

Reform of Fire and Rescue Authorities in Wales –

Consultation reform of the Fire and Rescue Authorities in Wales
governance and funding arrangements

Consultation Responses 31 to 60

Response 31

Consultation Response Form

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

The FRA are of the opinion that reform of the Authority is unnecessary as it considers that the FRA already meets the objectives stated within the paper and will continue to do so provided there are not fewer members appointed to SWFRA. The current model supports good democratic representation of the communities within each unitary authority area.

The FRA is always open to opportunities to improve the FRS but most importantly enhance the service provided to the communities of South Wales

It is questionable whether some of the identified objectives are the most important issues facing the service today and in the foreseeable future – some key issues that could have a major impact on the Authorities ability to continue to deliver an effective and diverse service are outside of the FRA control. For example:

- The continued and ongoing risk of industrial action through a live pension dispute involving national government both in Wales and at UK level
- The inability to secure greater diversification of role pending resolution at National Joint Council level (at which the affected FRAs have no seat) or Welsh Government level (as per Scotland)

- The operational and financial risks posed by the significant delay of the National Airwave project (now scheduled for 2022, but still not set in stone) where current resources are at end of life
- Terrorist response
- Uncertainty of public sector funding and other issues following Brexit

The Authority welcomes and promotes clear and effective leadership of, and accountability for the development and delivery of fire and rescue services. However, it is suggested that some of the shortcomings identified within the White Paper in relation to FRA members are not based in fact and would equally apply to all other tiers of local and national government.

The FRA consider that they have met the challenges facing them head on by effective leadership, scrutiny and decision making. Key decisions have been taken following extensive scrutiny and public consultation on a variety of issues to ensure the FRS is as efficient, effective and responsive as it needs to be in today's society. These decisions have included closing four fire and rescue stations (Bargoed; Cefn Fforest; Porth; and Blaina) with resultant redundancies of firefighters; the removal of 2nd appliances at stations where required; the reduction in very expensive and specialist appliances where a more efficient method has been identified; changes to the crewing arrangements on stations resulting in a reduction of 40 firefighter posts without affecting front line service delivery; the amalgamation of stations from two to one where appropriate (Bargoed and Cefn Fforest to Aberbargoed; Porthcawl and Kenfig Hill to South Cornelly (subject to a suitable site being found); and Treharris and Abercynon to the A472 between Treharris and Nelson (subject to a suitable site being found); the amalgamation of control rooms with an adjoining FRS and one of our Police partners; the provision of some specialist services on an all Wales basis to name a few. All of these decisions and changes have been successfully implemented without industrial unrest in a sector that is highly unionised and in some instances following personal threats against Members of the FRA. During such challenges, the Authority has continued to deliver an efficient, effective and reliable service to the communities of South Wales.

Despite assertions to the contrary in the White Paper, existing members of the FRA do remain accountable to their home authorities over the manner in which they discharge their role and if authorities are dissatisfied with the way in which the FRA is being led, can change their nominated member(s) at any time to reflect this. They are also accountable to the electorate through the annual reports they prepare, which includes their role as a FRA member.

The disqualification criteria for standing for election for any publicly elected role are set out clearly in statute. There is no differentiation for those that take on more senior leadership roles within the public body and no requirement for specific skills or experience, presumably reinforcing our democratic process of our public leaders reflecting the society we live in. Unless or until there are qualification criteria for election to any public member role (Community Council, LA, AMs, MPs, MEPs) there is no guarantee that an individual appointed to a specific role would have the skills and competencies to discharge that role. It is suggested that with structured training

programmes for elected members, any concerns could be addressed in the same manner as they are in other democratically elected appointments. It is queried why Fire and Rescue Authority Members are being singled out for different treatment than other members elected into public office.

Linked to this, the FRA supports through its effective strategic leadership, sustained and effective collaboration. There is a very long history of leading and delivering against this already with both emergency service partners, other public sector bodies and the third sector. However, given the development of PSBs, the NRFs and other mechanisms already in existence, it is queried why a cabinet member would be in a better position to facilitate this.

The FRA strongly supports the desire to secure sustainable funding mechanisms to reflect the more diverse role that the FRS could deliver against and would welcome these issues being addressed as a matter of urgency. However, this is likely to require Welsh Government adopting a separate pay and funding settlement (as per Scotland) to achieve this if UK level negotiations are not appropriately concluded swiftly – these issues are currently outside of the control of the FRA.

In relation to FRA numbers, the current legal constraints dictate a maximum of 24 members which SWFRA has adhered to and it is suggested that the current mechanisms could already reduce the headcount of FRAs in Wales if strictly adhered to.

The Authority strongly supports the wish to avoid any adverse changes to front line operations or resources. However, whilst very laudable and highly desirable, it is the Authorities opinion that this is not achievable through some of the solutions proposed – budget mechanisms that allow final decisions to be taken outside of the FRA legal entity could very likely cause changes (potentially significant changes) to front line service delivery and resources to the detriment of the communities we serve. They also raise some interesting legal and liability implications should levels of funding prove insufficient or result in adverse consequences.

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

Please see suggestions detailed in the response to Question 1 above. In addition, it is queried that if, as is mentioned, the cost of the Fire and Rescue Service is in issue, some simple efficiencies could be generated by strict compliance to the existing Combination Orders on the number of FRA Members.

Members of the FRA undergo comprehensive and detailed training following their appointment, which is refreshed annually with all members. In addition, a structured programme is in place for the most technical aspects of their work, such as Pensions, to ensure that the statutory requirements on understanding and knowledge of the relevant schemes and the members role is properly understood.

Other bespoke training is scheduled as appropriate, often following Authority or committee meetings. Topics have included the preventative agenda; high rise and fire safety enforcement; risk modelling for fire and rescue resources; audit and governance training; treasury management; contingency planning; preparedness for industrial action; major events planning and preparedness; grassfires; data protection; and diversification of the service. In addition, FRA members also attend bespoke FRA training provided by the Local Government Association in England in relation to areas such as being an effective Chair and Deputy Chair of a FRA and Equality and Diversity training for FRAs. Systems are also in place to keep FRA members updated on key issues or incidents in relation to their LA area or affecting the FRA as a whole. This includes incidents resulting in a fatality; large or significant impact incidents; industrial action and resilience plans; business continuity for major events (such as major sporting or political events held in the South Wales area; and key press issues.

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

It is agreed that the FRA should remain as distinct and separate legal entities. This is a situation that currently works extremely well and should continue.

The statutory responsibilities under relevant legislation sit with the FRA. Unless there is an immediate desire to change the legislation, it is essential that FRAs remain a distinct legal entity.

The White Paper does appear to rule out the option of a consideration on the number and/or boundaries of the three FRAs in Wales. However, it was noted that when the paper was debated in plenary session on 13th November, in response to a question from Mike Hedges AM, the then Minister, Alun Davies AM appeared to bring the issue back in scope if arguments were persuasive.

There has been much debate over the years around the appropriate number and geographic boundaries for much of the public sector in Wales. This creates huge amounts of uncertainty and anxiety for the staff affected in these organisations and the communities they serve. This is therefore an issue that requires definitive clarification as a matter of urgency.

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?

It is agreed that transferring control of the FRS to PCCs would be inappropriate. Policing is not a devolved function within Wales and therefore having control of the Service (a devolved function) through a non-devolved body is inappropriate. Different priorities and responsibilities in the two distinct functions do not sit neatly together. It would also prove highly complex for South Wales, being spread over two police boundaries.

The FRA has very different and complex functions to the police, but appreciate the need to collaborate with them on a number of issues, which it successfully does at a

regional and national level. Further, the FRA has worked tirelessly to secure its current branding and trusted reputation. It is suggested that this could be severely compromised in the community were the PCC to take control of FRAs due to the very different relationships the police have with the community.

Indeed, this was the same arguments the then Minister, Leighton Andrews AM, had when opposing such proposals in Wales. He firmly stated that any such change in Wales could damage the work of the FRA here and jeopardise the trust the public have in them. He went on to say, "It is clearly important for FRAs to collaborate closely with the police on many matters. However, the excellent programmes the FRAs run to divert people away from fire-related crime depend on the trust and respect firefighters have in all sections of the community. In Wales, we have very low re-offending rates among participants on such programmes. If FRAs were seen as just an adjunct to the police, this could easily be jeopardised." (Source BBC News 21 December 2015)

It is also agreed that it would be inappropriate to transfer control of FRSs to local authorities. The FRAs in Wales currently operate well at a regional and often national level through its National Issues Committee. Disaggregation of the FRA to 10 constituent LAs in South Wales would create a far less efficient and effective service provision. Overheads would be significantly increased, duplication would become common place and service delivery in different areas of South Wales could become a postcode lottery.

It would also prove highly ineffective in terms of resilience both locally and nationally. Fire risk modelling would prove inordinately complex as there would be no control over adjoining fire cover and during spate conditions, mutual aid could test local authority relationships to the extreme. Specialist vehicle and/or skills deployment could not work effectively on such a small scale and business continuity arrangements would also prove costly at such a small scale.

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?

It is correct that there are a variety of national and indeed international interests that need to be considered as part of any proposal for reform. Many specialist services are delivered through regions larger than the relevant FRA. These services are also part of a much bigger UK picture of national resilience and cannot be compromised. In addition, mutual aid arrangements take into account the bigger national picture. It should be noted however that these mutual aid arrangements may not be feasible for any new areas of work sought to be achieved through diversification of the role in Wales unless similar diversification and requisite training arrangements are in place in England.

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

It is agreed that Local authorities should continue to nominate FRA members. Maintaining local level leadership of FRAs in Wales is appropriate. Risk is peculiar to local areas and local need, and to remove leadership away from such roots would be inappropriate. This process of nomination also enhances the local connections the FRAs have with the local communities that they serve, leading to enhanced understanding of need and local issues.

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

This is not agreed and in fact, strongly opposed. This proposal is inequitable and could lead to detrimental impacts upon the FRA for a number of reasons.

In the first instance, it is suggested that it would not be fair and equitable for LAs to nominate just one member. This would lead to the situation that for authorities that pay a greater proportion of the FRA budget by reason of their population, having a disproportionate say in its determination. For example Cardiff currently pays just over 1/5 of the total FRA budget, but would only have 1/10 of the voting influence on such decisions. This cannot be fair or equitable.

It is also questioned why the member needs to be drawn from a LA cabinet, as it is not considered that such a position would facilitate greater collaboration as suggested in the paper, given the mechanisms already in place for key partners; most notably a statutory seat at Public Service Boards, Community Safety Partnerships, Local Resilience Forums, the Joint Emergency Services Group, National Fire Chiefs Council and relevant committees, National Issues Committee, Tri Service Intelligence Hub and various voluntary and third sector partnership meetings such as the Princes Trust.

Drawing membership from cabinet members would also not guarantee any greater level of competency of that member as already described in the response given to question 1 above. Indeed, at all tiers of public governance, all members are initially elected as “backbench” councilors, until some are appointed by their peers to a more senior position. Indeed, South Wales FRA is comprised of many members with more senior responsibilities in their home LA – this includes many chairs of committees and scrutiny committees and until very recently, cabinet members, who were forced to resign due to the workload of their cabinet post and their inability to undertake both roles.

It is also considered, taking into account the comments of the Independent Remuneration Panel that it would not be possible to appoint from within the existing LA cabinet member cohort, as it is noted that they are salaried based on a 40 hour week. The Panel received considerable evidence that cabinet members were struggling already to cope with existing workloads. Therefore, if additional cabinet members were required to be appointed, such an approach would immediately contradict one of the arguments for reform detailed in chapter 1, by costing the public purse considerably more.

The current costs of FRA salaries (excluding travel) in South Wales is £62,520 (using 2019/20 costs contained within the Independent Remuneration Panel 2018 Report as basis). If the FRA were changed to just 10 LA executive members, in the first place there would need to be an assessment of the appropriate banding in serving a population of approximately 1.6m. Even taking the existing banding schedules detailed by the Independent Remuneration Panel, the costs of 10 members would be around £288,000 (based on Band C – up to 100,000 population) and £352,000 (based on Band A – up to 200,000 population). These costs assume one chairperson and nine other executive members.

Of course, in view of the population and geographic area being covered, there is the potential that alternative salaries would be appropriate. Certainly, the health boards could be a more appropriate comparator, where recently one of the unelected vice chair position was advertised for £56,316 (Aneurin Bevan Health Board). Added to this would then be the costs of any non-executive positions proposed, which are currently undetermined.

This would be a substantial increase in the cost of running the FRA; greater than the costs of keeping one retained duty station open each year. Given the annual budgets of each of the FRSs in Wales, and the assertion within the White Paper that any new governance structure should reflect the fact that fire only accounts for 1% of public spend, this would appear to be wholly disproportionate when compared to other public sector bodies and substantially more expensive.

In addition, if it was proposed that such additional Cabinet salaries should be funded from within the Local Authorities, it should be noted that several Councils have already reduced their Cabinet size purely to achieve financial savings. As highlighted above, the financial savings accruing from removing the existing structures only amount to £62,500 across the 10 LAs (£6,250 per LA) – a single Band A Cabinet Member costs circa £32,000.

It is also considered that the appointment of a cabinet member would not necessarily add anything to the ability of the member to scrutinise. Indeed, it could be argued that “backbench” councillors are provided with considerable training on effective scrutiny, and are therefore in a better position to undertake this role.

Appointing from the Cabinet would change the political make-up of the FRA, as the cabinet members would come from the ruling group in each Local Authority. Currently, membership is appointed to based on the political balance within each LA. This could detract from the more diverse political representation that currently exists, where FRA Members are broadly representative of the political balance of the area. In addition, it could detract from effective scrutiny as the broad range of views currently harnessed through the existing system would be lost.

Added to this, appointment of Cabinet members is likely to detract from the diversity of the FRA, thereby potentially compromising scrutiny. Currently, the FRA is comprised of a third women, an eighth from minority ethnic groups and a high proportion of younger members. The members come from a diverse range of

backgrounds with a wide variety of professionals and business leaders, bringing a large array of skills and experience to the role. Conversely, within South Wales, whilst the gender balance across LA Cabinets is positive, the ethnic minority breakdown is significantly worse, comprising only about 1.25% of all cabinet members. In addition, the age breakdown of Cabinet members is also not as diverse, with very few cabinet members falling into the younger age brackets. This has the potential to reduce the diversity of opinions, challenge and scrutiny of decision making.

Issues of quorum and conflict of interest could also be a factor with so few members, especially when considered in the light of the number of meetings individuals would be required to attend and the restrictions on appointment to specific roles. For example, a pensions board is required by statute. There must also be an equal number of members to trade union representatives (which in the case of South Wales is currently 4 operational trade unions) and the members of the pensions board cannot also sit on the Strategic Advisory Board at WG. For a FRA that only has 6 members (as is proposed for Mid and West and North Wales FRA), this could cause a huge issue on membership and/or conflict of interest and/or quorum. It is considered that effective scrutiny will not be able to take place on some of these issues due to conflict.

Finally, it is considered that the ability of a single FRA member to be able to effectively represent a large unitary area with high population levels on their own would result in less effective representation, especially when key service delivery issues were being considered. To have the same member representation for our smallest council representing a population of 59,000 to our largest representing a population of 367,000 would inevitably mean a member's ability to spend quality time with constituents is compromised for the larger authorities.

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?

This is a matter for WG, but it is noted that in the most recent draft of the IRP report for 2019/20, the IRP again concluded that the executive members should be considered as working the equivalent of full time (upto 40 hours per week) but not necessarily 9am-5pm. However, they go on to say that discussions with members and officers have indicated that executive member workloads have increased. In the light of this it would therefore be essential to ensure there was an adequate time commitment to allow them to effectively discharge the role.

The cost implications of this, as detailed within the response to question 7 should not be underestimated, as this would result in significant additional costs being imposed on respective constituent authorities.

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

This is not agreed. In the majority of other public sector bodies, the member's role is to provide the strategic leadership and direction, scrutiny, governance and overview. They are assisted by professionally qualified officers who are there to provide

specialist advice as and when required. There is also no limitation on current FRAs to co-opt a member in for a specific issue or obtain external specialist advice if none is available through officers, which has on appropriate occasions been utilised.

Current FRA members come from a wide range of professional disciplines and have diverse business and public sector backgrounds, leading to effective governance and scrutiny precisely because of those experiences. The public hold these individuals to account at the ballot box, which would not occur for non-executive members. It is also questioned whether their rationale for undertaking the role would be influenced by financial reward rather than a desire to deliver effective public services for minimal reward – it should be noted that the basic take home salary for a basic FRA member is less than £115 a month.

This current system of not appointing non-executive members is a system that works well in both local authorities, Welsh Government and the UK Parliament. Indeed, there have been several instances where specialist advice has been sought and received by the FRA from people or bodies outside of the FRS when required. This is a situation that should remain and continue.

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

It is not considered that non-executive members should be appointed. However, if this option were to be pursued (given the response in question 9 above), it would be the FRA that should appoint as they are the body that would have the detailed knowledge of any specialist skills gaps that may exist on the Authority. It is considered that Welsh Government would not be privy to such detailed information and therefore it would be wholly inappropriate for them to appoint.

There would also be an issue with the term of such appointment. As previously highlighted, LAs can change their nomination to the FRA at any time and for any reason, including dissatisfaction with the current governance and policy direction of the FRA, a change in political balance at the home LA, the need for the member to exercise other functions at their home LA which would not be compatible with them continuing their FRA role – these are just a few examples. Therefore, any skills gap in the FRA could change quite regularly, requiring a change in non-executive members.

Finally, it is questioned who such non-executive members would be accountable to? If democratically elected councillors are considered unaccountable, then appointees would appear to be even less accountable, thereby not addressing this area of concern highlighted within the case for reform.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

This proposal is strongly opposed. In all other comparable devolved public sectors, it is the Authority / Board / Government that has the statutory responsibility to deliver

and/or plan, to agree budgets and to ensure sufficient challenge and scrutiny. This is then delivered through officers. Serious concerns are raised about vesting all of the powers and responsibility for delivery in one individual, especially if they do not also have control over the budget they require to discharge their statutory requirements.

This remains the case for Councils, where responsibility for provision of services rests with the Council and final budget determinations are also made by them through their ability to increase their funding levels through local taxation. It is queried why Welsh Government is seeking to change this tried and tested method of administration.

Indeed, such a proposal would create an artificial split between the policy and operational functions, as has happened in the police, a change that is considered not to be beneficial to the communities they serve.

Finally, any move to create a single statutory officer who retains all of the responsibility for service provision means that the arguments for reform in chapter one of the White Paper are being contradicted. Officers are appointed on permanent contracts and have no accountability to the electorate. Whilst they would be subject to scrutiny by a FRA, their removal from post could only be secured for reasons set out in employment legislation. This would result in less accountability than currently exists with the current FRA governance, where LAs and/or the electorate can remove the member from office.

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

This Authority considers that the case for reform has not been made and therefore it would be inappropriate to propose solutions without a full understanding of the outcomes to be achieved.

It is unclear what aspects of governance are ineffective. Performance of the service is noted in the White Paper as of a very high standard and powers in relation to funding etc. have been utilized responsibly. Various audits have scrutinised and challenged both policy and financial decisions and have considered the extent of consultations on key policy decisions. The Independent Remuneration Panel has also stated in its most recent report (in relation to FRAs) that “The Chair has a leadership and influencing role in the authority, and a high level of accountability especially when controversial issues relating to the emergency service arise”. They go on to highlight that “there is a strong training ethos in FRAs. Members are expected to participate in training and development”. (Source: para 8.5 draft Independent Remuneration Panel Report February 2019). Further clarification is therefore sought from WG on their concerns in the light of the evidence presented in the FRAs responses to these issues, as this suggests that the current system is working effectively, and the old adage “if it’s not broken, don’t fix it” springs to mind.

