



Strathclyde
SCOTLAND

Chief Executive: Neil McIntosh CBE

Switchboard: 0141-204 2900 Tel: Direct Line 0141-227 3625

Telex: 77428 Fax: 0141-227 2870

Our Ref: P/1/17(a) (Mr Stone)

Your Ref:

Date: **25** May, 1995



A nuclear-free zone authority



An equal opportunities authority

The Chief Executive:

Argyll and Bute Council
Dumbarton and Clydebank Council
City of Glasgow Council
East Dunbartonshire Council
Inverclyde Council
North Lanarkshire Council
South Lanarkshire Council
Renfrewshire Council
East Renfrewshire Council
East Ayrshire Council
North Ayrshire Council
South Ayrshire Council

Dear Colleague

POLICE AND FIRE JOINT BOARDS - CONSULTATION BY SECRETARY OF STATE

Under attachment of letters of 13 and 21 April your Interim Clerk received copies of Draft Amalgamation and Administration Schemes for Police and Fire functions, respectively, from the Secretary of State, with a request for comments by 30 June 1995.

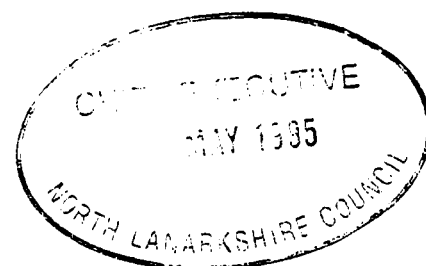
A number of the Interim Clerks requested comments on the draft schemes to assist them in putting the matter to their Council. I now attach a report on the schemes which you are welcome to use in any manner you choose. The report was prepared by my Clerk to the Police and Fire Committee, Timothy Stone. If you wish to discuss anything further please do not hesitate to get in touch with him on 0141 227 3625.

Although not directly relevant to responding to the Secretary of State you may also be interested to know that as part of the preparatory work in support of a smooth transition the Regional Council has been examining various models for servicing Joint Boards and the likely servicing needs of the Boards. If you would like to have a support paper on these matters please also contact Mr Stone.

I hope this work will prove helpful to you.

Yours sincerely

LCETS073



POLICE AND FIRE JOINT BOARDS

CONSULTATION BY SECRETARY OF STATE

Report by the Chief Executive, Strathclyde Regional Council

Executive Summary

1. This report outlines key aspects of the Secretary of State's proposed arrangements for establishing Police and Fire Joint Boards for the Strathclyde area and highlights issues on which councils may wish to suggest changes to the Secretary of State.
2. The report highlights that :-
 - a) A response is sought by 30th June on the proposals.
 - b) The Secretary of State has a preference for consensus amongst the twelve Councils for any changes.
 - c) The Boards will be separate legal bodies in their own right, controlling large budgets.
 - d) The twelve Councils will only exercise influence through their representatives on the Boards and will collectively have to meet the Boards expenditure.
3. The main issues raised are:-
 - a) The need to establish the Boards as soon as possible after 30 June.
 - b) The need to decide between medium sized (c 30) and large (c 50) Boards and reach a consensus on numbers if change is proposed .
 - c) Urban areas, particularly Glasgow, incur a much higher share of costs (and services) than their population proportions and therefore allocation on a services-based basis maybe the most practical allocation method for meeting the Boards costs.
 - d) The desirability of setting 31st December as a deadline for Boards to submit their annual estimates.
4. Other issues raised are the desirability of obtaining consistency in the provisions of the two schemes concerning removal of Chairs, Clerks and Treasurers; the quorum of one third considered reasonable; and technical alterations on superannuation and interim treasurer functions.

23 May 1995

Contact Officer:- Timothy Stone, Chief Executive's Department 0141 227 3625

POLICE AND FIRE JOINT BOARDS
CONSULTATION BY SECRETARY OF STATE

Report by the Chief Executive, Strathclyde Regional Council

Purpose of Report To outline key aspects of the Secretary of State's proposed Police and Fire Joint Board arrangements and to highlight specific issues on which the constituent Councils may wish to suggest changes to the Secretary of State.

