Please see the responses to Questions 13 and 14. The emphasis should be on formal consultation on spending with stakeholders: the public and the constituent authorities.

Question 16: Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire & Rescue services?

Response: This is a technical question for FRAs themselves. More detail of the performance management system should have been provided within the White Paper to enable other responders to the White Paper give an objective response.

Question 17: Do you agree with the need for such a system to give FRAs flexibility on planning and reporting cycles, and on the sources of information about performance that they use?

Response: Yes.

Question 18: Do you agree that the Welsh Ministers should retain their duty to report to the Assembly about delivery of the Framework, and their powers of intervention?

Response: Yes. This currently works.

Question 19: We would like to know your views on the effects the policy proposals would have on the Welsh language , specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English?

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Response: This cannot be answered on the basis of information provided within the consultation document. FRAs are already required to meet Welsh Language standards.

Question 20: Please explain how you believe the policy proposals could be formulated so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language and on no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Response: This cannot be answered on the basis of information provided within the consultation document.

Question 21: We have asked a number of specific questions about FRA governance, finance and performance management. If you have any related issues which we have not specifically addressed, please use this space to report them:

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At the meeting of the Council's Corporate Resources Overview & Scrutiny Committee, held on 17th January 2019, the unanimous view was that the current governance model works, is strong, and therefore should not be altered. The sole change required is in financing, so that Fire & Rescue Authorities become precepting rather than levying bodies.