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?

This is not agreed and strongly opposed. South Wales FRA takes its budget setting powers very seriously, and it is pleased that the White Paper acknowledges that such powers have been exercised responsibly. As such, it is therefore questioned why any reform proposals are required.

Every year the FRA consults with all of its constituent authorities and reports in full the responses it receives in full to the FRA. Indeed, until relatively recently, we attempted to undertake budget consultation meetings with our constituent councils which were more often than not unattended by our constituent councils. This was partly because of the information provided by the FRA Treasurer during the budget formulation process. The proposals are therefore strongly opposed for several reasons.

In the first instance, the position of the Minister determining the FRA budget if agreement cannot be reached (rather than arbitrating as stated in the question – report para 4.6) results in the position where there is absolutely no incentive for individual local authorities to agree. It is stated that the Minister would not determine a figure any higher than the budget requested but could set one lower. Authorities would have nothing to lose in exercising this default position and everything to gain.

Given the legal timelines for FRA and LA budget setting, the Minister would be faced with making a determination within a few weeks in order to meet LA budget setting deadlines. This is considered insufficient time to fully understand the proposed budget and the parties' arguments with respect to this (up to 11 parties – 10 LAs and 1 FRA). It is noted that no appeal mechanism is proposed.

This scenario could also raise the potential of future less scrupulous FRAs detailing a budget for discussion in excess of requirements to ensure that they ultimately received a budget in line with what they actually required to deliver the service.

Another reason for such strong opposition is that the default power would result in the position of a Minister determining the budget for a service which they have no statutory responsibility to deliver. What would happen if the FRA overspent as a consequence of being awarded a budget less than that required to deliver the service? Would Welsh Government meet the overspend as they do for health or would LAs be expected to fund this nearing year end when they would likely be struggling themselves financially?

Additionally, who would be responsible if there was a service delivery failure specifically attributable to a budget reduction determined by a Minister? This does become a real possibility given the specific breakdown of a FRA budget. Over 80% of all costs are staff costs. Of the remaining 20%, many are fixed costs such as capital charges, rates, fuel, appliances and vehicles, personal protective equipment, insurance etc. Therefore, any budget reductions are more than likely going to impact upon staff numbers (especially given budget settlement timelines) and ultimately front line service delivery.

The proposals also do not appear to address one of Welsh Government's stated concerns in relation to health work being subsidised by LAs. These proposals make no mention of funding coming anywhere other than from LAs. It is suggested that if the diversification of the role of the firefighter is to be seriously pursued (as supported by the FRA), then securing the additional funding from within health budgets would seem wholly appropriate and needs to be addressed.

The proposals do not promote the principles of the Wellbeing of Future Generations Act and the move to longer term planning and considerations. FRAs would have little or no control over their annual budgets and this would render longer term financial planning almost impossible.

Finally, another area of concern expressed in the White Paper is that the local authority members are not directly accountable to their electorate or their home authority. The proposals outlined do not appear to increase this accountability for budget or performance. As LA appointed members, they remain only appointed to the FRA by virtue of their LA membership.

To resolve this and several other issues, the FRA would suggest maintenance of the current position until legislation can be introduced to allow FRAs in Wales to precept. This would then address all issues concerned with transparency, openness, scrutiny and accountability in one measure. FRAs would be required to publicly detail to the electorate how the budget was arrived at and what the community receives as a consequence. Welsh Government would also gain a level of control through capping provisions in the same way as LA capping is exercised.

It is not accepted that precepting by FRAs would prove a burden, challenge or significant cost. LA systems already exist for billing council tax on behalf of multiple precepting authorities (community councils and the PCC). Save for the appropriate notifications of council tax bases and precepts and any minor amendments to ICT systems and bills, the FRA believes that the addition of a further precept mirroring arrangements already in place should not prove complex at all.

The White Paper suggests that the process of moving to an FRA precept would be practically difficult because any increase in council tax arising from an FRA precept may not be offset due to a refusal by LAs to implement commensurate and proportional reductions in their bills. This implies that LA budget decisions are at best self-serving. If this is the measure of the trust in the financial governance and decision making within LAs, the FRA would be rightly concerned with any suggestion that LAs are best placed to play a balanced role in determining FRA budgets.

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?

Yes, this is agreed and strongly supported. For the reasons detailed within question 13 above, the FRA consider that should change be required, the only sensible and pragmatic way forward would be to progress straight to precepting. This is the only

method that addresses the areas of concern detailed with the white paper. The time taken to progress the relevant legislation should not mean that a wholly unsatisfactory interim solution should be implemented as per question 13. The status quo should remain whilst legislation is progressed at the earliest opportunity.

It is considered that the retention of grants for the current areas of award and any further new duties or national initiatives / contracts placed upon the FRA should continue

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

Please refer to the response at questions 13 and 14

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

It is agreed that the current performance management arrangements require reform as currently some of the key measures of success of performance are actually measuring other devolved body performance and measuring the wrong thing.

The FRA would support the removal of the Local Government Measure requirements for the FRA, as these only serve to confuse and complicate reporting processes. The FRA believe that any new system should be grounded in not just the National Framework for Wales, but also the legislative requirements placed upon the FRA.

The metrics utilized need to be more meaningful in terms of outcomes to the community and what the information collected / measured is being used for. For example, the current measure of fires confined to room of origin supports improved performance if the fire is contained to the room, regardless of the outcome for the individual. It cannot be right that an indicator is perceived to be good performance if fires are contained, yet the individual dies or is injured.

Metrics should be developed that influence behaviours and enhance the safety of the community and our firefighters. The FRA supports that this may include metrics that require considerably greater qualitative information than quantitative information and have no opposition to the inclusion of the National Framework in performance metrics.

However, the FRA does consider that the proposals have missed an opportunity to join up the performance reporting of devolved functions is a more effective way to encourage changed behaviours and create efficiencies. For example, the current metric around the number of AFAs attended (false alarms) measures the number of incidents of this the FRS attends. This is actually a measure of how property owners are managing their alarm systems. It is common knowledge, supported by data, that health and education are the two primary offenders for AFAs yet there is no proposal to join up performance management across devolved sectors to encourage more effective and efficient service delivery, both for the FRA and the other functions who loose considerable down time due to these occurrences. The performance framework

for other devolved functions could also be aligned in the area of collaboration, as of course collaboration can only work effectively between two or more willing partners. The FRA would strongly advocate that this issue needs to be considered in any review of performance frameworks.

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?

This is agreed. The current systems are not joined up and have become inordinately bureaucratic for no apparent reason. It is necessary for all planning and reporting cycles to be aligned, not only just in relation to performance, but also for other legislative areas where plans and update reports are required (for example, Wellbeing and Future Generations objectives and reporting; Equality Plans; Environment Act 2016 plans etc.).

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?

It is accepted that the Minister should retain responsibility for Fire and therefore it is a matter for WG on their own internal reporting processes. However, it is suggested that the Ministers Independent Fire and Rescue Advisor would have an instrumental role in reporting to and advising the Minister in this regard, through their role in working closely with the FRS. The FRA would also support the formalisation of appropriate procedures to ensure FRAs and FRSs report in on delivery of the Framework, as in recent years, such report has been prepared with little or no reporting on progress by these bodies to WG officials.

It would also be appropriate for arrangements to be put in place were the Minister to retain and exercise default powers to determine a FRA budget, especially if reductions were imposed that would ultimately impact upon resources available to deliver against the Framework priorities. In the interests of fairness, it would be appropriate for the respective FRA / FRS to be able to respond to any concerns.

Question 19: We would like to know your views on the effects that 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 favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

It is considered the proposals are not likely to hinder or promote the ability of the community to use the Welsh language, as the same Welsh Language Standards would be in operation. They do however have the potential for a reduced percentage of Welsh speakers to be members of the FRA.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

By reducing the number of proposed FRA members, there is the potential that the number of Welsh speakers on the FRA is also reduced, potentially disproportionately. For all of the reasons already outlined in the responses to earlier questions, it is not considered that reducing the number of FRA members is the correct solution to the perceived concerns with the FRA. Retaining numbers would reduce this risk.

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: Please enter here:

The FRA strongly oppose the proposals put forward in the White Paper for reform of the governance arrangements of FRAs. The current mechanisms work well, are cost effective, provide adequate accountability to constituent LAs and the electorate and have delivered high performing services to the communities they serve. The proposals are disproportionate given the size of public spend and considerably more costly. The FRA do not consider that the case for reform has been made or that the proposals address in any way the arguments put forward for the reform.

South Wales FRA would be only too happy to extend the current arrangements they have in place for presenting to their constituent councils on performance and budget, in addition to the formal methods adopted. This includes the provision of all FRA and committee papers to each of our 10 LAs, formal budget consultations, PSB presentations on key performance and council or committee presentations when time is allocated on an agenda or requests are made on a particular issue.

In relation to funding, it is considered that whilst current arrangements work well with constituent LAs, the option of precepting provides an even more transparent, sustainable and accountable method of funding for FRAs. This would also assist LAs who would not be required to factor in FRA budgets into their own budgets. It is not considered that the requirement for legislation to implement this change should in any way prevent progression of this proposal. The FRA does however strongly believe that the interim arrangement of the Minister having default powers is wholly unacceptable and leads to a plethora of conundrums and the potential for the Minister to be placed in a difficult position should adverse consequences flow from the budget determination.

In summary therefore, the FRAs response to the key areas of the consultation can be summed up as follows:

- The FRA welcome any opportunities to improve the service delivered to the communities of South Wales

- The performance of the service (during a considerable period of austerity and budgets cuts) has improved year on year
- It is of disappointment to the FRA that greater engagement did not take place to clearly identify with evidence the shortcomings that WG consider are present in the current governance and funding
- The case for reform has not been made in chapter one of the white paper
- The proposed changes to governance arrangements will not guarantee more effective leadership, scrutiny or collaboration than currently exists. The proposals will also cost substantially more than the current model and lead to ineffective and or inequitable representation of unitary authority areas
- The FRA also believe it would be wholly inappropriate to transfer all statutory responsibilities to a single individual who has no line of accountability to the public and can only be removed for employment reasons
- It would not be appropriate to recommend alternative models of governance whilst the rationale for change is not properly identified
- The FRA considers the interim funding models introduce increased complexity into the current funding system which has been working well for in excess of 20 years and separates the responsibility for delivering statutory services from the ability to set the appropriate budget. It also does not address any of the arguments for reform detailed in the first chapter
- The FRA however strongly support the proposal to make FRAs precepting bodies as this would provide a clear line of accountability to the public
- The FRA also support the proposal to reform the performance management regime although do consider that there is an opportunity for WG to lead by example and promote greater synergies between different devolved sectors performance matrix where there are obvious and important synergies in the outcomes sought to be achieved. Until this happens, the current regimes promote siloed working in different sectors.
- The FRA would welcome more constructive discussions with WG around these key proposals

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Response 32

Consultation Response Form

Your name:

John Thomas, Leader

Organisation (if

applicable):

Vale of Glamorgan Council

email / telephone number:



Your address:

Civic Offices
Holton Road
Barry
CF63 4RU

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

Not entirely. If reform of the service is to be considered properly, then the opportunity should be taken to look at more radical options. It is only for historical reasons that local authorities are involved in the governance of the fire and rescue service; there is no obvious reason why local democratic oversight should be a determining factor in how the service is run. There is a compelling case for establishing a national service along the lines of the recently-formed Scottish Fire and Rescue Service (and following the Welsh example of the national Ambulance Service).

A national organisation would be able to make significant administrative and managerial savings by eliminating regional duplication. At the same time, local flexibility and responsiveness could be maintained by retaining a regional and local presence (and if appropriate enhancing front line services through the savings made).

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

No.

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

No – see Q 1.

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?

Yes.

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?

Governance arrangements are far less significant for local authorities than the White Paper suggests. A national board would be the most appropriate governance structure.

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

No – see Q1.

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

Notwithstanding our response to Q1, if the White Paper's proposals are enacted, then we believe discretion should be left to individual Councils regarding who their representatives should be. And if the number is reduced to one per Council, there is an increased risk that meetings of the FRA would not be quorate if some members are unable to attend.

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?

No.

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

Not if the number of Council representatives remains at the current number per Council.

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

See previous question.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

No – see Q1.

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

See Q1.

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?

If the Whiter Paper's proposals are enacted, yes.

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?

Not if the aim is to establish a national fire and rescue service. If however the current structure of regional FRAs is retained, then a council tax precept would be the best solution since it would result in greater transparency for the council taxpayer of the level of funding of the service.

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

No.

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

Yes.

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?

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?

If the White Paper's proposals are enacted, yes.

Question 19: We would like to know your views on the effects that 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 favourably than English.

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

No significant effects on the Welsh language are envisaged regardless of the option taken.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

See previous question.

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:

No further comments.

Response 33

Consultation Response Form

Your name: Peter Fox OBE, Leader

Organisation (if applicable): Monmouthshire County Council

email / telephone number: [REDACTED]
[REDACTED]

Your address: County Hall, Usk, NP15 1GA

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

Monmouthshire County Council welcomes the opportunity to contribute to the consultation on the future of Fire and Rescue Authorities. Councillors from Monmouthshire have been proud to serve on the authority for many years and have made a significant contribution to ensuring that the services delivered are of the highest quality.

It is always important to keep arrangements under continuous review and this includes a focus on accountability and governance arrangements. We are pleased that the consultation document recognises the sustained and significant decline in fires and casualties from fires and the strong performance overall that has been delivered under the current arrangements and its desire to refrain from proposing any changes to operational arrangements.

While we recognise there is always a need to continually improve public services the consultation document does not make a convincing case that changing the governance arrangements is necessary or likely to deliver this. Some of the specific proposals will not achieve the stated aim of increased accountability, transparency or improved governance.

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

There are other options that could be explored to address concerns about a lack of accountability to the local electorate, for example the Fire and Rescue Authority could present an annual report to each local authority which could be scrutinised by a select committee. There are also a range of approaches used as part of local authority scrutiny arrangements that could be incorporated into practice and the approach to build on collaboration through public service boards into other areas of practice.

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

We agree that it is not appropriate to create a single fire authority for Wales and the boundaries and present entities should be retained.

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?

Locally elected politicians are part of the existing governance arrangements and there is no desire on the part of this organisation for Fire and Rescue Authorities to come under local authority control. We do not agree that this is simply a matter of scale as suggested in the consultation document. Nor do we feel it would be appropriate for this responsibility to be transferred to Police and Crime Commissioners.

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?

We recognise that there are broader national interests in the service and accept that some of these may need to be addressed at a national level but have no specific views about how these should be reflected in governance arrangements. There are circumstances where national interests, or interests outside the boundaries of each service come into play such as major chemical attacks. It is just as possible that at least two of the Welsh services might need to co-ordinate with English authorities. This works well at present without a national Welsh or UK representative on the authority.

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

We are fully supportive of the present arrangements with local authorities nominating members.

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

We do not agree that FRA members should be drawn from the local authority's cabinet. The time commitment required of Cabinet members is already significant and there are concerns that they would not be able to devote the same time and energy to this role as councillors who do not hold a local authority portfolio. That is not to say Cabinet members should be excluded from this opportunity, but it should not be compulsory to sit on the executive. The importance of non-executive members is set out clearly in paragraph 3.15 which seems at odds with the proposal for members to be drawn solely from the ranks of cabinet.

A reduction in the numbers sitting on the FRA could also impact on its resilience and capacity and there could also be issues for political balance in future were all members to be drawn from the ruling executive.

It is wrong for the White Paper to argue that councillors participating on Fire and Rescue Authorities who are not part of the local authority's executive lack the necessary capability and strategic leadership or are unable to challenge senior officers and is not based on any evidence. Most of these members will have sat on scrutiny committees where they not only scrutinise cabinet members and chief officers, holding them to account for performance but also contribute to policy development and setting the strategic direction for the organisation. Members of the FRA benefit from comprehensive training following their appointment, which is refreshed annually ensuring they have the necessary skills and knowledge to understand and oversee the sector specific elements of the role and any gaps in knowledge identified by Welsh Government could be addressed by additional targeted training.

There are further concerns with the proposals such as the ability of a single councillor to effectively represent the interests of a whole local authority area; the impact on diversity with members if the FRA being drawn from a much smaller pool and the impact on the capacity of the Fire and Rescue Authority effectively with a significant reduction in numbers, and those being drawn from a pool of councillors who already hold significant responsibilities.

There are some inconsistencies within the White Paper such as making the case throughout for fewer members drawn from Cabinets only to conclude that a model involving senior scrutiny members would be preferable in order to hold a Chief Fire Officer with greater powers to account.

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?

Should the changes outlined move forward then it would be necessary to look again at the remuneration levels and number of councillors able to sit on Cabinet. With a recognition that the role of an executive member being equivalent to a full time job members are already stretched with their current position and to expect them to take on the additional responsibility as a member of the FRA is unrealistic, this responsibility could not be incorporated into existing portfolios without expansion in numbers or compromising present duties.

To create a new post with that exclusive role is not warranted unless the member was to take a senior post in the fire authority such as chairing a major committee which would add substantially to costs and it would need to be determined which organisation would be responsible for meeting these. Difficulties would also arise because of the current ruling of the Independent Remuneration Panel for Wales that no member carrying a senior position in their home authority can receive an additional income for their role on a Fire and Rescue Authority.

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

Under the present system Fire and Rescue Authority members come from wide ranging backgrounds bringing extensive experience from a number of professions across business and public service which benefit the FRA. Advice is provided by officers, in the same way that occurs within local authorities. At present there is no limitation on current FRAs to co-opt a member for specific issues or to obtain external specialist advice as occurs in local authorities, such as on education scrutiny committees.

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

To maintain local democratic accountability these should be appointed by local authorities.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

We do not believe the case for the role of a statutory Chief Fire Officer has been made in the proposals and would lessen democratic accountability as acknowledged [add page] of the White Paper. In local authorities many of the roles that would be ascribed to a Chief Fire Officer sit with elected members in the shape of council and we feel that this should also be the case for the Fire and Rescue Authority.

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

We do not feel that the White Paper has made the case for change. The present system enables the FRA members to devote energy and the expertise gleaned from service to their communities through their elected role to ensure accountability, good governance, setting strategic direction and holding the Chief Fire Officer and his team to account for delivery against this objectives. The results overseen by the Fire and Rescue Authority in South Wales indicate that this is working effectively.

The current rules that prevent cabinet members from receiving any remuneration from their position on the FRAs should be removed. They are a barrier to encouraging senior local authority members to put themselves forward to serve on the FRAs.

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?

We do not agree that it is necessary to change the present system.

The current arrangements encompass engagement between the local authority and fire authority and the White paper recognises that the current powers have been used responsibly. The proposals also make no recommendations about ensuring that funding for FRAs comes from other sources to recognise that the fire service delivers benefits to other public bodies such as the NHS.

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?

Moving to a precept model would have implications for the Revenue Support Grant and would require effective engagement with the public who would notice a difference in their council tax and could perceive a new precept as an additional tax. However we feel this is worthy of further consideration for the next political term beginning in 2022.

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

We have no further proposals to make on this but would expect to be consulted on any specific proposals that are brought forward in future.