1.0 BACKGROUND

- 1.1 Sections 34 and 36 of the Local Government etc. (Scotland) Act 1994 provide for the Police and Fire functions of the Unitary Authorities in the Strathclyde area to be undertaken by joint Boards operating under an Amalgamation Scheme (Police) and an Administration Scheme (Fire) made by Orders of the Secretary of State.
- 1.2 The Secretary of State is required to consult with the constituent authorities prior to making the Orders and to this end has issued draft schemes on which he has requested comment by 30 June 1995.
- 1.3 The draft schemes are based very closely on existing long established schemes for the Highlands and Islands and the Lothian and Borders areas.
- 1.4 The Secretary of State has indicated that he hopes that any proposed changes will be agreed by the twelve constituent authorities prior to submission to him and that he will consider carefully proposed changes especially if they are so agreed.

2.0 IMPACT OF SCHEMES

- 2.1 The schemes establish Joint Boards, made up of members from the twelve Councils, which are single function separate Local Authorities in their own right.
- 2.2 The Boards as separate legal entities will run their own affairs, employ staff, hold property, enter in contracts and determine their own budgets. In 1995/96 these budgets total over £80m for Fire and over £330m for Police.
- 2.3 The Unitary Authorities will be responsible for paying to the Boards requisitions to cover the Board expenditures. These payments will be part of the expenditure of Unitary Councils taken into account by the Secretary of State in setting expenditure (rate-cap) limits for each Council. The Boards will not, however, themselves be subject to capping.
- 2.4 The Unitary Authorities will exert influence over the Boards only through the actions of their representatives on the Boards. These representatives will be appointed for the life of each Council (i.e. normally three years).
- 2.5 The establishment of the Boards in this largely independent manner is quite deliberate.

3.0 SPECIFIC ISSUES ARISING

3.1 The issues raised below focus on matters that particularly affect the Constituent Authorities interests. So far as the Boards' own activities go the schemes are enabling and leave it to the Boards to determine the detail.

3.2 The Fire and Police schemes are very similar and are commented on together. The relevant sections in the two schemes are noted in the headings. Comments are only made on sections where it is considered issues arise.

3.3 CITATION AND COMMENCEMENT (Section 1 of both schemes)

Clause 1(2) provides for the schemes to come into force on a date in 1995 to allow the Boards to do any functions necessary for full operation on 1 April 1996. This will include appointing advisers and setting Budgets.

It is recommended that the Secretary of State be urged to establish the Boards as soon as possible after 30 June.

3.4 MEMBERSHIP OF JOINT BOARD (Fire section 3, Police Section 4)

Two alternative Board sizes are proposed:-

30 members made up from 2 for each Council except N and S Lanarkshire (3 each) and Glasgow (6).

52 members made up from 3 for each Council except N and S Lanarkshire (6 each) and Glasgow (12).

The table below compares population proportions with the shares of representation under the 30 and 52 member Boards.

COUNCIL	POPULATION	30 BOARD	52 BOARD
	%	%	%
Argyll and Bute	4.0	6.7	5.7
Dumbarton & Clydebank	4.3	6.7	5.7
City of Glasgow	27.3	20.0	23.1
East Dumbartonshire	4.8	6.7	5.7
Inverclyde	3.9	6.7	5.7
North Lanarkshire	14.3	10.0	11.5
South Lanarkshire	13.4	10.0	11.5
Renfrewshire	7.7	6.7	5.7
East Renfrewshire	3.8	6.7	5.7
East Ayrshire	5.4	6.7	5.7
North Ayrshire	6.1	6.7	5.7
South Ayrshire	5.0	6.7	5.7

Four points are worth noting:-

- i) It is quite clear that both Police and Fire expenditure is heavily weighted to urban areas and most particularly to Glasgow which accounts for a far greater share of costs than its population share.
- ii) The schemes allow for substitute Members with full voting rights to be appointed thus making it easier to make sure the Council is always represented.
- iii) Whilst not a major issue, a Board of around 30 would require slightly less administrative support and be easier to accommodate for meetings than a Board of around 50.

