



## RESPONSE BY MID AND WEST WALES FIRE AUTHORITY TO THE LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL

This is the response of Mid and West Wales Fire authority to the proposals set out in the Local Government and Elections (Wales) Bill. As a preliminary comment, the Fire Authority wishes to state that it is always happy to look at ways of improving, and improving the delivery of services to the people of Mid and West Wales. However, it is also felt that any such changes should be for the better, and based upon clear evidence of the need for improvement.

The Bill was published on the 18<sup>th</sup> November 2019, and is a substantial document of 176 pages and 683 pages of accompanying documents, and deals with a wide range of significant matters relating to Local Authorities, including Fire and Rescue Authorities. The Fire Authority is of the view that it is disappointing, and not conducive to principles of openness and co-operation that the deadline for responses to such a large and significant piece of legislation was set for the 3<sup>rd</sup> January 2020, which was a short turn around in any event, but which has been exacerbated by the consultation period being over the festive season.

The first part of the response relates specifically to the impact upon the Fire Authority, whilst the second part relates to the impact upon public bodies and local government also generally relevant to Fire Authorities.

### IMPACT UPON FIRE AUTHORITIES IN WALES

1. There has already been extensive proposals for reform of Fire Authorities by the Welsh Government in the form of the White Paper in 2018 'Reform of Fire and Rescue Authorities in Wales'. It is understood that this received considerable interest and a high level of response, which virtually unanimously indicated that the existing Welsh Fire authorities were performing well, delivering a high quality service and were not in need of significant change either to their operation or governance. The Fire Authority is of the view that it is disappointing that this does not seem to have been acknowledged by the Welsh government, who in the face of little public support, nor evidence to support change, nevertheless seems intent on seeking to make changes to the administration of Fire Authorities in Wales, and to diminish public consultation and involvement in any future proposals for change.
2. Section 162; specifically in the context of public consultation and involvement, section 162 of the Bill proposes changes to the Fire and Rescue Services Act 2004 in order to remove the requirement for a public inquiry regarding changes to Fire Authorities in Wales to only be required if they related to the revocation of the Combination Order, or the area served by the Fire and Rescue authority concerned. The Explanatory memorandum states that this is proposed as holding an inquiry is considered to be 'time consuming and obstructive'. The

Fire Authority considers that it is hard to see on what evidence this assertion is made, as there is no evidence provided to suggest that an inquiry could be not be concluded expeditiously, nor that an inquiry would be 'obstructive'. The memorandum also states that 'modest reform proposals', could be implemented, though it does not seek to describe what amounts to a 'modest' proposal, nor what would happen if any proposals were not objectively capable of being deemed 'modest'. These are clear flaws in the proposals, and indeed it is to be assumed that inquiries presumably enhance and facilitate good decision making, and if proposals are impractical or ill thought out, or unreasonable, an inquiry would act as an open and efficient brake or filter on any such proposals, and are consequently very much in the public interest. Accordingly, on this ground alone, the proposal to remove the need for an inquiry is not supported. However, when the purposes underpinning the existence of Fire Authorities are addressed, namely the safety and well being of the public, it is clearly in the public interest that the citizens of Wales have a full opportunity to put their views forward for public consideration in an open, impartial tribunal. The desirability of such a process presumably figured highly in the minds of the drafters of the existing legislation, and indeed the requirement for an inquiry clearly embodies the principles of public life advanced by Lord Nolan, namely Objectivity, Accountability and Openness. There are no good reasons put forward for the changes, and they indeed manifestly contravene the Nolan principles stated above, and in the light of this, they are strongly opposed by the Fire Authority.

3. Section 163; The proposals reform the existing performance management arrangements are broadly supported by the Fire Authority, though they are not set out in any significant detail. Furthermore as they also impact upon the management of Fire Services, and the Fire Authority would fully support the response of it's Chief Fire officer in this respect, and would urge close co-operation and liaison on any new management systems adopted. However the Fire Authority welcomes the broad requirements, and also that the creation and adoption of the plan will be a legal requirement of the Fire Authority, and as such will recognise the valuable input of the Fire Authority members into this essential performance and governance document. The Fire Authority also welcomes the positive consultation duties set out in the section regarding the regulations relating to the assessment and reporting on the performance of an Authority.
4. In conclusion regarding the proposals directly affecting the Fire Authority, the proposals set out in section 162 are not supported, as they clearly undermine openness, accountability and objectivity in dealing with a vital public service, for no good or identified reasons. However the proposals in section 163 are broadly supported as being reasonable and conducive to good governance and performance.

#### IMPACT UPON PUBLIC BODIES/LOCAL GOVERNMENT GENERALLY RELEVANT TO FIRE AUTHORITIES

Part 1. Elections. Generally this is a matter for Local Authorities, though the Fire Authority would support the view that any voting system should be clear and understandable, and that it should be common to all local authorities. The Fire Authority would also support 5 year electoral cycles. The Fire Authority does not support the proposal to allow council or other public bodies staff to stand for election as it would raise significant issues regarding impartiality and potential conflicts of interest.

Part 2. General Power of Competence. The Fire Authority would support a general power of competence, particularly if this were granted to Local Authorities, to ensure parity between public bodies.

Part 3. Promoting Access. The Fire Authority supports the proposals to encourage local people to participate in Local Government, and the introduction of petition schemes. The Fire Authority also supports the proposals regarding publication of official addresses of members. Regarding electronic broadcasting of meetings, this is broadly supported by the Fire Authority, as is the proposal for remote attendance, as it would help address issues of attendance at meetings by members of the public and Fire Authority who are geographically remote from the venue of the meetings in question. However these proposals would need to be fully evaluated to ensure safeguards are in place to ensure the lawfulness of meetings where there is a disruption or interruption due to technical issues, and also to address the significant costs that may be incurred in implementing such proposals. It would also be helpful if explicit reference were made to Fire Authorities in all aspects of the proposed changes eg regarding the ability to publish notices of meetings electronically.

Part 4. Local Authority Executives, Members, Officers and Committees. These provisions generally only impact upon Local authorities, but the Fire Authority would support the proposal that leaders of political groups take steps to promote and maintain high standards within their groups, and possibly widen this to include working with other group leaders to achieve the same end.

Part 5. Collaborative Working by Principal Councils. At this stage it would appear that this only directly impacts upon Principal Councils. However if they did impact upon Fire Authorities now or at any stage, then the Fire Authority would welcome full consultation of the role and input of Fire Authorities to any collaborative working.

Part 6. Performance and Governance of Principal Councils. This again appears to only impact on Principal Councils, and also potentially overlaps regarding Fire Authorities with section 163.

Part 7 . Mergers and Restructuring of Principal Areas. Again this is addressed at Local Authorities, and as far as the Fire Authority is aware is not an issue for Fire and Rescue Authorities.

Parts 8 and 9. Finance and Miscellaneous Reforms. The provisions relating to Fire Authorities have been dealt with above. The Fire Authority would support the removal of the powers of the IRPW over Chief Officer salaries, as this is felt to restrict the freedom of the Authority to deal with issues of salary and recruitment and retention of chief officers.

As a general observation it would also be helpful if, again as mentioned above, cogent steps were taken to ensure parity of treatment between Fire Authorities and Local Authorities such as electronic publication of notices, summonses etc