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

We welcome the repeal of the Local Government (Wales) Measure 2009. As Welsh Government has recognised elsewhere, this is a necessary step for both local councils and the fire and rescue service. It is sensible to propose that any future arrangements are grounded in the National Framework. It is also vital to ensure that any review of performance measures undertaken involves extensive testing and engagement prior to introduction to ensure that they are attributable to the work of the service with a focus on outcomes and outputs rather than quantitative measures of inputs and process.

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?

A more flexible reporting system that reflects the specific needs of the service would be beneficial. However there needs to be clarity around the performance management system, reporting and timescales to enable effective governance, scrutiny and management of performance.

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?

We agree that Welsh Government should retain these duties and powers.

Question 19: We would like to know your views on the effects that 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 favourably than English.

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

We have no comments to make on this question.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

We have no comments to make on this question

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:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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Response 34

Consultation Response Form

Your name: Gerald Jones MP

UK Parliament

email / telephone number:

Your address: Oldway House, Castle Street, Merthyr Tydfil,
CF47 8UX

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

I believe that there are merits in reforming the governance and accountability of Fire and Rescue Services in Wales and to look at the modernisation of performance and accountability requirements.

I am less inclined to agree that the current structure of Fire and Rescue Authorities, including their political make up, needs to be changed.

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

I fully support the work and the changing role of the South Wales Fire and Rescue Service.

I fully appreciate the work that the authority, particularly the staff of the authority do in reducing fires by working with local residents, schools and organisations to promote awareness and fire prevention.

I believe that there is merit in promoting more openness and transparency. Reports of the work of the Authority, particularly around meeting its performance targets could be reported to local authorities for wider scrutiny and information. These reports would also then be available where appropriate for public consumption.

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

Yes. I believe that the current model has served us well. It is important that the F & R Authority is not fragmented by becoming co-terminus with local authority boundaries. I also believe that the model we have is of an optimum size, therefore I believe that a move to a single service in Wales would mean an authority too large making meaningful engagement with local authorities and residents more difficult.

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?

Yes. In Wales, Policing is not devolved and therefore the role of Police and Crime Commissioners operate under the Home Office, therefore, merging the work of the Fire & Rescue Service with the Police & Crime Commissioners would not be appropriate.

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?

No comment

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

I support the continuance of this practice. I believe that the current position is fit for purpose. Local authorities nominate representatives in line with the political make up of their authority. Representatives either have or gain a good working knowledge of the Fire and Rescue Service. I believe it is important for this practice to continue to ensure that the Local Authority Representatives on the Fire & Rescue Service are politically balanced. I also believe that the work required is such that reducing the representation to one per authority would mean excessive work particularly if as the consultation suggests, these are Cabinet Members who already have large portfolios within their authorities. It is important that Fire & Rescue Authorities retain enough elected members to properly scrutinise its work.

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

Local authority members, whether members of the Executive or the wider membership have a variety of skills and experience. It is also the case that Cabinet Members already have significant portfolios within the Local Authority.

I believe that the current position provides an opportunity for authorities to nominate individuals with relevant skills, experience and interest to the fulfil the role effectively. These representatives should come from across the make up of local authorities.

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?

No, I don't believe that the size of local authority Cabinets should increase.

There is a cost to local taxpayers in increasing the size of Council Cabinets. Some authorities have already decided to reduce the size of their Cabinet due to the ongoing austerity measures by the UK Government.

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

I am not convinced that the selection of non executive members is appropriate. Funding is generated by local council tax payers through local authorities, therefore local democratic accountability should be respected.

In addition, it may well be the case that appointing non-executive persons to Fire and Rescue Authorities will lead to additional cost of scrutiny.

I believe that it is already the case that Fire and Rescue Authorities are able to co-opt in expertise if this is required or needed.

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

Please refer to Question 9

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

No comment.

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

No.

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?

No comment.

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?

I believe that this should be the subject of further detailed discussion with a range of options put forward for consideration. Local democratic accountability is important.

A precept is worthy of consideration as it may provide a direct link with local residents who through their council tax bills receive updates on spending priorities.

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

No Comment

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

The Local Government Measure is not the most appropriate way to scrutinise the work and performance of Fire and Rescue Services.

It is our view that the National Framework is a more appropriate mechanism to do this work.

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?

Yes.

It is appropriate for Fire & Rescue Services to set measures and reporting mechanisms through the National Framework. It is important that the role of Fire and Rescue Authorities in scrutinising this process is promoted and strengthened.

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?

Yes.

Question 19: We would like to know your views on the effects that 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 favourably than English.

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

No comment.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

No comment.

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:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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Response 35

White Paper: Reform of Fire and Rescue Authorities in Wales Response of Powys County Council

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

Yes, these seem appropriate and reasonable.

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

They could, as mentioned later in the paper, clarify/strengthen the links with Welsh Government and national interests and issues.

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

Yes, the current configuration is appropriate.

4. Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

Transferring control to either does not seem appropriate or to improve service delivery.

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

See above, there is a case for making some links between the national interests and the local services which should be reflected somehow.

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

Whilst this is an attractive way to nominate FRA members, consideration could be given to nominations (and potential funding) from other agencies who benefit from the FRAs work, such as WG (national interests), Health Boards (prevention agenda), NRW (wild fires and floods). A mixed membership would also help the FRA stay up to date with the changing needs of complimentary organisations.

7. Do you think that local authorities should nominate one FRA member each, drawn from their cabinets?

One nomination from each local authority seems appropriate. Nominations from local authorities' cabinets would ensure that there is a direct link between the FRA and the local executive. However, the acknowledged time pressures on cabinet members may prove challenging. Another alternative could be for the chair of the local PSB to be the local representative on the FRA board. This would ensure the link between local well-being and FRA objectives.

8. Do you believe any changes are needed to the size and remuneration of council cabinets, if their members were also to serve on FRAs?

Cabinet numbers should not be increased. Extra responsibilities should be remunerated appropriately, however this may be at a different rate than is usual so as to minimise additional costs. This will be determined by the Independent Remuneration Panel for Wales.

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

Non-executive members could be appointed to FRAs to provide expert advice and support to the local representatives in the form of elected members.

10. Who should appoint non-executive members of FRAs?

The suggestion of appointment by Welsh Government through open competition seems reasonable. Another alternative could be to ask local communities to nominate suitably qualified candidates, which would further strengthen the local links.

11. Do have any views on the longer term proposal that responsibility for the service 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?

This seems a sensible approach which will allow the service to be responsive but accountable.

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

As previously mentioned: board members from complementary services (NHS/NRW); Chairs of PSBs being the local representative, locally nominated non-executive members. Also better links with the PSBs, RPBs, local Well-being Plans and Area Plans at a local, operational level to promote local well-being and joint working would be welcome.

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?

In recent years the continuation of the levy approach to funding FRAs has meant that local authorities have in effect seen an additional pressure as some FRAs levy beyond the funding levels included in the annual local government settlement. Increasing the visibility of FRA finding would be attractive and given Police have precepting powers there is an increasing argument that this should

be applied to FRAs to increase transparency and strengthen democratic accountability. Currently the general public remain unclear about how FRAs are funded.

Alternatively a model that goes some way towards this could be applied and a funding model that allowed for a base budget funding through the local authority (as currently happens) and a top up via precept for particular initiatives that benefit the wider community (home fire checks etc.) would provide that transparency. Whichever funding model is adopted there is a need for FRAs and local authorities to agree annual funding levels. Welsh Ministers would have to provide arbitration if necessary in the absence of any other appropriate body.

14. Do you have any views on whether, and if so how, the funding model should change in the longer term?

Any longer term funding model should take into consideration the preventative work that the service is doing, which is saving the public purse elsewhere. This could be through an additional precept, as mentioned above, or by other organisations contributing to the funding of the service. Obviously this would impact on their funding arrangements but would, potentially, increase the links between services and saving money in the longer term.

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

See above.

16. Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services?

Without detailed knowledge of the National Framework it is hard to comment. FRA would be best placed to comment on this proposal. Although as FRA are subject to the Well-being of Future Generations Act, with a duty to produce well-being objectives for the organisations there should be no duplication of effort with the requirements of the national framework being aligned to those of the Act.

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?

Again any reporting cycle should align to that already required, such as the Well-being of Future Generations Act.

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?

Again without a detailed understanding of what this might entitle or when it may be invoked it is hard to comment.

19 – 21

No comment.

Response 36

UNISON Cymru/Wales response to Welsh Government's consultation on reform of fire and rescue authorities in Wales

1. UNISON is the largest public sector trade union with 1.2 million members working across public services in the UK. We are a key trade union for fire and rescue staff, representing fire and rescue support staff across Wales. We welcome this opportunity to respond to Welsh Government's consultation on reform of fire and rescue authorities in Wales.
2. Support staff in the fire and rescue service play vital roles in protecting the public from harm. Behind every firefighter is a team of 'non-uniformed' support staff: mechanics and driving instructors who keep fire engines and their drivers safe; community safety and prevention officers who help to stop fires before they start; control room and admin staff and many others who make their work possible.
3. UNISON Cymru/Wales largely welcomes the reforms laid out in the consultation as it would make the fire and rescue service more democratically accountable whilst at the same time maintaining the high standards of the Fire Service.
4. However, UNISON Cymru/Wales is concerned that the public must receive an adequate and high quality service, making the best possible use of public money. Sufficient investment in fire and rescue services across Wales is essential, particularly in supporting both front-line and support staff to spend more time on prevention and community work.
5. UNISON Cymru/Wales notes the consultation's efforts to limit the disruption caused to front-line services and the mention in 1.38 that '*Changes to front-line operations, including the numbers of firefighters, appliances or fire stations, or other operational matters such as crewing, rostering or ridership arrangements, have no place in this programme of reform.*'

6. UNISON Cymru/Wales welcomes Welsh Government's acknowledgment that any overhaul of the Fire and Resecue Service must come with the least amount of disruption possible, not only to protect front-line and support staff at work, but also the public at large.
7. However, UNISON Cymru/Wales is concerned that there is no mention of fire and rescue support staff in this statement, nor anywhere else in the consultation document. We would like to see assurances from Welsh Government that the operations and staffing of support staff will also not be affected by the reform programme. In that way, our essential support staff can continue their work in protecting the public without the thought of reorganisation or job losses at the forefront of their minds.
8. UNISON does not support Police and Crime Commissioners taking over responsibility for fire and rescue services from Fire and Rescue Authorities. This bolt on approach to the role of the Police and Crime Commissioner is not well thought out and a gross interference in the role of local government.
9. Therefore, UNISON Cymru/Wales welcomes the fact that the consultation specifically states that it is not the intention of Welsh Government to hand over responsibility for fire and rescue services to PCCs.
10. UNISON Cymru/Wales concurs with the opinions of Welsh Government in the consultation document that a non-devolved elected official such as a Police and Crime Commissioner cannot have the responsibility over devolved matters such as the Fire and Rescue Service.

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Appendix 2 Reform of Fire & Rescue Authorities in Wales Consultation Response Form

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

Response: It is recognised that Fire Authority governance arrangements need to be fit for purpose to represent the communities they serve. However, the case for change is not evident in the White Paper and Welsh Government acknowledge the “huge success” of the current structure.

Furthermore the White Paper fails to acknowledge the role of back bench Councillors. Back bench Councillors have an important contribution and a wealth of local authority and regulatory expertise. More should be done through governance structures to hold FRA's to account on a local level in constituents authorities.

Councillors have an important role on Fire Authorities in setting objectives, governance arrangements and local accountability. It is unfair and inaccurate to describe back bench Members as “not all have the capacity to provide strategic leadership”.

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

Response: At present FRA's are levying bodies'. A move to precepting authorities would give greater clarity to tax payers 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. However, the impact of any changes in funding mechanisms would need to safeguard front line services.

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

Response: Yes. There is merit in retaining current boundaries and coterminosity with Police and Health in North Wales. The rationale for changing boundaries has not been made. The wide ranging roles of Fire and Rescue services involve partnership working with other key partners across the region. FRA's should remain separate and distinct entities.

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. The arguments against this are detailed in the White Paper. Wholesale change is not necessary.

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 White Paper for an informed decision to be made one way or the other. This needs to be addressed at National Level including WLGA National framework for Fire and Rescue Services.

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

Response: Yes. Democratic accountability is important and current practice should continue. This is a community based public service and local accessibility is paramount.

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

Response: No. The current model is based on population, this should be retained. The option of restructuring membership to Cabinet Member is not supported based on work demands. The IRP have acknowledged that the role of a Cabinet Member is the equivalent of a full time job.

Reducing membership from the current 28 to 6 Members on the North Wales Fire Authority would be significant and likely to impact on the resilience of the FRA to conduct its business. In addition some of the proposals are inconsistent. The White Paper argues that fewer executive members are required to strengthen the expertise of the FRA but states on page 14 that a situation involving senior scrutiny members is preferable to scrutinise the work of the SFO. In conclusion reducing local authority representation is not supported. Changes proposed in the composition of FRA's would lead to a democratic deficit and control without responsibility.

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: This is not supported. The case for this has not been made adequately in the White Paper and the views of the IRP are important.

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

Response: No – although this concept needs further discussion and clarity on roles undertaken and the added value of such arrangements.

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. Accountability on a local level would be blurred should responsibility for recruitment vest in the Welsh Government.

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, maintained through democratic representation. This proposal is underdeveloped. Democratic control and accountability of a local service should be maintained.

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

Response: This should be discussed at National Level including governance models – executive and scrutiny roles to enhance accountability of FRA's. For example a requirement for FRA's to produce an annual report to constituent authorities. However, any changes should avoid bureaucracy and more costs.

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. The key issue is the need to address the most appropriate funding model to ensure sustainability of FRA's.

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: Further consideration is required on National Level on funding and moving to a precept model. This would increase transparency of funding for Fire and Rescue Services. This objective would require the need to address both statutory and practical considerations including public engagement.

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

Response: Consultation with relevant stakeholders is essential including constituent authorities. Funding of Fire and Rescue services should be reflective of the roles they undertake e.g. partnership working with the NHS.

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

Response: The focus should be on less prescription and process and more emphasis on outcomes in line with service needs. A performance management system which is simpler is supported. Clarity around the performance management system, reporting mechanisms and timescales is important to enhance effective scrutiny.

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, based on measuring outcomes, less on process.

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 arrangement should be retained on a National level. The performance management system for the FRA's should be grounded in the National Framework for Fire and Rescue Services. Reporting of relevant and timely data is important.

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

Response: There is insufficient information in the document to answer this question.

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: There is insufficient information in the document to answer this question.

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:

Atodiad 2 Diwygio Awdurdodau Tân ac Achub (ATA) Cymru Ffurflen Ymateb i'r Ymgynghoriad

Cwestiwn 1: A ydych chi'n cytuno bod yr amcanion ar gyfer diwygio yn briodol ac yn bwysig?

Ymateb: Cydnabyddir bod angen i drefniadau llywodraethu Awdurdod Tân fod yn addas i'w pwrpas i gynrychioli'r cymunedau y maent yn eu gwasanaethu. Fodd bynnag, nid yw'r achos dros newid yn amlwg yn y Papur Gwyn ac mae Llywodraeth Cymru'n cydnabod "llywyddiant enfawr" y strwythur cyfredol.

Hefyd, nid yw'r Papur Gwyn yn cydnabod rôl cynghorwyr meinciau cefn. Mae gan gynghorwyr meinciau cefn gyfraniad pwysig ac arbenigedd helaeth mewn llywodraeth leol a rheoleiddio. Dylid gwneud mwy trwy strwythurau llywodraethu i ddal ATA i gyfrif ar lefel leol o fewn awdurdodau sy'n aelodau.

Mae gan gynghorwyr rôl bwysig ar Awdurdodau Tân o ran gosod amcanion, trefniadau llywodraethu ac atebolrwydd lleol. Mae'n anheg ac yn anghywir i ddisgrifio aelodau meinciau cefn fel "nid oes gan pob un y capasiti i ddarparu arweiniad strategol".

Cwestiwn 2: A oes amcanion eraill y dylai'r cynllun diwygio roi sylw iddynt?

Ymateb: Yn bresennol mae'r ATA yn gyrff sy'n codi treth. Byddai symud i awdurdodau sy'n codi praeseptau yn rhoi gwell eglurder i drethdalwyr yn hytrach na chyrff sy'n codi treth. Fe ddylai talwyr y Dreth Gyngor allu gweld ar eu bil Treth Gyngor beth maent yn ei dalu am yr ATA a gwasanaethau Tân ac Achub. Fodd bynnag, byddai angen i effaith unrhyw newidiadau ddiogelu gwasanaethau rheng-flaen.

Cwestiwn 3: A ydych chi'n cytuno y dylai Awdurdodau Tân ac Achub barhau i fod yn endidau ar wahân a phenodol, gyda'r un ffiniau ag sydd ganddynt ar hyn o bryd?

Ymateb: Ydym. Mae yna deilyngdod mewn glynu at y ffiniau cyfredol a bod yn gydfiniol gyda'r Heddlu ac Iechyd yng Ngogledd Cymru. Nid yw'r rhesymeg y tu ôl i newid ffiniau wedi'u osod allan. Mae'r ystod eang o rolau sydd gan y gwasanaethau Tân ac Achub yn golygu gweithio mewn partneriaeth gyda phartneriaid allweddol eraill ar draws y rhanbarth. Fe ddylai ATA barhau i fod yn endidau ar wahân a phenodol.

Cwestiwn 4: A ydych chi'n cytuno na fyddai'n briodol trosglwyddo rheolaeth dros y gwasanaethau tân ac achub i Gomisiynwyr Heddlu a Throseddau neu awdurdodau lleol?

Ymateb: Ydym. Mae'r Papur Gwyn yn manylu ar y dadleuon yn erbyn hyn. Nid oes angen newid yn gyfan gwbl.

Cwestiwn 5: A ydych chi'n cytuno bod buddiannau cenedlaethol dilys ond cyfyngedig yn y Gwasanaeth y mae angen eu hadlewyrchu yn ei drefniadau llywodraethu?

Ymateb: Nid oes ystyriaeth ddigonol wedi'i roi i hyn o fewn y Papur Gwyn i ganiatáu gwneud penderfyniad gwybodus y naill ffordd na'r llall. Mae angen rhoi sylw i hyn ar lefel genedlaethol, yn cynnwys fframwaith cenedlaethol CLILC ar gyfer Gwasanaethau Tân ac Achub.

Cwestiwn 6: A ydych chi'n cytuno y dylai awdurdodau lleol barhau i enwebu aelodau Awdurdodau Tân ac Achub?

Ymateb: Ydym. Mae atebolrwydd democrataidd yn bwysig ac fe ddylai'r arfer gyfredol barhau. Gwasanaeth cyhoeddus o fewn cymunedau yw hyn ac mae atebolrwydd lleol yn brif ystyriaeth.

Cwestiwn 7: A ydych chi'n cytuno y dylai awdurdodau lleol enwebu un aelod Awdurdod Tân ac Achub yr un, wedi eu dewis o blith eu haelodau cabinet?

Ymateb: Nac ydym. Mae'r model cyfredol yn seiliedig ar boblogaeth, dylid glynu at hyn. Nid yw'r opsiwn o ailstrwythuro aelodaeth i Aelod Cabinet yn cael ei gefnogi, a hynny'n seiliedig ar alwadau gwaith. Mae'r Panel Annibynnol ar Gydabyddiaeth Ariannol wedi cydnabod bod rôl Aelod Cabinet cyfystyr â swydd llawn amser.