- iv) The two options put up by the Secretary of State are just that - options. If consensus is reached on a different model he will consider it.

It is recommended that members take a view on Board size and seek consensus with the other Constituent Authorities.

3.5 CHAIRMAN AND VICE CHAIRMAN (Fire section 6, Police Section 7)

The fire scheme at section 6(2) allows for the Chair and Vice Chair appointments to be terminated by the Board during the session. The Police scheme has no such provision.

It is suggested that uniformity between the schemes would be desirable.

3.6 OFFICERS OF THE BOARD (Fire section 7, Police sections)

- a) Termination The Fire scheme at Section 7(2) allows for the termination of the appointment of the Clerk and Treasurer "at any time" notwithstanding the terms of appointment. The Police scheme has no such provision.

It is suggested that uniformity between the two schemes would be desirable.

- b) Interim Clerk and Treasurer Both schemes propose that the Strathclyde Chief Executive be the interim Clerk and Treasurer until the Boards make these appointments. However the treasurer should be professionally qualified.

It is recommended that the proposal be amended to read:-

"..... the Chief Executive and the Director of Finance of Strathclyde Regional Council for the time being...."

3.7 QUORUM (Fire section 8(5), Police section 9(5))

The proposed quorum for both Boards is one third of the membership. This is the quorum for all the existing Scottish Joint Boards. Although higher than the statutory minimum (one quarter), given the provision for voting substitutes, it is not considered this would cause any difficulties.

3.8 FINANCIAL ARRANGEMENTS - APPORTIONMENT OF EXPENDITURE
(Fire section 11(2), Police section 12(1))

The police scheme proposes that net expenditure should be apportioned among the constituent Councils "to the extent of the provision of service". The fire scheme proposes this method and three others - population proportion, Band D houses and "such other appropriate means as the authorities agree".

Five comments can be made:-

- i) It was noted at para 3.4 above that cost allocations, which reflect provision of service, are heavily skewed particularly towards Glasgow;
- ii) The Secretary of State has requested Strathclyde Regional Council to provide notional 1995/96 budget splits on a unitary basis (based so far as possible on actual expenditure allocations) and these will be used for capping comparisons in 1996/97.

- iii) This suggests that this information will also be used to established indicative Grant Aided Expenditure (GAE) allocations for the new Councils for Police and Fire expenditure.
- iv) All the established Scottish Joint Boards have moved on to the extent-of-provision-of-service formula
- v) Although the Fire scheme allows for four options, the mechanism by which the twelve constituent Authorities are to achieve agreement about which one to use on each occasion is unclear.

The above would suggest that despite the undoubted difficulties in disaggregating cost the 'extent of provision of service' formula may be the most practical option for both Boards.

It is recommended that prior to finalising views on this matter Members may wish to request the Chief Constable and Firemaster to supply information on their cost breakdowns by Council area and ask the Strathclyde Director of Finance to comment on the overall position, including central service department recharges.

3.9 FINANCIAL ARRANGEMENTS - DATE OF ESTIMATES (Fire section 11(3), Police section 12(2))

No date by which the Boards should submit their annual estimates to the Constituent authorities is specified in the schemes. Given that the appropriate share of this estimate must be built into the constituent Authority budgets, early notice is desirable.

It is suggested that the words "such date as may be agreed in each year" at the end of the sections be replaced by "31st December each year".

3.10 FINANCIAL ARRANGEMENTS - SUPERANNUATION SCHEME (Fire section 11(7), Police section 12(6))

The police scheme does not make provision for superannuation of any Board employees appointed before 1st April 1996 (e.g the Clerk and Treasurer). The fire scheme does.

It is recommended that similiar provisions to those in the fire scheme be added to the police scheme.

The appropriate scheme for all Strathclyde Police and Fire Civilians and Board employees after 1st April 1996 would be the successor to the current Strathclyde superannuation scheme.

NEIL McINTOSH
Chief Executive

TS
Chief Executives Department
Strathclyde Regional Council
23 May 1995

Contact Officer:- Timothy Stone, Chief Executives Department
Telephone:- 0141 227 3625