Byddai gostwng yr aelodaeth o'r 28 cyfredol i 6 Aelod ar Awdurdod Tân ac Achub Gogledd Cymru yn sylweddol ac yn debygol o gael effaith ar wydnwch yr ATA i gynnal ei fusnes. Yn ychwanegol, mae rhai o'r cynigion yn anghyson. Mae'r Papur Gwyn yn dadlau bod angen llai o aelodau gweithredol er mwyn cryfhau arbenigedd yr ATA ond yn dweud ar dudalen 14 bod sefyllfa sy'n ymwneud ag uwch aelodau sgriwtini'n well na sgriwtineiddio gwaith yr SFO.

Y casgliad yw nad yw gostwng cynrychiolaeth awduroddau lleol yn cael ei gefnogi. Byddai'r newidiadau yng nghyfansoddiad yr ATA a gynigir yn arwain at ddiffyg democrataidd a rheolaeth heb gyfrifoldeb.

Cwestiwn 8: A ydych chi'n credu bod angen gwneud unrhyw newidiadau i'r gyfraith ynglŷn â maint cabinet cyngor, a faint o dâl a roddir, fel y gall yr aelodau hefyd wasanaethu ar Awdurdodau Tân ac Achub?

Ymateb: Nid yw hyn yn cael ei gefnogi. Mae'r achos dros hyn wedi'i wneud yn ddigonol yn y Papur Gwyn ac mae barn y Panel Annibynnol ar Gydabyddiaeth Ariannol yn bwysig.

Cwestiwn 9: A ydych chi'n credu y dylai Awdurdodau Tân ac Achub fod ag aelodau anweithredol hefyd?

Ymateb: Na – er mae angen i'r syniad yma gael ei drafod ymhellach a chael eglurdeb o ran y rolau a gwerth ychwanegol trefniadau o'r fath.

Cwestiwn 10: Pwy ddylai benodi aelodau anweithredol Awdurdodau Tân ac Achub?

Ymateb: Nid oes unrhyw ddadl effeithiol wedi'i wneud dros benodi aelodau anweithredol ATA. Byddai atebolrwydd ar lefel leol yn aneglur petai Llywodraeth Cymru yn gyfrifol am recriwtio.

Cwestiwn 11: A ydych chi'n cytuno, yn y tymor hwy, y dylai cyfrifoldeb am y gwasanaeth fod yn nwylo Prif Swyddog Tân statudol, gydag Awdurdodau Tân ac Achub yn craffu a goruchwyllo? Os felly, a fyddai hynny'n golygu bod angen gwneud unrhyw newid i drefniadau aelodaeth?

Ymateb: Na. Dylid glynu at y sefyllfa sydd ohoni hefo ATA, yn cael ei gynnal trwy gynrychiolaeth ddemocrataidd. Nid yw'r cynnig wedi'i ddatblygu'n ddigonol. Dylid cynnal rheolaeth ddemocrataidd ac atebolrwydd gwasanaeth lleol.

Cwestiwn 12: A oes gennych chi unrhyw gynigion eraill ynglŷn â sut i ddiwygio'r modd o lywodraethu Awdurdodau Tân ac Achub sy'n bodloni'r meini prawf a nodir ym Mhenodau 1 a 2?

Ymateb: Dylid trafod hyn ar lefel genedlaethol, gan gynnwys modelau llywodraethu - rolau gweithredol a sgrwtini er mwyn cynyddu atebolrwydd ATA. Er enghraifft, gofyniad i ATA gynhyrchu adroddiad blynyddol i'r awdurdodau sy'n aelodau. Fodd, bynnag, dylid osgoi biwrocratiaeth a chostau pellach wrth wneud unrhyw newidiadau.

Cwestiwn 13: A ydych chi'n cytuno y dylai Awdurdodau Tân ac Achub ac awdurdodau lleol gytuno ar faint o gyllid a gaiff Awdurdodau Tân ac Achub bob blwyddyn, gyda phŵer cymroddeddu wrth gefn ar gyfer Gweinidogion Cymru?

Ymateb: Na. Y prif fater yw'r angen i roi sylw i'r model ariannu mwyaf priodol er mwyn sicrhau cynaliadwyedd yr ATA.

Cwestiwn 14: A ydych chi'n cytuno, yn y tymor hwy, y dylai Awdurdodau Tân ac Achub fod â'r pwerau i osod praesept y dreth gyngor, gyda gweddill eu cyllid yn dod ar ffurf grantiau gan Lywodraeth Cymru?

Ymateb: Mae angen rhagor o ystyriaeth ar lefel genedlaethol ar ariannu a symud at fodel praesept. Byddai hyn yn cynyddu tryloywder o ran ariannu gwasanaethau Tân ac Achub. Byddai angen i'r amcan yma roi sylw i ystyriaethau statudol ac ymarferol, gan gynnwys ymgysylltu cyhoeddus.

Cwestiwn 15: A oes gennych chi unrhyw gynigion eraill ynglŷn â sut i ddiwygio cyllid Awdurdodau Tân ac Achub sy'n bodloni'r meini prawf ym Mhenodau 1 a 2?

Ymateb: Mae ymgynghori gyda rhanddeiliad perthnasol yn hanfodol, gan gynnwys awdurdodau sy'n aelodau. Dylai ariannu gwasanaethau Tân ac Achub adlewyrchu'r rolau y maent yn ymgymryd â nhw, ee gweithio mewn partneriaeth gyda'r GIG.

Cwestiwn 16: A ydych chi'n cytuno y dylai'r system rheoli perfformiad ar gyfer Awdurdodau Tân ac Achub fod yn seiliedig ar Fframwaith Cenedlaethol y Gwasanaethau Tân ac Achub?

Ymateb: Dylid canolbwyntio ar lai o danysgrifio a phroses a rhoi mwy o bwyslais ar ddeilliannau sy'n cyd-fynd ag anghenion y gwasanaeth. Cefnogir system rheoli perfformiad sy'n fwy syml. Mae eglurder o gwmpas y system rheoli perfformiad, mecanwaith adrodd ac amserlenni yn bwysig er mwyn cynyddu sgrwtini effeithiol.

Cwestiwn 17: A ydych chi'n cytuno bod angen system o'r fath i roi hyblygrwydd i Awdurdodau Tân ac Achub o ran cylchoedd cynllunio ac adrodd, ac o ran y ffynonellau gwybodaeth y maen nhw yn eu defnyddio ar gyfer perfformiad?

Ymateb: Ydym, yn seiliedig ar fesur deilliannau, a llai ar y broses.

Cwestiwn 18: A ydych chi'n cytuno y dylai Gweinidogion Cymru gadw eu dyletswydd i adrodd i'r Cynulliad am sut y caiff y fframwaith ei ddarparu, a'u pwerau i ymyrryd?

Ymateb: Ydym. Dylid cadw'r trefniant yma ar lefel genedlaethol. Dylai'r system rheoli perfformiad ar gyfer yr ATA fod wedi'i seilio yn y Fframwaith Cenedlaethol ar gyfer Gwasanaethau Tân ac Achub. Mae adrodd ar ddata perthnasol ac amserol yn bwysig.

Cwestiwn 19: Hoffem gael gwybod eich barn ar yr effeithiau y byddai'r cynigion polisi yn eu cael ar y Gymraeg, yn benodol o ran cyfleoedd i bobl ddefnyddio'r Gymraeg, ac o ran peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg. Pa effeithiau fyddai'n dod i'r amlwg yn eich barn chi? Sut y gellid cynyddu effeithiau cadarnhaol a lliniaru effeithiau negyddol?

Ymateb: Nid oes digon o wybodaeth yn y ddogfen i ateb y cwestiwn yma.

Cwestiwn 20: Eglurwch hefyd os gwelwch yn dda sut yr ydych chi'n credu y gallai cynigion y polisi gael eu llunio neu eu haddasu er mwyn cael effeithiau cadarnhaol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg; a pheidio â chael effeithiau andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Ymateb: Nid oes digon o wybodaeth yn y ddogfen i ateb y cwestiwn yma.

Cwestiwn 21: Rydym ni wedi gofyn nifer o gwestiynau penodol ynglŷn â llywodraethu, cyllid a rheoli perfformiad Awdurdodau Tân ac Achub. Os oes gennych chi unrhyw faterion cysylltiedig nad ydym ni wedi rhoi sylw penodol iddynt, rhowch eich sylwadau amdanynt isod:

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Consultation Response Form

Your name: Lib Dem Group, Cardiff Council (contact: Cllr Joe Boyle, group leader)

Organisation (if applicable): Lib Dem Group, Cardiff Council

email / telephone number: [REDACTED]

Your address: [REDACTED]

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

We agree it is right to review the performance of FRAs. There may be some necessary reforms such as to the founding model to a precept model in order to add more accountability. However, on the whole do not agree with large sections of the suggested reforms as laid out in this consultation. In particular, we do not agree that this consultation will not have any desired effect on front line services: if the founding model is changed, we believe it could affect the ability of FRAs to provide the level of services which they currently do.

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

Training and support for FRA members and staff.

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

Yes, the FRAs should remain as separate and distinct entities with the same boundaries as present, the reason being, the current authorities are large enough to maintain a high level of service while also being small enough to be accountable to local communities.

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?

We do agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate.

If the services were transferred to the Police and Crime Commissioners there could be a loss of focus and accountability. If the services were transferred to local authorities, we fear there would be an issue with the cost of running 22 separate services which could increase the cost of maintaining the levels of service we currently have.

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?

National interests need to be recognised but we believe sufficient arrangements are currently in place and are not sure that more are needed.

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

Yes.

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

No. If local authorities nominated one FRA member each, it would reduce the voice of large authorities like Cardiff, which contributes about 20% percent of the SWFAR budget but which, under these proposals, would only have just 10% of membership.

In addition, Cabinet members inevitably reflect the views of a local authority administration, which does not necessarily correspond with the views off all backbenchers. We are therefore concerned that if the whole FRA was made up of cabinet members, the authority could loss independence of voice, representation and budgetary control. Additional cabinet members have same training levels as councillors and would not necessarily be more qualified to be members of FRAs.

Finally, cabinet members have wide-ranging duties in their home authorities and could find it hard to take on the additional responsibility of being an FRA member.

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?

No.

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

No. The case has not been made for non-executive members on the FRAs. FRA members are able to make the leadership decisions and benefit from the advice of the FRA's officer team.

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

N/a. See answer to question 9.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

The responsibility for the service should stay with the FRA members. Transferring responsibility to the Chief Fire Officer could result in a loss of elected accountability. In addition, it would put too much responsibility with not enough oversight in the hands of one person.

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

There should be scrutiny training for all FRA board members. In addition, we believe it would be helpful and improve wider scrutiny of the FRA if all councillors received a briefing on what the budget is going to be and why it is being set at the proposed level.

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?

No, we are against this move. It would undermine the financial independence of the FRAs. It would also lead to the position where it would always be in one of the local authorities' interest to veto the budget. Reserve arbitration resting with the Welsh Minister would take away the financial independence of the board and could lead to loss of operational safety and accountability for the FRAs. The current financial agreement should stand until FRAs have the power to set a council tax precept.

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?

Yes

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

No.

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

Yes

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?

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?

Yes

Question 19: We would like to know your views on the effects that 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 favourably than English.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

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:

None

Responses to consultations are likely to be made public, on the internet or in a report. If you would

prefer your response to remain anonymous, please tick here:

☐

Response 39

SWYDDFA'R ARWEINYDD OFFICE OF THE LEADER



Neuadd y Sir
Caerdydd,
CF10 4UW
Ffôn: (029) 2087 2088
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Fy Nghyf / My Ref: CM40934

Eich Cyf / Your Ref:

Dyddiad / Date: 5th February 2019

Julie James AM AM
Minister for Housing & Local Government
5th Floor
Ty Hywel
Cardiff Bay
CF99 1NA

Email: Correspondence.Julie.James@gov.wales

Annwyl / Dear Minister,

Welsh Government White Paper: Reform of Fire & Rescue Authorities in Wales

I am writing in response to the Welsh Government's consultation on the reform of Fire & Rescue Authorities in Wales following consideration the various proposals contained in the White Paper by the Council's Cabinet on 24 January 2019.

Cardiff Council supports the principle that local authorities should continue to nominate councillors as Fire & Rescue Authority (FRA) members. However, the Council wishes to make clear that it does not support the Welsh Government's proposal that each local authority should nominate only one councillor as a member of a FRA, regardless of population.

For example, in the South Wales FRA area, this would mean that the number of appointed councillors as FRA members would fall from 24 to 10. Cardiff currently appoints five councillors to the South Wales FRA. This reform would therefore represent a reduction in the Council's proportional membership of the FRA from 21% to 10%, when the Council currently contributes 24% of funding contributions for the FRA.

The Council is very concerned that this proposal would represent a shift away from the current proportional representation (on both population and funding) and would therefore represent an erosion of the Council's – and the people of Cardiff's – democratic representation on the South Wales FRA.

GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyteithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oed.

WORKING FOR CARDIFF, WORKING FOR YOU

The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.



The Council would instead argue strongly for the maintenance of proportional representation in the governance of the FRA. Furthermore, the Council would argue that, as regional working continues to develop in Wales across a range of services, it is essential that the link between population, funding and decision making should be established as a core principle in the design of any new regional governance arrangements.

With reference to the Welsh Government's proposals relating to both the appointment of non-executive members by the Welsh Government to the FRA and the separation of the role of the FRA from that of the Fire & Rescue Service (FRS), with the FRS being headed by a more powerful, statutory Chief Fire Officer, the Council would wish to emphasise strongly the primacy of local democratic leadership and accountability in any regional arrangements in Wales.

I would ask you to consider the Council's views on this matter as part of the Welsh Government consultation on the White Paper.

Yn gywir,
Yours sincerely,



CYNGHORYDD / COUNCILLOR HUW THOMAS
ARWEINYDD / LEADER
CYNGOR CAERDYDD / CARDIFF COUNCIL

cc,
Fire Services Branch, Welsh Government – email: fire@gov.wales

Response 40



FBU submission to Welsh Government consultation

Reform of Fire and Rescue Authorities in Wales

February 2019

Introduction

This is the Fire Brigades Union (FBU) submission to the Welsh Government consultation on the "Reform of Fire and Rescue Authorities in Wales White Paper", published on 13 November 2018. The FBU is the democratic, professional voice of firefighters and other workers within fire and rescue services across the UK. We represent the vast majority of whole-time (full-time) and retained (part-time, on-call) operational firefighters and operational fire control staff across the UK. Across Wales, we represent the vast majority of frontline firefighters.

The FBU is immensely proud of the work firefighters do across Wales. There are pressing issues facing the fire and rescue service in Wales, and many of these issues require urgent attention. We welcome opportunities to improve the fire and rescue service in Wales, but some areas for improvement are not in the control of the fire and rescue authorities (FRAs) nor the fire and rescue service as a whole. There may be huge changes to public sector funding, accountability and governance, because of political decisions at Westminster over the next few years.

In relative terms, fire and rescue services in Wales have fared better than the rest of the UK over the last ten years. But we have still suffered significant cuts in jobs, a lack of resources and training. According to Welsh Government figures, there were 1,455 wholetime, 1,328 retained and 100 control staff employed across the three Welsh fire and rescue authorities in 2017-18. This compares to 1,672, 1,578 and 122 respectively in 2008-09. This equates to a percentage decrease of 15% overall. Whilst this is a lower percentage drop than the UK as a whole and England (20%), it still highlights cause for concern. A key concern is the impact on these cuts on current service delivery requirements and we are mindful that those will increase significantly if agreement is reached on broadening the role.

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

There are some important and valid concerns highlighted within the White Paper. However, the FBU does not agree with all of the objectives for reform. The FBU feel that some of the aspects that we can strive to improve have been overlooked, whilst areas we feel are effective have been highlighted for reform. The FBU's overarching view is that there is not, at present, a need to amend the structures for fire and rescue service governance in Wales. We oppose handing ministers or parliamentarians more power and responsibility for the fire and rescue service governance in Wales, although we would support the establishment of a wider range of agreed national standards which FRAs should meet. We believe that enhancing the existing arrangements, including strengthening the Welsh Government's Fire and Rescue Consultative Forum is the key to driving up standards across Wales.

The FBU believes that the main issue is matching funding of the fire and rescue service to the wide range of risks firefighters have to tackle in Wales. FRAs require sustainable funding to meet their statutory and other responsibilities, which we feel this report has missed. Finally, the FBU do not agree with the outlined shortcomings of the Welsh FRAs. FRAs in Wales undertake an immense level of engagement with residents, landlords and the general public and others. The performance of FRAs could be improved by the establishment and further development of national standards and by clear guidance on other matters such as the need to comply with employment legislation in the fire and rescue service.

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

We would welcome the opportunity for key stakeholders to share afresh ideas for meaningful and long-lasting change in the fire and rescue services in Wales. We would therefore propose that, instead of simply providing consultation feedback, stakeholders and interested parties meet to discuss the White Paper in more depth. The FBU rejects reforms that risk producing adverse changes to frontline operations or resources and we are concerned that proposals surrounding governance might do this.

The FBU wants further research undertaken to identify which (if any) local areas are underperforming, and assessing whether this is indeed a product of governance and accountability structures. If this is not a product of the FRAs, it may be worth establishing what the causes might be. Finally, if there appear to be limited localised concerns, this should be taken up with the FRA concerned.

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

Our current assessment is that the creation of a single service would create unnecessary upheaval and, as with similar previous such proposals, would not be based upon an evidence-based case for change. The current boundaries for the FRAs seem to be operating well and whilst there are causes for concern such as reductions in jobs and training, these are not founded in the territorial structuring of the fire and rescue services. The statutory responsibilities under relevant legislation sit with the FRA. Unless there is an immediate desire to change the legislation, which we do not propose, it is essential that FRAs remain a distinct legal entity with the requisite powers and authority to exercise their governance functions. The Welsh Government's Fire and Rescue Consultative Forum has produced improvements for firefighters and the fire and rescue service, including on flooding and pensions. Once again, we would argue that the current system is working albeit under the extreme challenge of austerity, and would not presently seek to amend the boundaries under any circumstances.

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?

The FBU is strongly against any kind of police and crime commissioner (PCC) takeover of fire and rescue services in any part of the UK. Firefighters provide a humanitarian service. They are not agents of the state nor are they law enforcers. Firefighters play a neutral role in our communities. PCCs are unlikely to have any experience in the management of the fire and rescue service. The rise in PCC involvement in the fire and rescue service in other areas of the UK, represents a threat to the terms and conditions of firefighters. Policing is not a devolved function within Wales. Having control of the service would be highly complex for South Wales in particular, as it is spread over two police boundaries. The Welsh Government has consistently stated its opposition to PCC takeover of the fire and rescue service in Wales. The FBU hopes this will remain the case.

The FBU similarly oppose the transference of governance to local authorities. The union does not want further fragmentation of decision making in the fire and rescue service. Smaller entities will lose some of the advantages of scale with the current FRAs. This may increase costs, a starker variation in quality of service delivery and a postcode lottery.

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?

The FBU agree that there are legitimate interests in fire and rescue, which need to be reflected in governance structures. However, we do not necessarily agree with the use of the term limited. As stated, the number of firefighters across Wales has decreased, and the role of firefighters across the UK is broadening. There are significant efforts being undertaken to diversify the role of firefighters. This will mean a need for more investment in firefighter training. And whilst this is dependent on whether arrangements are initiated across the UK by the NJC, the reality is that the role of firefighters across the UK is broadening. Firefighters in Wales may, subject to agreement with the workforce, increasingly be expected to include MTFA. Firefighters have not received sufficient training for this undertaking, nor do firefighter pensions account for the potential loss of life as a result.

The FBU's overall stance is that if the role is broadening, then pay, training, governance and conditions should reflect this. In the interim period, it is crucial that wages are not reduced in real terms. Firefighter pay negotiations are not a matter for the Welsh Government. Until diversification and requisite training arrangements are in place through the NJC, Wales is likely to struggle to gain further clarity on these matters. We do not share the view that fewer fires should equal less funding for the fire and rescue service in Wales. Finally, many services are delivered through regions larger than the relevant fire and rescue service, including across the UK. We do not see this as unnecessary.

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

The FBU agrees that local authorities should continue to nominate FRA members. We would support measures to increase public awareness of the role of FRAs and their members and to increase democratic accountability of members of FRAs. It is important to maintain local governance of Welsh FRAs. Each area has different and distinct levels of risk, and local authorities are best placed to identify this. Voting for an FRA member is arguably more democratic than many comparative models. We would further argue that it improves relations between fire and rescue service in Wales and the communities they serve, as the general public are more likely to feel they are able to share their concerns and influence how the fire and rescue service is run in their area. This is significant towards increasing public confidence in the fire and rescue service across Wales.

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

The FBU's main concerns in this regard surround cost-effectiveness and representativeness. The appointment of cabinet members to the FRA might result in poor value for money. The White Paper assures that any new governance structure should reflect the fact that fire only accounts for 1% of public spending. But the budgets of almost every fire and rescue service across Wales are under immense pressure. The addition of FRA members may not be supported if costs were seen to be rising as a result. The other question is whether this would be the most representative way to nominate FRA members. Under the current system, certain areas pay more of the total fire budget, and have less voting influence on decisions. The rationale for drawing FRA members from local authority cabinet may need to be looked at in more detail. LA councillors are well placed to undertake this role, and the current system promotes diverse political representation. However, there may be a better system – one that ensures that democratically accountable representatives of the workforce are more effectively able to influence crucial decision-making. However, it is worth noting that the current mechanisms that are in place to ensure that all voices are heard (including boards, committees, forums and partnership meetings) seem to be working well. For example, the Welsh Government has done some excellent work on flooding (implementing a statutory duty in relation to flood response in 2018) and anti-union laws (dis-applying parts of the 2016 Trade Union Act). The FBU is proud of the role we played in these matters and supported this key decision of the Welsh Government.

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?

FRAs are already limited in size, to 24 members. Naturally, we would share concerns surrounding complex or poor governance of the fire and rescue service in Wales. However, some of the 'shortcomings' relating to FRAs and their members would apply to any other area of local or national government. The FBU is not convinced by the arguments in favour of amending the size and remuneration of cabinets.

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

Whilst the FBU is open to further discussion on this issue, we remain sceptical that non-executives should have a seat on FRAs. In most other public services, members of boards are accountable for all matters relating to the governance of the services they represent. It does not seem conducive that FRAs should be represented any differently. FRAs are also able to bring in experts surrounding certain issues. For example, the FBU has assisted brigades' CFOs with serious accident investigations and fatal investigations (such as that which followed the death of firefighter Richard Jenkins as a result of a gas-canister arson attack). We have met with Welsh Government to discuss recommendations following incidents of this nature, and shared learning from previous examples. The FBU has also helped with Risk Reduction Plans. There is not at present a need for FRAs to contain non-executive members, as long as they continue to utilise outside expertise when necessary.

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

The FBU are concerned that amending the system and makeup of FRAs is not the correct response to any issues the fire and rescue service in Wales may be facing. It is queried why FRA Members have been highlighted as particularly failing, and why they should face a different approach to other elected members or public officials. The FBU supports FRAs providing democratic leadership and working with other key stakeholders. The fire and rescue service in Wales is comparatively effective in terms of its work with emergency service partners, other public services and the voluntary sector. FRAs have hitherto been deemed capable of identifying their own skills gaps, and the FBU does not believe this should change. With structured training programmes for elected FRA members, any concerns can be addressed in the same manner they are in other elected positions.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

The FBU strongly disagrees that CFOs should acquire statutory responsibility for the service. In all other fire and rescue services (apart from London), it is the Board that have statutory responsibility to deliver and agree budgets, to ensure sufficient challenge and scrutiny. It is undemocratic to vest all responsibility in a CFO, just as it is to do so in a PCC. And whilst CFOs are arguably more knowledgeable about the issues and obstacles the fire and rescue service faces and localised problems, the fact remains that it is undemocratic for one individual to have oversight of an entire fire and rescue service. Furthermore, it may have been a long time since CFOs were rank and file firefighters. They may be disengaged from the day-to-day issues firefighters face. They are also not experienced in democratic decision-making in the same way that members of FRAs are. Currently, applications for budgets are made through local councils, who monitor funding levels. This is sensible, as local councillors are members of the community they are striving to make safer. They have the necessary impartiality to make these decisions based on risk alone. This democratic process should remain in place.

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

The FBU does not agree with the case for reform as the proposal currently stands, and would highly recommend more research go into these matters. For example, building on the responses to this consultation, surveys and interviews may be useful to ascertain the extent of any concerns the Welsh Assembly has about fire and rescue service governance and effectiveness. We would argue that the system should remain in place until it is clearer what any potential problems are, and the desired outcomes and evidence-based proposals that show how changes would provide solutions to those problems whilst also driving an improvement agenda and actual improvement.

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?

The FBU has immense professional concerns about the proposed funding arrangements, particularly that brigades will lose their control over budgets. Our main objection to the proposed reforms concerns the arbitration power, as we fear this may result in increased risk for frontline services. As brigades main financial outlay is on frontline staff salary, appliances and resources, we feel these are the areas that will be most susceptible to cuts. It is important that budget-setting powers be exercised responsibly. It is stated in the White Paper that the minister responsible for setting the budgets would not set higher figures than the FRA requests, but they could set lower requests. FRAs would be left without control over annual budgets and would likely struggle to set targets and plan long-term. As the timescale for budget setting is always tight, ministers may be rushed into making decisions. Future budgets are likely to be less scrupulous, and LAs might find themselves indebted towards the end of the year, or else having to break into their reserves. Staff costs are by far the biggest outgoing for fire and rescue service in Wales, and much of the other costs go towards crucial things like appliances, personal protective equipment, insurance, fuel etc. Budget reductions ultimately slash front line service delivery. Putting financial and budgetary power in the hands of a minister alone - one without the expertise to deliver the service - is undemocratic, irresponsible and likely to produce poor results. If the diversification of the role is to be pursued, then securing additional funding from within health budgets may be more appropriate.

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?

The FBU generally opposes increases in local taxes to fund the fire and rescue service, because of the regressive effect of these taxes on the public and the fragmentation that can arise between different areas, given the unequal distribution of wealth. The union wants to see increase in central government, both from Westminster and the Welsh Government.

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

The FBU believes the priority is increasing investment in the fire and rescue service, rather than changing the overall governance structure in Wales.

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

The performance management system for FRAs should be built on high-quality national standards across Wales and there should be UK compatibility because of the needs for inter-operability between FRSs especially for major and/or protracted incidents. Statutory responsibilities are considered to be key by the FBU. However it might be that the National Framework itself needs to be amended. Some of the guidance and advice (e.g. surrounding recording incidents) is problematic. Furthermore, some of the measurement tools are difficult to quantify and result in uncertainty around correct action to be taken. There is also a lack of clear goals, particularly regarding quantifiable outcomes.

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?

The FBU agrees that it is essential to try and fit with financial planning cycles. But as stated it is also important that FRAs have flexibility on this. Some key issues are likely to be annually reported, others bi-annually, others may need to be discussed on a weekly/bi-weekly basis. The FBU therefore sees no problems arising from maintaining this flexibility. Again, FRAs should be trusted to perform the planning and reporting work they need within the necessary timeframe.

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?

The FBU agrees Welsh ministers should retain duty to report to the Assembly about framework delivery, and their powers of intervention. This is a more democratic approach to fire and rescue service governance. FRAs should feed their own work into the Framework delivery, as they possess key stats/figures for their local areas. This should absolutely be amended for each locality and should, to all intents and purposes, be risk-based. However, it is crucial that these risk-based frameworks are truly based on risk. From an accountability perspective, it seems democratic that Welsh ministers should be accountable to FRAs and vice-versa. No one person/body should have total control over fire and rescue service governance, and powers of intervention should be limited.

Question 19: We would like to know your views on the effects that 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 favourably than English. What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

The FBU does not anticipate that any of the proposals would result in more or fewer opportunities for using the Welsh language and treating it on a par with the English Language.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 no adverse effects on opportunities for people to use the Welsh language?

All responses to the consultation should be translated by the Welsh Government and put on an easily accessible part of the website.

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: Please enter here:

N/A

Response 41

Consultation Response Form

Your name: Sian Williams

Organisation (if applicable): Conwy County Borough Council

email / telephone number: [REDACTED]

Your address: Conwy CBC, Bodlondeb, Conwy, LL32 8RA

Conwy County Borough Council welcomes the opportunity to respond to the White Paper on "Reform of Fire and Rescue Authorities".

We agree with the Cabinet Secretary's comments that we are equally proud of our Fire Service in North Wales and their success in reducing the incidence of fire as a result of ongoing fire prevention work.

It is with regret that the pilot Community Assistance Team project operating in Conwy and Denbighshire which achieved positive benefit for both patient and the health service failed to attract support and funding to continue and develop this service across the region.

We address and comment on the questions posed in the Consultation Document as follows:-

Accountability and scrutiny

We do not share the WG belief that FRA's are not as accountable as they ought to be. The FRA is embedded within North Wales' regional structures and operates as a valued local partner. Elected Councillors as Members of the FRA serve to strengthen partnership working and alignment of priority and strategies. Local Authority Members are appointed through internal democratic selection processes and are specifically appointed to bring their experience and skills to the FRA role. Current members of 28 across North Wales brings diverse thinking and skills to determining and delivering aligned FRA strategic direction, priorities and outcome. As Members they rightly have to act in the best interests of the FRA but they are also conscious that any funding increase they propose for the fire service is likely to result in increased Council Tax for their residents and need to be able to justify to their fellow councillors. (*Residents in North Wales the contribution per head of population have remained constant for the last 8 years at £13/head*).

In Conwy FRA members report to the Executive and are questioned on a quarterly basis and the FRA present annually to all Councils in North Wales on their future operational and budgetary plans –i.e. removal of services, manning levels, funding increases. This gives Members an opportunity to raise questions on issues raised.

In Conwy the local elections have historically lead to a change (50%) in Membership of the FRA.

Current arrangements balance the need for democratic input and oversight, preserve the principle of subsidiarity and guard against micromanagement.

Innovation and change

Embedded as a regional partner, North Wales FRA fully understands the bigger regional picture and priorities. They already have a track record of successful innovation. Their efforts to innovate and deliver improved outcomes appear to be restricted only by external influences, rather than by FRA appetite.

The document acknowledges that FRAs have changed and innovated in recent years. As far as North Wales is concerned we do not accept the assumption in 1.16, as previously stated, all local authorities have had the opportunity to scrutinise future proposed developments on an annual basis. This scrutiny in the past has resulted in the FRA not making the financial savings it proposed i.e. fire appliances due to local authority pressure on FRA members.

As outlined in 1.17 the Fire Service has recognised its ability to diversify its role but it was not the fault of the FRA that the innovation was not pursued but other external bodies not supporting this additional role.

Sustaining front-line services

1.36 is concerned with corporate governance not front line operations. However the issue for the present FRA is with responsibility for front line operations, number of fire stations, watches etc. Local democracy has prevented the present governing body from implementing their proposals. Any future governing body would also have to address these issues to achieve the perceived White Paper 'value for money'.

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

We welcome the desire to maintain the FRAs as separate and distinctive entities and not be transferred to the control of Police and Crime Commissioners. We also support the three FRAs remaining for the reasons outlined in the document.

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

No Comment.

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

Yes, in principle.

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?

Yes, in principle.

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?

Need more detail.

Membership

The document appears to deride the ability of 'backbench' councillors to fulfil the role required for a future FRA. Conwy FRA representatives past and present have had

leadership positions as portfolio holders and chairs of scrutiny committees prior to their appointment to the FRA; the attributes the Reform is seeking to achieve. The Council nominees on the FRA represent all political groups of the Council and chosen for their ability and interest in the Fire Service. The current makeup has experienced members with a wealth of knowledge and newer members who have brought challenge to the role.

In view of the current membership and feedback from FRA members and an annual visit from the Fire Service and their role in PSBs we have difficulty in seeing in 1.28 where the increased expertise will emanate.

Lessons from the effectiveness of other public service reorganisations and membership reviews should not be lost.

Wider integration and collaboration are key and both are enhanced by dual County Council membership roles. With FRAs each covering a third of Wales, membership is enriched by appropriate knowledge, skills and experience. Local knowledge and scale should, therefore, be reflected within the membership.

Scrutiny and Challenge

Whilst not having a particular view on the merits of appointing non executive members we as a Council have appointed non-members to the Audit Committee but the appointment of such members meeting set criteria is best left to each FRA.

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

Yes, Conwy CBC in in favour of local authorities continuing to nominate councillors to the FRA.

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

No, Conwy CBC does not support membership being restricted to one member as proposed. There is a danger of cabinet members being appointed to the FRA being of one political party which would politicise the makeup of the FRA. The current membership from Councils already consists of members from the ruling Council executive.

To propose North Wales FRA Members be restricted to 8 is not favoured; nor is restricting membership to one County Councillor per Local Authority; nor is restricting the talent pool from which Members may be chosen; nor is predetermining the scope and shape of Cabinet roles with Local Authorities.

Wholesale Member appointment by Welsh Government would undermine the principle of subsidiarity revered at local level.

See **Membership** response, further at present the Audit Committee carries out the role of scrutiny of the FRA Executive. No mention of how this will be carried out in the future other than WG relying on the nominated members.

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?

No.

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

Yes. External non-executive appointments may add value but the process needs sensitive consideration.

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

Fire and Rescue Authority.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

Potentially there is a danger of even less accountability transferring responsibility currently vested in the FRA to Chief Fire Officers. Closing of Fire Stations etc should be a political decision.

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

Resourcing

One reason for the 'high spenders' is due to the size of geographical area of the FRAs in providing appropriate fire fighting facilities in locations to meet historic statutory attendance targets and category of risk. English local authorities have reduced budgets leading to increased risk to personnel and residents. E.g. Cheshire & Warwickshire.

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?

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?

Yes, we are supportive of this proposals.

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

No Comment.

Performance Management

The FRAs work with the Measure as defined by WG. Not averse to a meaningful new system. Whilst there is bench marking across all fire authorities in the UK and the 3 in Wales it is difficult to comment on a Measure not yet written.

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

This is for the FRA to express a view.

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?

This is for the FRA to express a view.

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?

This is for the FRA to express a view.

Question 19: We would like to know your views on the effects that 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 favourably than English.

No Comment.

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

No Comment.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

No Comment.

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:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☐

Response 42

Consultation Response Form

Your name: Naomi Alleyne

Organisation (if applicable): Welsh Local Government Association

Email / telephone number: [REDACTED]
[REDACTED]

Your address: Local Government House, Drake Walk, Cardiff
CF10 4LG

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

The WLGA welcomes the opportunity to engage with Welsh Government on the future governance of Fire and Rescue Authorities (FRAs) and agree that it is useful to review and ensure that governance arrangements are fit for purpose for the current and future potential roles of Fire and Rescue Services (FRSs). While we do not believe significant changes are needed, nor that the case for change has been made, we fully accept there is always scope for continual improvement and it is on that basis that this response is based.

The Association fully recognises the many improvements and successes achieved by FRSs over recent years and this has been achieved in partnership between the Service and the FRA, and working closely with other partners where appropriate. These achievements have occurred under the current government arrangements and there is a maxim of, 'if it isn't broke, don't fix it'.

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

WLGA supports the pro-active preventative and early intervention approach that underpins the approach of FRSs in Wales and we welcome the broader role outside of 'fire and rescue' that the services undertake. For example, their contribution to community safety (including violence against women); education and fire safety; and health and social services, including emergency responses and falls prevention.

CFOs are key members of Public Service Boards and have been effective in making links with and across public services as appropriate to promote fire prevention and fire safety and contribute to other public service responses where they can add value. This approach should continue and should not be affected by any changed governance arrangements.

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

Yes, we agree that FRAs should remain as separate and distinct entities with the same boundaries as now.

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?

We agree with Welsh Government and do not support the transference of control of FRSs to Police and Crime Commissioners (PCCs). Neither is there any appetite at this time to transfer control to local authorities. We are supportive of the current governance arrangements and the links to local authorities and while improvements

could and should be made, we do not support the need for wholesale change at this time.

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?

We recognise that there are broader societal issues that affect FRSs and appreciate that some of these are best dealt with at a national level. We cannot give a view however on how limited but legitimate national aspects could be reflected in the development and delivery of the service as no specific proposals are set out, although we agree the National Framework may be an option worth exploring. We would be happy to engage in further discussions on how this matter could be addressed.

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

WLGA fully supports the principle that local authorities should continue to nominate FRA members.

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

There are concerns about the proposed reduction to the number of members on a FRA, both in terms of proportional representation of the population and in the range of duties and responsibilities which are required of FRA members, for example, involvement in Sub Committees. It is felt that such a significant reduction in the number of members on FRAs may impact on its ability to conduct all its business and could reduce the organisations resilience.

Many authorities have highlighted their support for continued proportional representation on a FRA, rather than one member from each authority. Proportional representation is supported based on being reflective of population numbers and the levels of funding provided to the FRA as this is believed to be fairer and more equitable.

While appreciating the potential benefits of including council executive members on a FRA, this needs further exploration and resolution of the issues that are highlighted in the White Paper. For example, the time commitment required in addition to their current cabinet role; the need to remove or amend the statutory cap on the size of cabinets; and remuneration for these additional duties.

Appointing FRA members from Cabinet would also have implications for the political make-up of the FRA as the Cabinet members would come from the ruling group in each Local Authority. This could detract from the diverse political representation that

currently exists, where FRA members are broadly representative of the political balance of the area.

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?

Please see response to question 7. Should such a change be made, changes to remuneration levels would be required, and the cap on the number of Cabinet Members would need further consideration.

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

The proposal for non-executive members is an interesting concept and worthy of further exploration, including clarity on what their role would be and how they could add value. We do not believe that Councillors cannot gain the required information and knowledge necessary to undertake their role on a FRA and a range of training and development opportunities are provided to support them in their roles. Support and advice are also provided by officers, in the same way that occurs within local authorities. Furthermore, there is no limitation on current FRAs to co-opt a member for specific issues or to obtain external specialist advice. However, there may be areas where non-executive members could add value, particularly in relation to scrutiny and challenge, but further discussion is needed on this.

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

Should there be non-executive members on FRAs, the WLGA believes that local authorities or FRAs should be responsible for the appointment process, following a fair and open competition as is the case for local authority lay members on Audit and Standards Committees currently. The proposal that Welsh Government should be responsible for the recruitment will further complicate accountability and undermine local accountability to communities; they may also be seen as Welsh Government 'appointees' to a FRA rather than being part of the local membership.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

We do not support the longer-term proposal that responsibility should be vested in a statutory CFO. This proposal is under-developed and whilst there is too little detail in the White Paper on how this would work in practice to provide informed views, we believe the model raises more questions than it answers and would remove democratic control and accountability of a key local service, with a move to democratic scrutiny of a professional officer. Furthermore, as noted above, the proposal runs counter to the rest of the White Paper and effectively concludes that all executive functions are vested in an unelected CFO with an FRA of non-executive members which would not make decisions itself but would endorse major decisions

made by the statutory. This is not supported. While reference is made to the previous Chief Constable and Police Authority relationship, this is not an accurate comparison as the Chair of the Police Authority was often involved in decisions about the direction of the organisation and not only played a scrutiny role (and operational decisions were made by the Chief Constable, as is currently the case with CFOs).

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

Overall, we do not believe the 'case for change' around governance and accountability has been sufficiently made. Some of the White Paper's conclusions and proposals particularly around 'Membership' of authorities appear to be informed by misperceptions about the current arrangements. There are two key areas to clarify:

- Page 5 refers to the expertise required from a FRA member and that 'leading that service is often a technical and complex business...effective leadership of the service is more a matter of maintaining professional standards and responding to changes in risk and technology'. The expertise as described above is vital, but it describes the requirements and role of the CFO and the other professionals managing the fire and rescue service; the fire and rescue authority and its members play a different democratic and strategic role including local accountability, good governance, ensuring public money is safeguarded and accounted for and setting objectives to secure continuous improvement in the way in which its functions are exercised.
- The White Paper frequently refers to 'back-bench' councillors participating on fire and rescue authorities and concludes that they do not 'all have the capability to provide strategic leadership...or to challenge senior officers'. This is unfair and inaccurate. It should be noted that all members, at all levels of government, are 'back-bench' members until they are appointed or elected to a role which carries additional responsibility. Whilst FRA members tend to be 'back-bench' members in their local authority, when on the FRA they perform an additional role with additional responsibilities, they receive extensive training and expert support and guidance from senior FRA officers. As noted by the Independent Remuneration Panel the FRA Chair 'has a leadership and influencing role in the authority, and a high level of accountability especially when controversial issues relating to the emergency service arise.'

Furthermore, some of the specific proposals (both for the short and longer-term) will not achieve the stated aim of increased accountability, transparency or improved governance. Some of the proposals are inconsistent, for example, arguing throughout that fewer, executive members are required to strengthen the expertise of the FRA, but eventually concluding (on page 14) that a model involving senior scrutiny members would be preferable in order to scrutinise and challenge a more powerful CFO.

The White Paper has not identified any financial implications that may arise as a consequence of the changes proposed and how these would be funded. Any proposed change should include a cost benefit analysis, as well as for any other impacts. For example, an equality impact assessment on the make-up of any new FRA membership.

We believe there are other alternatives to the changes proposed in Chapters 1 and 2 and in general these would aim to build upon and improve current arrangements. For example, there may be merit in considering other options such as introducing a different governance structure in FRAs, similar to local authorities, with a split between a small 'executive' and those with a scrutiny function; a smaller FRA membership operating as an FRA executive and scrutinised by local authority scrutiny committee (individually or through joint committees); development of leadership training (a number of FRA members have benefited from the WLGA Leadership Academy); a requirement for an FRA to provide an annual report to each constituent authority to be reported and scrutinised by each Council; extending membership of a FRA to include representatives of other funders of fire and rescue services, such as the NHS. These are initial ideas that would help work towards the aims of why change is needed in the view of Welsh Government, while minimising disruption.

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?

WLGA supports the need for consideration of the most appropriate future funding model for FRSs to ensure sustainability, is reflective of the roles and functions undertaken by firefighters and ensures accountability and value for money.

It should already be best practice that local authorities and FRAs should agree the level of funding required and what is levied, and, in most cases, this is what happens in practice and over recent years, the level of engagement around the budget between local authorities and FRAs has increased significantly.

We do not therefore support Welsh Ministers having a default power to arbitrate between a FRA and constituent authorities should a levying level not be agreed and feel this could be outside the appropriate powers for Welsh Ministers in relation to what should be local decision-making. If Welsh Ministers set a budget by default, where does the accountability lie?

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?

We would support further discussion on moving to a precept model and support the objective of achieving increased transparency of funding for FRSs. There are specific statutory and practical implications of moving to a precept arrangement that need

further consideration and decision, including the impact on the RSG and not least engagement with and explaining any changes to council tax levels to the public.

It is thought that if fundamental changes to the funding arrangements are to be made, this should be done once and for the longer-term. We do not therefore support making short-term changes as these may be disruptive and not really improve the system but believe we should look to develop an arrangement for the longer-term.

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

Funding of FRSs should be reflective of the roles they undertake, for example, firefighters taking on an increased role in relation to working with the NHS. This is an important principle and would ensure that responsibility for funding other aspects of work undertaken by FRSs does not fall on the council tax payer. This is an area where we would welcome further discussion with Welsh Government.

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

The WLGA supports the move towards a performance management system which is simpler, more flexible and more aligned to the needs of the FRSs in Wales. We agree the performance management system for the FRAs should be grounded in the National Framework for Fire and Rescue Services.

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?

Performance should be measured against outcomes which are meaningful, and which will enhance the safety of the community and not be focussed solely on process or limited, quantitative measures.

A more flexible reporting system with flexible deadlines, which better reflects the role and duties of the FRSs will likely be beneficial to the FRAs. Such a system, however, whilst allowing flexibility will also need to ensure that there is an element of consistency of reporting across the FRS in Wales where this is appropriate and necessary. For there to be effective scrutiny of the performance for FRS, there needs to be clarity around the performance management system and the reporting mechanisms and timescales involved.

The use of qualitative techniques such as case studies can be incredibly useful to highlight and share learning and good practice and to illustrate good performance. Such qualitative evidence, however, would need to be regarded alongside the broader performance landscape.

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?

In terms of the duty on the Minister to report to the Assembly on delivery of the Framework, we would support calls by the FRAs to enable them to provide relevant data and information where appropriate to Welsh Government to help in this reporting process.

We agree Welsh Government should retain their powers of intervention.

Question 19: We would like to know your views on the effects that 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 favourably than English.

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

FRAs are already required to meet Welsh Language Standards and it is anticipated that these requirements would remain.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

No detail is provided in the White Paper for us to comment.

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:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☐

Response 43

Cyngor Sir CEREDIGION County Council

Y Cyngorydd / Councillor Elen ap Gwynn

Arweinydd y Cyngor /
Leader of the Council

Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, SA46 0PA
www.ceredigion.gov.uk



Fire Services Branch
Welsh Government
Rhydycar
Merthyr Tydfil
CF48 1UZ

Dyddiad Date	05/02/2019
Gofynnwch am Please ask for	Councillor Elen ap Gwynn
Llinell uniongyrchol Direct line	01545 572004
Ffôn My ref	
Eich cyf Your ref	
E-bost Email	Elen.apGwynn@ceredigion.llyw.cymru

Sent via e-mail only to: fire@gov.wales

Dear Sir / Madam

Re: Reform of Fire and Rescue Authorities in Wales White Paper

Many thanks for giving us the opportunity to respond and to inform future discussion regarding Fire and Rescue Authorities in Wales. The Council supports the response submitted by the WLGA but wishes to reiterate some points:

1. Ceredigion County Council does not believe that a sufficient 'case for change' has been made in the White Paper regarding governance and accountability. We believe that the current membership arrangements are effective and efficient with a proportionate representation from each of the Local Authority areas. Members of the Fire Authority ensure that there is local accountability, good governance and overseeing appropriate use of public finances.
2. All members, at all levels of government, are 'back-bench' members until they are appointed or elected to a role which carries additional responsibility. Whilst FRA members tend to be 'back-bench' members in their local authority, when on the FRA they perform an additional role with additional responsibilities, they receive extensive training and expert support and guidance from senior FRA officers. The Council welcomes the opportunity for Members other than executive members to become members of the FRA.
3. The Council fully supports the principle that local authorities should continue to nominate FRA members. The Council therefore does not believe that FRA should necessarily be Cabinet Members and that this should be for each Local Authority to determine.

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ateb Saesneg i bob gohebiaeth Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.
We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and correspondence in English will be answered in English. Corresponding in Welsh will not involve any delay.

Prif Weithredwr / Chief Executive :	Eifion Evans
Cyfarwyddwyr Corfforaethol / Corporate Directors :	Sue Darnbrook
	Barry Rees

4. However, should a Cabinet Member be nominated as an FRA member, consideration would need to be given to the commitment required to being an FRA member and whether they would have the capacity to undertake both roles adequately. The Independent Remuneration Panel for Wales would also need to give consideration as to the remuneration of a Local Authority Senior Salary holder who would also receive a salary for being an FRA member.
5. The Council supports the need for consideration of the most appropriate future funding model for FRs to ensure sustainability, being reflective of the roles and functions undertaken by firefighters and ensuring accountability and value for money. One option that requires further discussion and consideration is moving to a precept model, including the effect that would have on the RSG to Local Authorities and the need to have a clear communications strategy with regard to explaining changes to council tax levels to the public.

We look forward to having further discussions with you regarding your proposals in the consultation paper.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ellen ap Gwynn', with a stylized flourish at the end.

Councillor Ellen ap Gwynn
Leader of the Council

Cyngor Sir CEREDIGION County Council

Y Cyngorydd / Councillor Ellen ap Gwynn
Arweinydd y Cyngor /
Leader of the Council

Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, SA46 0PA
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Y Gangen Gwasanaethau Tân
Llywodraeth Cymru
Rhydycar
Merthyr Tydfil
CF48 1UZ

Dyddiad
Date

05/02/2019

Gofynnwch am
Please ask for

Y Cyngorydd Ellen ap
Gwynn

Llinell uniongyrchol
Direct line

01545 572004

Fy nghyf
My ref

Eich cyf
Your ref

E-bost
Email

Ellen.apGwynn@ceredigion.llyw.cymru

Anfonwyd drwy e-bost yn unig at: fire@gov.wales

Annwyl Syr/Fadam

Parthed: Y Papur Gwyn ar Ddiwygio Awdurdodau Tân ac Achub yng Nghymru

Diolch yn fawr iawn am roi'r cyfle hwn i ni i ymateb a llywio trafodaeth bellach ynghylch Awdurdodau Tân ac Achub yng Nghymru. Mae'r Cyngor yn cefnogi'r ymateb a gyflwynwyd gan y CLILC, ond dymuna ailddatgan rhai pwyntiau:

1. Nid yw Cyngor Sir Ceredigion yn credu bod 'dadl dros newid' ddigonol wedi ei chyflwyno yn y Papur Gwyn ynglŷn â llywodraethiant ac atebolrwydd. Credwn fod y trefniadau presennol ar gyfer aelodaeth yn effeithiol ac effeithlon gyda chynrychiolaeth gymesur o bob un ardal Awdurdod Lleol. Mae Aelodau'r Awdurdod Tân yn sicrhau bod atebolrwydd lleol a llywodraethiant da a bod yna oruchwyllo ar y defnydd priodol o gyllid.
2. Mae pob aelod, ar bob lefel o lywodraeth, yn aelodau 'meinciau cefn' hyd nes iddynt gael eu penodi neu eu hethol i rôl ag iddi gyfrifoldeb ychwanegol. Tra bo tuedd i aelodau Awdurdodau Tân ac Achub fod yn aelodau 'meinciau cefn' o fewn eu hawdurdod lleol, eto pan fônt ar yr Awdurdod Tân ac Achub, maent yn cyflawni rôl ychwanegol gyda chyfrifoldebau ychwanegol, maent yn derbyn hyfforddiant sylweddol a chefnogaeth ac arweiniad arbenigol gan uwch swyddogion Awdurdodau Tân ac Achub. Mae'r Cyngor yn croesawu'r cyfle i Aelodau heblaw aelodau gweithredol ddod yn aelodau o'r Awdurdod Tân ac Achub.
3. Mae'r Cyngor yn llwyr gefnogi'r egwyddor y dylai awdurdodau lleol barhau i enwebu aelodau'r Awdurdod Tân ac Achub. Nid yw'r Cyngor yn credu, felly, y dylai'r Awdurdod Tân ac Achub fod o reidrwydd yn Aelodau Cabinet ac maent o'r fam y dylai'r penderfyniad hwn fod yn nwylo pob un o'r Awdurdodau Lleol.

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Gymraeg i bob gohebiaeth Gymraeg ac ateb Saesneg i bob gohebiaeth Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.
We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and correspondence in English will be answered in English. Corresponding in Welsh will not involve any delay.

Prif Weithredwr / Chief Executive :
Cyfarwyddwyr Corfforaethol / Corporate Directors :

Eifion Evans
Sue Darnbrook
Barry Rees

4. Serch hynny, pe bai Aelod Cabinet yn cael ei enwebu fel aelod o'r Awdurdod Tân ac Achub, byddai angen ystyried yr ymrwymiad gofynnol gan y sawl sy'n aelod o'r Awdurdod Tân ac Achub a meddwl yn ddwys ynghylch capasiti'r unigolyn hwn i ymrwymo'n ddigonol i'r ddwy rôl. Yn ogystal, byddai'n rhaid i Banel Annibynnol Cymru ar Gydabyddiaeth Ariannol roi ystyriaeth i gydabyddiaeth ariannol deilydd Uwch Gyflog Awdurdod Lleol a fyddai hefyd yn derbyn cyflog fel aelod o'r Awdurdod Tân ac Achub.
5. Mae'r Cyngor yn cefnogi'r angen i roi ystyriaeth i'r model cyllido mwyaf addas i'r Gwasanaethau Tân ac Achub yn y dyfodol, er mwyn sicrhau cynaliadwyedd, gan fyfyrio ar rolau a swyddogaethau yr ymladdwyr tân a sicrhau atebolrwydd a gwerth am arian. Un opsiwn y mae angen ei drafod a'i ystyried ymhellach yw symud i fodel praesept, gan gynnwys yr effaith y byddai hwnnw'n ei gael ar y Grant Cynnal Refeniw i Lywodraethau Lleol a'r angen i gael strategaeth gyfathrebu glir o ran esbonio newidiadau yn lefelau treth y cyngor i'r cyhoedd.

Edrychwn ymlaen at gael trafodaethau pellach gyda chi o safbwynt eich cynigion yn y papur ymgynghori.

Yr eiddoch yn gywir,



Y Cyngorydd Ellen ap Gwynn
Arweinydd y Cyngor

Response 44

The respondents indicated that they did not want their response published.

Response 45

Consultation Response Form

Your name: Meirick Lloyd Davies

Organisation (if applicable): North Wales Fire and
Rescue Authority

email / telephone number:

Your address: Fire and Rescue Service Headquarters
Ffordd Salesbury
St Asaph Business Park
St Asaph
Denbighshire LL17 0JJ

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

Fire and rescue services are highly regarded. The White Paper recognises that the headline performance of core and traditional fire and rescue services has been strong for many years and that the Welsh Government's case for change *"does not imply any shortcoming at all on the part of the fire and rescue authorities (FRA) members, managers or staff"*. It goes without saying, therefore, that any proposals to change the way in which FRAs are structured, funded or operate will be of significant importance to the FRAs themselves and for the many organisations, communities, groups and individuals who rely on the services provided by those FRAs.

Given that the Welsh Government's case for change is predicated on a belief that the arrangements that have produced excellent results in the past will not be effective in future, there is remarkably little in the White Paper to substantiate that belief. There is nothing, for example, to indicate that current arrangements are beginning to cause standards to deteriorate or performance to wane, or that they are any less able to meet challenges, innovate or change than they were when they were established in 1996.

The proposed objectives seek, somewhat bizarrely, to preserve the current high standards of fire and rescue services by reforming the arrangements that have produced them. The White Paper lacks coherence in that it proposes solutions to problems that it accepts do not exist.

Also, contrary to what the White Paper asserts, this Authority does not believe that reform on the scale being proposed can realistically be achieved without *"undue disruption and distraction"* (paragraph 1.37) and without affecting front-line operations or resources.

The foreword refers to the Service needing to be “*governed and funded in a modern, accountable and sustainable way*” and touches on future challenges that face all public sector organisations: serving an ageing population; responding to new and unanticipated situations; dealing with the effects of climate change; and managing in the context of constrained public finances. We would maintain that simply stating that the Welsh Government believes that current arrangements are *defective* and that the fire and rescue service (alone) is incapable of being able to “*understand and respond to emerging long-term challenges, and to do so in ways which reflect the wider context of public service delivery*” is not a strong enough argument for introducing changes that are untested and have no obvious link to anything that has been tried anywhere else in the UK. Merely holding a belief that a system that has produced strong performance is in some way defective cannot be sufficient grounds for changing it. It is surely not unreasonable to expect some evidence to explain the basis of this belief.

Similarly, there is a suggestion that current FRA Members do not have the capability to support future service changes, but there is no attempt to either clarify the basis of that view or to explore whether this might be due to an imperfect system or to something that is inherently flawed within the FRA membership.

The White Paper speaks of a perception that FRAs are unaccountable, and refers somewhat confusingly to democratic mandates, democratic accountability, and accountability to national institutions without developing any of those themes to a conclusion. In fact, the limited range of services provided by FRAs and the absence of any direct mandate from the electorate are used in paragraph 1.34 as arguments in favour of simplifying the regime for FRA performance management and reporting.

As for public accountability, we do not accept that FRAs are unaccountable. FRA meetings are open to the public and are now web-cast so that they can be watched remotely; spending and other plans are published annually; people have the facility to submit requests under freedom of information legislation if they have specific questions; and the Service goes out of its way to meet with representative groups and to take an active part in collaborations with other public, voluntary and private sector organisations. Financial information, performance information and annual returns are all submitted as required. Regular meetings are held with the Welsh Government and open discussions take place on a range of topics.

Similarly, the basis of the Welsh Government’s belief that the future sustainability of services delivered by FRAs relies on changing their governance and financing arrangements is not explained.

It is therefore unsurprising that the objectives as summarised in the list at the end of Chapter 1 are not aligned to any compelling case for change. Fundamental to being able to assess whether the objectives are appropriate is the need for clarity on the basis for the Welsh Government's stated beliefs around accountability and sustainability.

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

We would welcome the opportunity for discussions with the Welsh Government in the event that it decides to explore pursuing other objectives.

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

Yes. It has been clear for many years that the current North Wales Fire and Rescue Service boundary offers advantages of distinctiveness, co-terminosity with virtually every other major partner and stakeholder and simplicity of structure for political, operational and administrative purposes.

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?

Yes. In addition to the reasons advanced in paragraph 2.4 of the White Paper, we also consider it important that there should continue to be a distinctiveness of identity for the Service which would inevitably be compromised under the Police and Crime Commissioner.

Similarly, the reasons advanced in paragraph 2.9 for not transferring the responsibility for providing fire and rescue services back to local authorities correctly identify the futility of such a proposal in relation to the size of local authorities currently. Furthermore, the cost and distraction of any such transfer of responsibility at a time of financial constraints and stretched resources would be extremely difficult to justify. Please also see our response to Question 7.

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?

Assuming that the phrase "national interests" is synonymous with "Welsh Government interests" then this Authority is of the view that those interests are taken into account within current arrangements. The National Framework exists by virtue of the Fire and Rescue Services Act 2004 and, in our view, is quite clear about the requirements placed on both government and FRAs.

This Authority agrees with the statement in paragraph 2.13 that "extensive and direct involvement by government in the day to day governance of the Service would (not) be justified".

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

Yes. As long as local authorities are the source of FRA funding then it is difficult, in our view, to argue a case for anything else.

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

No. There are problems with both aspects of this suggestion, namely the number of FRA members and the proposal that they should be from local authority cabinets.

The arrangements for the combined FRAs in Wales are criticised in the White Paper (Cabinet Secretary's Foreword and paragraph 1.4) and yet no consideration has been given to the underlying principles behind the legislative change that took place in 1996, some of which we believe to be as valid today as they were over 20 years ago.

Primary amongst them is the deliberate decision to remove Welsh fire and rescue services from local authority control. There was, and remains, a good reason for this. Pre 1996 local authorities were increasingly unable (or unwilling) to make adequate provision for their statutory role as the fire authority for their area. Council-wide spending decisions were increasingly having a disproportionate effect on the budget of the fire and rescue services. The changes made in 1996 gave a measure of independence from local authority influence and there can be no doubt that this change was very much in the minds of the legislators.

Whilst the Authority welcomes, therefore, the statement in the White Paper that the Welsh Government does *"not support transferring control of the Service back to local authorities"* (paragraph 2.5), it is regrettable that the fundamentals of its proposals for reform of governance, whilst not formally transferring control back to local authorities, largely have the effect of doing so.

The proposals place fire and rescue service spending firmly back in the context of overall local authority spending, sending cabinet/executive members to the fire and rescue authority table with the influence of competing pressures on the whole local authority budget. At best, the Service would be reduced to a minor local authority spending department (as was the case pre-1996); at worst it would become a political football in a way that the current arrangements prevent. This is articulated below.

One issue missing entirely from the White Paper is the question of political balance. When the White Paper is critical of the number of members of the FRAs it neglects to mention that the number is as high as it is because of the need to achieve political balance, particularly in 1996 but on an ongoing basis to the present day.

The political picture of local government across Wales is, and has been for some time in North Wales, varied to say the least. In 1996, the picture was such in North Wales that balancing members had to be introduced into the membership in addition to the weighting necessary to ensure that there was a representation that broadly matched the population of each local authority area. This has ensured that FRAs have reflected the political makeup of the local authorities they cover and, whether they work in a party political way or not (North Wales does not) there is a perceived fairness about the makeup of the FRA in political terms.

It is hard to see how there could be a sense of fairness, perceived or actual, if the FRA consisted of one member alone from each of the ruling parties across the six local authorities. In today's politics in North Wales, that would give one party three votes at the FRA table, significantly out of kilter with that party's representation across the whole of North Wales. Should the FRA then decide to work in a political manner, the outcomes would be unpredictable.

In terms of diversity amongst the membership of the FRA, a reduction to just six members would do little to promote a diverse representation of e.g. women and Welsh speakers, and would severely limit the range of experience and diversity of backgrounds that a larger membership can bring.

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?

No. Please refer also to our response to Question 7. Furthermore, increasing the size of council cabinets or increasing the remuneration for cabinet members would increase costs for the local authorities.

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

The Authority is not persuaded that the appointment of non-executive members is an appropriate response to the issues raised in the White Paper. Professors Farrell and Ashworth suggested that an appropriate response would be to have co-optees with skills and experience with specific reference to health and social care. We tend to agree with this. Any proposal in this field would need to be carefully assessed in relation to any additional costs that may be incurred.

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

As a matter of principle, this Authority's view is that the appointment of anyone brought in to work alongside Authority Members should be a matter for the Authority itself.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

This is not explained clearly enough in the White Paper. There would need to be a much fuller exploration of the impact of making such a change and how such an arrangement would work in practice. It is difficult to see the benefit of transferring all the FRA's assets to a Chief Fire Officer who would become responsible for all aspects of delivering fire and rescue services and setting budgets whilst 28 Members (in North Wales) carried no more responsibility than to hold him or her to account and endorse the bigger decisions. The suggestion that this could lead to *"full and independent accountability, while freeing up senior officers to lead and manage the Service"* (paragraph 3.19) requires a much more detailed assessment than has been provided here.

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

The report submitted by Professors Ashworth and Farrell contains a number of suggestions for improvements to FRA governance which do not appear in the White Paper. For example, they suggest strengthening links between the FRAs and the WLGA Leadership Academy. The Authority proposes that these recommendations are reviewed by Welsh Government.

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?

No. The Authority agrees that the funding of FRAs by direct grant from Welsh Government would not represent an improvement on the current system. It should not, therefore, be a "fall-back option" as described in paragraph 4.4.

The Authority is surprised at how quickly the White Paper dismisses the value of a council tax precept, a system employed in the majority of FRAs in England which is the only other country in the United Kingdom where there is a relationship between the FRA and local government. The introduction of a precept was also a proposal made by Professors Ashworth and Farrell.

The Authority finds the proposal in paragraph 4.6 to be at odds with the thinking behind paragraph 3.6 and difficult to imagine in practice. The paragraph states that “..FRAs are required to agree the level of funding each year with their constituent local authorities” but provides no indication of how this would work. For example, would the six local authorities in North Wales be required to agree the budget collectively (i.e. one process) or would the FRA be required to obtain six individual agreements? How would either process work given the presumed existence of the arrangements set out in Section 3 of the White Paper? Is the level of agreement a straightforward choice between the FRA’s proposed budget and another figure proposed by the local authorities collectively or would there be different levels of funding proposed by each local authority based on its perceived need to spend? At what point in the annual planning cycle would this process of agreeing the budget and potentially referring the decision to the Welsh Ministers for arbitration be undertaken – before or after consulting the public on priorities and plans?

The suggestion, in paragraph 4.6, is that in the absence of an agreement between the FRA and the local authorities “Welsh Ministers would have a default power to arbitrate between the positions of the FRA and the constituent authorities”. So, far from enhancing local accountability as is the stated aim of the White Paper, the Welsh Government would ultimately control the level of budget for each FRA. The statement that “Such a budget would be no higher than that originally proposed by an FRA..” seems to put control over the budget setting process firmly with the local authorities and the Welsh Government, calls into question why there would be a need for an FRA to set a provisional budget in the first place and does not “..allow FRAs to maintain a measure of control over funding levels, thus protecting service standards from long term pressure on public finances” (paragraph 4.7). It is assumed that, whatever is actually envisaged, a further level of bureaucracy would be needed to administer the process, which would undoubtedly add cost.

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?

We note that there are two different versions of this question in the White Paper. The version at the end of Chapter 4 reads: “Do you have any views on whether, and if so how, the funding model should change in the longer term?”

Further doubt is cast on these proposals by paragraph 4.7. This paragraph says that the option suggested in paragraph 4.6 is the “preferred option in the short term”. There is no indication as to the length of the “short term”, which gives this Authority cause for concern. In Wales we have seen how a short term measure, namely the Barnett Formula, can acquire permanence merely through government inaction and disinterest and we have no wish to see this situation occur in respect of FRA funding. The only suggestion for how the situation

might change in the longer term is for a combination of council tax precept (which the White Paper has already effectively discounted) and Welsh Government grant, which is counter to the local accountability and delivery principles that the Welsh Government advocates in the document.

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

No.

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

Yes, this seems an appropriate arrangement alongside the requirement to adopt and seek to achieve long term well-being objectives under the Well-being of Future Generations Act. It will be important for the Welsh Government to continue to engage with FRAs in reviewing and revising the National Framework and to ensure that its contents are realistic.

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?

Yes. The Authority welcomes the section in the White Paper on the performance management arrangements for Welsh FRAs albeit there is a sense that the proposals being made in this area hardly need the production of a White Paper to be enacted in due course. The proposals are ones that we believe are likely to result in the outcomes specified in paragraph 5.2, namely a *“new system which is simpler, more flexible and more aligned to the distinctive features of fire and rescue services”*. However, annual budget-setting and the need to account publicly for performance will continue to introduce some constraints into the corporate planning cycle.

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?

This Authority does not have a view on this in as much as this question is rooted in Section 25 of the Fire and Rescue Services Act 2004 and is, therefore, a required action by Welsh Government.

Question 19: We would like to know your views on the effects that 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 favourably than English.

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

The proposal in paragraph 3.7 to reduce the size of the FRA would reduce diversity amongst the membership and potentially limit opportunities for people to use Welsh in that the proportion of Welsh speakers on the FRA would be likely to fall by comparison with the proportion currently.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

We cannot see how the proportion of Welsh speakers on the FRA would not be reduced through the proposal in paragraph 3.7.

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:

The White Paper is at pains to point out that its proposals are not intended to, and will not, have an effect on front line services. One has to conclude that this is either naïve or disingenuous, but either way, patently untrue. Notwithstanding the lack of clarity in the proposals as referred to above, it should be clear that there is an obvious potential for reduction in front-line services given the proposed imbalance between the position of the FRA and the position of the local authorities/Welsh Government over the level of funding required. Indeed, the point should be emphasised as in some paragraphs there is an inconsistency between the Welsh Government's praise for the work and achievements of FRAs and its criticism of the level of expenditure they have had to incur in order to bring those achievements about. Yet, even in the White Paper there is acknowledgement that FRAs have actually reduced their level of real terms spending in the last decade (the fall in incidents in this period, whilst portrayed as a contextual and linked factor is, in reality, irrelevant).

When this is set alongside the White Paper's criticism that Welsh FRAs' spend is in the top quartile in the UK, we look across the border and take pride that we have not taken some of the decisions, particularly as they affect community and firefighter safety, that, for example, English FRAs have taken (paragraph 1.20)

and which, presumably, puts them lower down in the spending league than Welsh FRAs. The Authority considers its approach to be one that would have widespread public support and this, presumably, is a view that could be tested at the public inquiry consequent on any proposal by Welsh Ministers to vary or revoke the Combination Order.

And finally, the White Paper makes no reference to the security of tenure of the existing Chief Fire Officers. Given that there is an intention to make changes to the Combination Orders (which make specific reference to the post of Chief Fire Officer) and to the status of the Chief Fire Officer as part of the new arrangements, it is important that the position is made clear.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☐

**Ffurflen Ymateb i'r
Ymgynghoriad**

Eich enw: Meirick Lloyd Davies

Sefydliad (os yw'n berthnasol): Awdurdod Tân ac Achub
Gogledd Cymru

e-bost / rhif ffôn:

Eich cyfeiriad: Pencadlys y Gwasanaeth Tân ac Achub
Ffordd Salesbury
Parc Busnes Llanelwy
Llanelwy
Sir Ddinbych LL17 0JJ

Cwestiwn 1: A ydych chi'n cytuno bod yr amcanion ar gyfer diwygio yn briodol ac yn bwysig?

Mae'r gwasanaethau tân ac achub yn uchel eu parch. Mae'r Papur Gwyn yn cydnabod bod prif berfformiad y gwasanaethau tân ac achub craidd a thraddodiadol wedi bod yn gryf ers sawl blwyddyn ac nid yw dadl Llywodraeth Cymru dros newid "*yn atwrgyngu unrhyw ddiffygion o gwbl ar ran aelodau, rheolwyr na staff yr Awdurdodau Tân ac Achub*". Nid oes raid dweud felly y bydd unrhyw gynigion i newid y ffordd y mae ATAAu yn cael eu strwythuro, eu hariannu neu eu gweithredu yn gynigion pwysig iawn i'r ATAAu eu hunain ac i'r llu o sefydliadau, cymunedau, grwpiau ac unigolion sy'n dibynnu ar y gwasanaethau a ddarperir gan yr ATAAu hynny.

O ystyried bod dadl Llywodraeth Cymru dros newid yn dibynnu ar gred na fydd y trefniadau, sydd wedi cael canlyniadau rhagorol yn y gorffennol, yn llwyddo i fod yn effeithiol yn y dyfodol, nid oes fawr ddim yn y Papur Gwyn i ategu'r gred honno. Er enghraifft, nid oes dim yn dangos bod y trefniadau presennol yn dechrau achosi i safonau ddirywio neu i berfformiad wanhaus, neu eu bod yn llai abl i gwrdd â heriau, i arloesi neu i newid nag oeddent pan gawsant eu sefydlu yn 1996.

Mae hi braid yn rhyfedd fod yr amcanion arfaethedig yn ceisio cadw safonau uchel presennol y gwasanaethau tân ac achub drwy ddiwygio'r trefniadau sydd wedi cynhyrchu'r safonau hynny. Nid yw'r Papur Gwyn yn gydlynus iawn, sef mae'n cynnig atebion i broblemau y mae'n derbyn nad ydynt yn bodoli.

Hefyd, yn groes i'r hyn y mae'r Papur Gwyn yn ei ddweud, nid yw'r Awdurdod hwn yn credu ei bod yn bosibl diwygio ar y raddfa arfaethedig gan osgoi "tarfu ac amharu diangen" (paragraff 1.37) a heb effeithio ar weithrediadau rheng flaen nac adnoddau.

Mae'r rhagair yn dweud bod angen i'r Gwasanaeth gael "ei lywodraethu a'i ariannu mewn modd modern, atebol a chynaliadwy" ac mae'n cyffwrdd â heriau a ddaw i wynebu holl sefydliadau'r sector cyhoeddus, sef gwasanaethu poblogaeth sy'n heneiddio; ymateb i sefyllfaoedd newydd ac annisgwyl; delio ag effeithiau'r newid yn yr hinsawdd; a rheoli yng nghyd-destun cyfyngiadau ar gyllid cyhoeddus. Byddem yn honni nad yw dweud bod Llywodraeth Cymru yn credu bod y trefniadau presennol yn ddifffgiol a bod y gwasanaeth tân ac achub (ar ei ben ei hun) yn methu "deall ac ymateb i heriau hirdymor sy'n dechrau dod i'r amlwg, a gwneud hynny mewn ffyrdd sy'n adlewyrchu cyd-destun ehangach darparu gwasanaethau cyhoeddus" yn ddadl ddigon cryf dros gyflwyno newidiadau sydd heb gael eu profi ac sydd heb gysylltiad amlwg ag unrhyw beth sydd wedi cael ei roi ar waith yn unrhyw le yn y DU. Ni all credu bod system sydd wedi cynhyrchu perfformiad cryf yn system ddifffgiol mewn rhyw ffordd fod yn ddigon o sail dros ei newid. Nid yw'n afresymol disgwyl rhywfaint o dystiolaeth i esbonio sail y gred hon.

Hefyd, ceir awgrym nad yw Aelodau presennol yr ATAau yn meddu ar y gallu i gefnogi newidiadau i'r gwasanaethau yn y dyfodol, ond nid oes ymdrech i egluro sail y farn honno nac i archwilio a yw hyn yn bodoli oherwydd system amherffaith ynteu a yw'n rhywbeth sy'n ddifffgiol yn aelodaeth yr ATA yn ei hanfod.

Mae'r Papur Gwyn yn sôn am ganfyddiad nad yw'r ATAau yn atebol, ac mae'n cyfeirio braidd yn ddryslyd at fandadau democrataidd, atebolrwydd democrataidd, ac atebolrwydd i sefydliadau cenedlaethol heb ddatblygu'r un o'r themâu hyn. Yn wir, mae'r ystod cyfyngedig o wasanaethau a ddarperir gan yr ATAau, ac absenoldeb unrhyw fandad uniongyrchol gan yr etholwyr, yn cael eu defnyddio ym mharagraffau 1.34 fel dadleuon o blaid symleiddio'r gyfundrefn ar gyfer rheoli perfformiad yr ATAau ac adrodd ynghylch y perfformiad hwnnw.

O ran atebolrwydd cyhoeddus, nid ydym yn derbyn nad yw'r ATAau yn atebol. Mae cyfarfodydd yr ATAau yn agored i'r cyhoedd, ac maent yn cael eu darlledu ar y we erbyn hyn, felly gellir eu gwyllo o bell; mae cynlluniau gwariant a chynlluniau eraill yn cael eu cyhoeddi bob blwyddyn; mae pobl yn gallu cyflwyno ceisiadau dan ddeddfwriaeth rhyddid gwybodaeth os oes ganddynt gwestiynau penodol; mae'r Gwasanaeth yn mynd allan o'i ffordd i gwrdd â grwpiau cynrychioliadol ac i gymryd rhan mewn cydweithredïadau â sefydliadau eraill yn sector cyhoeddus, sector gwirfoddol a'r sector preifat. Mae'r holl wybodaeth ariannol, gwybodaeth am berfformiad, a datganiadau blynyddol yn cael eu cyflwyno fel sy'n ofynnol. Cynhelir cyfarfodydd rheolaidd â Llywodraeth Cymru a chynhelir trafodaethau agored ar amrywiaeth o bynciau.

Hefyd, nid oes esboniad i sail cred Llywodraeth Cymru fod dibynadwyedd gwasanaethau'r ATAau yn y dyfodol yn dibynnu ar newid eu trefniadau llywodraethu ac ariannu.

Nid oes syndod felly nad yw'r amcanion cryno yn y rhestr ar ddiwedd Pennod 1 yn gyson ag unrhyw achos argyhoeddiadol dros newid. Rhan hanfodol o fod yn gallu asesu a yw'r amcanion yn briodol yw bod angen eglurder am sail yr hyn mae Llywodraeth Cymru yn ei gredu am faterion atebolrwydd a chynaliadwyedd.

Cwestiwn 2: A oes amcanion eraill y dylai'r cynllun diwygio roi sylw iddynt?

Byddem yn croesawu'r cyfle i drafod â Llywodraeth Cymru os bydd yn penderfynu archwilio amcanion eraill.

Cwestiwn 3: A ydych chi'n cytuno y dylai Awdurdodau Tân ac Achub barhau i fod yn endidau ar wahân a phenodol, gyda'r un ffiniau ag sydd ganddynt ar hyn o bryd?

Ydym. Mae'n eglur ers sawl blwyddyn fod ffin presennol Gwasanaeth Tân ac Achub Gogledd Cymru yn cynnig manteision o ran hunaniaeth wahanol, yr un ffin â bron pob partner a rhanddeiliaid pwysig arall, a symirwydd yn y strwythur am resymau gwleidyddol, gweithredol a gweinyddol.

Cwestiwn 4: A ydych chi'n cytuno na fyddai'n briodol trosglwyddo rheolaeth dros y gwasanaethau tân ac achub i Gomisiynwyr Heddlu a Throseddau neu awdurdodau lleol?

Ydym. Yn ogystal â'r rhesymau a roddir ym mharagraff 2.4 o'r Papur Gwyn, rydym hefyd yn ystyried ei bod yn bwysig cael parhad yn hunaniaeth wahanol y Gwasanaeth, a byddai hynny'n siŵr o gael ei beryglu dan Gomisiynydd yr Heddlu a Throseddau.

Felly hefyd, mae'r rhesymau a roddir ym mharagraff 2.9 dros beidio â throsglwyddo'r cyfrifoldeb dros ddarparu gwasanaethau tân ac achub yn ôl i'r awdurdodau lleol yn nodi'n gywir pa mor ddibwrpas fyddai cynnig o'r fath oherwydd maint yr awdurdodau lleol ar hyn o bryd. At hynny, byddai'n eithriadol a anodd cyfiawnhau'r gost a'r dryswch ar adeg o gyfyngiadau ariannol ac adnoddau prin. Gweler hefyd ein hymateb i Gwestiwn 7.

Cwestiwn 5: A ydych chi'n cytuno bod buddiannau cenedlaethol dilys ond cyfyngedig yn y Gwasanaeth y mae angen eu hadlewyrchu yn ei drefniadau llywodraethu?

A chymryd bod ystyr yr ymadrodd "buddiannau cenedlaethol" yr un fath â "buddiannau Llywodraeth Cymru", mae'r Awdurdod hwn o'r farn fod y buddiannau hynny yn cael eu hystyried o fewn y trefniadau presennol. Mae'r Fframwaith Cenedlaethol yn bodoli oherwydd Deddf Gwasanaethau Tân ac Achub 2004, ac yn ein barn ni mae'n eithaf clir am y gofynion sydd ar y llywodraeth a'r ATAAu.

Mae'r Awdurdod hwn yn cytuno â'r datganiad ym mharagraff 2.13 "(na) fyddai unrhyw gyfiawnhad i'r llywodraeth ymwneud yn helaeth ac yn uniongyrchol â llywodraethu beunyddiol y Gwasanaeth".

Cwestiwn 6: A ydych chi'n cytuno y dylai awdurdodau lleol barhau i enwebu aelodau Awdurdodau Tân ac Achub?

Ydym. Cyhyd ag y bydd awdurdodau lleol yn ffynhonnell i gyllid ATAau mae'n anodd, yn ein barn ni, dadlau dros unrhyw beth arall.

Cwestiwn 7: A ydych chi'n cytuno y dylai awdurdodau lleol enwebu un aelod Awdurdod Tân ac Achub yr un, wedi eu dewis o blith eu haelodau cabinet?

Nac ydym. Mae problemau gyda'r ddwy agwedd ar y awgrym hwn, sef nifer aelodau'r ATA ynghyd â'r cynnig y dylai'r aelodau hynny fod yn dod o gabinetau'r awdurdodau lleol.

Mae'r trefniadau ar gyfer yr ATAau cyfunol yng Nghymru yn cael eu beirniadu yn y Papur Gwyn (Rhagair Ysgrifennydd y Cabinet a pharagraff 1.4) ond ni roddwyd unrhyw ystyriaeth i'r egwyddorion gwaelodol y tu ôl i'r newid deddfwriaethol a ddigwyddodd yn 1996, a chredwn fod rhai ohonynt yr un mor ddilys heddiw ag yr oeddent dros 20 mlynedd yn ôl.

Yn bennaf yn eu plith, mae'r penderfyniad bwriadol i dynnu gwasanaethau tân ac achub Cymru allan o reolaeth awdurdodau lleol. Roedd, ac mae, rheswm da dros hyn. Cyn 1996, roedd yr awdurdodau lleol yn dod yn fwyfwy analluog (neu amharod) i wneud darpariaeth ddigonol ar gyfer eu swyddogaeth statudol fel yr awdurdod tân yn eu hardal. Roedd penderfyniadau gwariant ar draws y cynghorau yn cael mwy a mwy o effaith anghymesur ar gyllideb y gwasanaethau tân ac achub. Roedd y newidiadau a wnaed yn 1996 yn rhoi rhywfaint o annibyniaeth oddi wrth ddylanwad yr awdurdodau lleol, ac nid oes amheuaeth fod y newid hwn ar feddwl y deddfwyr.

Felly, er bod yr Awdurdod yn croesawu'r datganiad yn y Papur Gwyn nad yw Llywodraeth Cymru yn *"cefnogi trosglwyddo rheolaeth o'r Gwasanaeth yn ôl i'r awdurdodau lleol"* (paragraff 2.5), mae'n drueni fod hanfodion ei gynigion dros ddiwygio llywodraethu yn cael yr effaith o wneud hynny, er nad yw'n trosglwyddo rheolaeth yn ffurfiol yn ôl i'r awdurdodau lleol.

Mae'r cynigion yn gosod gwariant y gwasanaethau tân ac achub yn gadarn yn ôl yng nghyd-destun gwariant cyffredinol yr awdurdodau lleol, gan anfon aelodau o'r cabinet / aelodau gweithredol at fwrdd yr awdurdod tân ac achub gyda gwahanol bwysau ar gyllideb yr awdurdod lleol cyfan yn dylanwadu arnynt. Ar y gorau, byddai'r Gwasanaeth yn troi'n adran wario fach yn yr awdurdod lleol (fel yr oedd pethau cyn 1996); ar y gwaethaf, byddai'n troi'n bêl-droed wleidyddol, sef rhywbeth y mae'r trefniadau presennol yn ei atal. Eglurir hyn isod.

Un mater sydd ar goll yn llwyr o'r Papur Gwyn yw'r cwestiwn o gydbwysedd gwleidyddol. Pan fo'r Papur Gwyn yn feirniadol o nifer yr aelodau ar yr ATAau, mae'n anghofio dweud bod y nifer mor uchel oherwydd bod angen cael cydbwysedd gwleidyddol; a hynny yn arbennig yn 1996 ond hefyd yn barhaus ers hynny.

Mae darlun gwleidyddol llywodraeth leol ledled Cymru nawr, ac ers tro, yn amrywiol a dweud y lleiaf. Yn 1996, roedd y darlun yng Ngogledd Cymru yn golygu bod rhaid cael cydbwysedd rhwng yr aelodau, yn ogystal â phwysoli er mwyn sicrhau bod y gynrychiolaeth yn cyfateb yn fras i boblogaeth ardal pob awdurdod lleol. Mae hyn wedi sicrhau bod yr ATAau wedi adlewyrchu cyfansoddiad gwleidyddol yr awdurdodau lleol y maent yn eu cwmpasu, a boed nhw'n gweithio ar sail gwleidyddiaeth plaid ai peidio (nid yw Gogledd Cymru yn gwneud hynny) mae canfyddiad o degwch i'w weld yn yr ATA mewn termau gwleidyddol.

Mae'n anodd gweld sut gellid cael tegwch, canfyddedig neu wirioneddol, petai'r ATA yn cynnwys un aelod yn unig o bob un o'r pleidiau llywodraethol yn y chwe awdurdod lleol. O ran gwleidyddiaeth Gogledd Cymru ar hyn o bryd, byddai hynny'n rhoi tair pleidlais i un blaid ar fwrdd yr ATA, ac nid yw hynny'n cyd-fynd o gwbl â chynrychiolaeth y blaid honno ar draws Gogledd Cymru. Petai'r ATA yn penderfynu gweithio mewn ffordd wleidyddol, byddai'n amhosibl rhagweld y canlyniadau.

O ran amrywiaeth ymysg aelodaeth yr ATA, ni fyddai gostwng i chwe aelod yn unig yn gwneud fawr ddim i hybu cynrychiolaeth amrywiol gan e.e. ferched a siaradwyr Cymraeg, a byddai'n cyfyngu'n fawr ar amrywiaeth profiad ac amrywiaeth y cefndiroedd sy'n gallu bodoli drwy gael llawer o aelodau.

Cwestiwn 8: A ydych chi'n credu bod angen gwneud unrhyw newidiadau i'r gyfraith ynglŷn â maint cabinet cyngor, a faint o dâl a roddir, fel y gall yr aelodau hefyd wasanaethu ar Awdurdodau Tân ac Achub?

Nac ydym. Gweler ein hymateb i Gwestiwn 7. At hynny, byddai cynyddu maint cabinetau'r cyngorau, neu gynyddu'r gydnabyddiaeth ariannol i aelodau'r cabinetau, yn cynyddu'r costau i'r awdurdodau lleol.

Cwestiwn 9: A ydych chi'n credu y dylai Awdurdodau Tân ac Achub fod ag aelodau anweithredol hefyd?

Nid yw'r Awdurdod wedi cael ei argyhoeddi bod penodi aelodau anweithredol yn ymateb priodol i'r materion a godir yn y Papur Gwyn. Mae'r Athro Farrell a'r Athro Ashworth wedi awgrymu mai'r ymateb priodol fyddai cael aelodau cyfetholedig sydd â sgiliau a phrofiad ym maes penodol iechyd a gofal cymdeithasol. Rydym yn tueddu i gytuno â hyn. Byddai angen i unrhyw gynnig yn y maes hwn gael ei asesu'n ofalus o ran unrhyw gostau ychwanegol a allai godi.

Cwestiwn 10: Pwy ddylai benodi aelodau anweithredol Awdurdodau Tân ac Achub?

Fel mater o egwyddor, mae'r Awdurdod o'r farn mai mater i'r Awdurdod ei hun yw penodi rhywun i ddod i mewn i weithio ochr yn ochr ag Aelodau'r Awdurdod.

Cwestiwn 11: A ydych chi'n cytuno, yn y tymor hwy, y dylai cyfrifoldeb am y gwasanaeth fod yn nwylo Prif Swyddog Tân statudol, gydag Awdurdodau Tân ac Achub yn craffu a goruchwyllo? Os felly, a fyddai hynny'n golygu bod angen gwneud unrhyw newid i drefniadau aelodaeth?

Nid yw hyn yn cael ei esbonio'n ddigon clir yn y Papur Gwyn. Dylid cael esboniad llawer llawnach o effaith newid o'r fath a sut y byddai trefniant o'r fath yn gweithio yn ymarferol. Mae'n anodd gweld y fantais o drosglwyddo holl asedau'r ATA i Brif Swyddog Tân a fyddai'n dod yn gyfrifol am bob agwedd ar ddarparu gwasanaethau tân ac achub a gosod cyllidebau, a 28 o Aelodau (yng Ngogledd Cymru) heb ddim mwy o gyfrifoldeb na'i ddal ef neu hi i gyfrif a chefnogi'r penderfyniadau mawr. Mae'r awgrym y gallai hyn arwain at *"atebolrwydd llawn ac annibynnol, gan ryddhau uwch swyddogion i arwain a goruchwyllo'r Gwasanaeth"* (paragraff 3.19) yn gofyn am asesiad llawer manylach nag a ddarperir yn y fan yma.

Cwestiwn 12: A oes gennych chi unrhyw gynigion eraill ynglŷn â sut i ddiwygio'r modd o lywodraethu Awdurdodau Tân ac Achub sy'n bodloni'r meini prawf a nodir ym Mhenodau 1 a 2?

Mae'r adroddiad a gyflwynwyd gan yr Athro Ashworth a'r Athro Farrell yn cynnwys nifer o awgrymiadau o welliannau i lywodraethiant yr ATAau nad ydynt yn ymddangos yn y Papur Gwyn. Er enghraifft, roeddent yn awgrymu cryfhau'r cysylltiadau rhwng yr ATAau ac Academi Arweinyddiaeth WLGA. Mae'r Awdurdod yn cynnig bod Llywodraeth Cymru yn adolygu'r argymhellion hyn.

Cwestiwn 13: A ydych chi'n cytuno y dylai Awdurdodau Tân ac Achub ac awdurdodau lleol gytuno ar faint o gyllid a gaiff Awdurdodau Tân ac Achub bob blwyddyn, gyda phŵer cymrodeddu wrth gefn ar gyfer Gweinidogion Cymru?

Nac ydym. Mae'r Awdurdod yn cytuno na fyddai ariannu'r ATAau drwy grant uniongyrchol gan Lywodraeth Cymru yn welliant ar y system bresennol. Felly, ni ddylai fod yn "ddewis wrth gefn" fel y disgrifir ym mharagraff 4.4.

Mae'r Awdurdod yn synnu pa mor sydyn y mae'r Papur Gwyn yn diystyru gwerth praesept treth gyngor, sef y system a ddefnyddir yn y rhan fwyaf o ATAau yn Lloegr fel yr unig wlad arall yn y Deyrnas Unedig lle mae perthynas rhwng yr ATA a llywodraeth leol. Roedd yr Athro Ashworth a'r Athro Farrell hefyd wedi cynnig cyflwyno praesept.

Mae'r Awdurdod o'r farn fod y cynnig ym mharagraff 4.6 yn groes i'r meddylfryd y tu ôl i baragraff 3.6 ac mae'n anodd dychmygu'r peth yn ymarferol. Mae'r paragraff yn dweud bod "...angen i Awdurdodau Tân ac Achub gytuno i faint o gyllid y byddant yn ei gael bob blwyddyn gyda'u hawdurdodau lleol cyfansoddol" ond nid yw'n darparu unrhyw arwydd o sut y byddai hyn yn gweithio. Er enghraifft, a fyddai angen i'r chwe awdurdod lleol yng Ngogledd Cymru gytuno ar y gyllideb gyda'i gilydd (h.y. un broses) ynteu a fyddai angen i'r ATA gael chwe chytundeb unigol? Sut fyddai'r naill broses a'r llall yn gweithio, o gymryd y byddai'r trefniadau sydd yn Adran 3 o'r Papur Gwyn yn bodoli? A yw lefel y cytundeb yn ddewis syml rhwng cyllideb arfaethedig yr ATA a rhyw ffigwr arall a gynigir gan yr awdurdodau lleol gyda'i gilydd, ynteu a fyddai pob awdurdod lleol yn cynnig gwahanol lefelau o gyllid, ar sail ei angen cydnabyddedig i wario? Ar ba adeg yn y cylch cynllunio blynyddol y byddai'r broses o gytuno ar y gyllideb yn digwydd ac, o bosibl, pryd byddai'r broses o gyfeirio'r penderfyniad i Weinidogion Cymru ar gyfer cymrodeddu yn digwydd - ai cyn ynteu ar ôl ymgynghori â'r cyhoedd ynghylch blaenoriaethau a chynlluniau?

Yr awgrym, ym mharagraff 4.6, heb gytundeb rhwng yr ATA a'r awdurdodau lleol, yw y "byddai pŵer awtomatig gan Weinidogion Cymru i gymrodeddu rhwng sefyllfa'r Awdurdod Tân ac Achub a'i awdurdodau cyfansoddol". Felly, yn hytrach na chynyddu atebolrwydd lleol, sef nod y Papur Gwyn, Llywodraeth Cymru fyddai yn y pen draw yn rheoli lefel cyllideb pob ATA. Mae'r datganiad "Ni fyddai cyllideb o'r fath yn uwch na'r hyn a gynigiwyd yn wreiddiol gan Awdurdod Tân ac Achub." i'w weld yn rhoi rheolaeth dros y broses o osod y gyllideb yn gadarn gyda'r awdurdodau lleol a Llywodraeth Cymru, mae'n codi amheuaeth ynglŷn â pham y byddai angen i ATA osod cyllideb amcanol yn y lle cyntaf, ac nid yw'n "...caniatáu i Awdurdodau Tân ac Achub barhau i fod ag elfen o reolaeth dros y lefelau cyllid, gan ddiogelu safonau gwasanaeth felly rhag pwysau hirdymor ar gyllid cyhoeddus" (paragraff 4.7).

Rhagdybir y byddai angen lefel bellach o fiwrocratiaeth i weinyddu'r broses, beth bynnag a ragwelir mewn gwirionedd, a byddai hynny'n sicr o ychwanegu cost.

Cwestiwn 14: A ydych chi'n cytuno, yn y tymor hwy, y dylai Awdurdodau Tân ac Achub fod â'r pwerau i osod praesept y dreth gyngor, gyda gweddill eu cyllid yn dod ar ffurf grantiau gan Lywodraeth Cymru?

Rydym yn sylwi bod dau fersiwn wahanol o'r cwestiwn hwn yn y Papur Gwyn. Mae'r fersiwn ar ddiwedd Pennod 4 yn y Saesneg yn dweud: "Do you have any views on whether, and if so how, the funding model should change in the longer term?"

Mae paragraff 4.7 yn taflu rhagor o amheuaeth ar y cynigion hyn. Mae'r paragraff hwn yn dweud mai'r dewis a awgrymir ym mharagraff 4.6 yw'r "hoff ddewis yn y tymor byr". Nid oes unrhyw arwydd o ba mor hir yw "tymor byr", ac mae hyn yn destun pryder i'r Awdurdod. Yng Nghymru, rydym wedi gweld sut y mae un mesur tymor byr, sef Fformiwla Barnett, yn gallu dod yn fesur parhaol drwy ddiffyg gweithredu a diffyg diddordeb o du'r llywodraeth, ac nid ydym yn dymuno gweld y sefyllfa hon yn digwydd o ran cyllid yr ATAAu. Yr unig awgrym ynglŷn â sut y

gallai'r sefyllfa newid yn y tymor hir yw cyfuniad o braesept treth gyngor (sef rhywbeth y mae'r Papur Gwyn eisoes wedi'i ddiystyru i bob pwrpas) a grant gan Lywodraeth Cymru, sy'n mynd yn groes i egwyddorion atebolrwydd a chyflawni lleol y mae Llywodraeth Cymru yn dadlau drostynt yn y ddogfen.

Cwestiwn 15: A oes gennych chi unrhyw gynigion eraill ynglŷn â sut i ddiwygio cyllid Awdurdodau Tân ac Achub sy'n bodloni'r meini prawf ym Mhenodau 1 a 2?

Nac oes.

Cwestiwn 16: A ydych chi'n cytuno y dylai'r system rheoli perfformiad ar gyfer Awdurdodau Tân ac Achub fod yn seiliedig ar Fframwaith Cenedlaethol y Gwasanaethau Tân ac Achub?

Ydym, mae hyn yn ymddangos yn drefniant priodol ochr yn ochr â'r gofyniad i fabwysiadu, a cheisio cael, amcanion llesiant hirdymor dan Ddeddf Llesiant Cenedlaethau'r Dyfodol. Bydd yn bwysig i Lywodraeth Cymru barhau i ymwneud â'r ATAAu wrth adolygu a diwygio'r Fframwaith Cenedlaethol a sicrhau bod yr hyn sydd ynddo yn realistig.

Cwestiwn 17: A ydych chi'n cytuno bod angen system o'r fath i roi hyblygrwydd i Awdurdodau Tân ac Achub o ran cylchoedd cynllunio ac adrodd, ac o ran y ffynonellau gwybodaeth y maen nhw yn eu defnyddio ar gyfer perfformiad?

Ydym. Mae'r Awdurdod yn croesawu'r adran yn y Papur Gwyn ar y trefniadau rheoli perfformiad ar gyfer yr ATAAu yng Nghymru ond mae'n synhwyro nad oes angen llunio Papur Gwyn i roi'r cynigion yn y maes hwn ar waith. Credwn fod y cynigion yn debygol o arwain at y canlyniadau a nodir ym mharagraff 5.2, sef *"system newydd sy'n symlach, yn fwy hyblyg ac yn fwy cydnaws â nodweddion neilltuol y gwasanaethau tân ac achub"*. Fodd bynnag, bydd y gwaith o osod y gyllideb bob blwyddyn, a'r angen i roi cyfrif yn gyhoeddus am berfformiad, yn parhau i gyflwyno rhai cyfyngiadau i'r cylch cynllunio corfforaethol.

Cwestiwn 18: A ydych chi'n cytuno y dylai Gweinidogion Cymru gadw eu dyletswydd i adrodd i'r Cynulliad am sut y caiff y fframwaith ei ddarparu, a'u pwerau i ymyrryd?

Nid oes gan yr Awdurdod farn am hyn heblaw fod y cwestiwn wedi'i wreiddio yn Adran 25 o Ddeddf Gwasanaeth Tân ac Achub 2004 ac mae felly un o gamau gweithredu gofynnol Llywodraeth Cymru.

Cwestiwn 19: Hoffem gael gwybod eich barn ar yr effeithiau y byddai'r cynigion polisi yn eu cael ar y Gymraeg, yn benodol o ran cyfleoedd i bobl ddefnyddio'r Gymraeg, ac o ran peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Pa effeithiau fyddai'n dod i'r amlwg yn eich barn chi? Sut y gellid cynyddu effeithiau cadarnhaol a lliniaru effeithiau negyddol?

Byddai'r cynnig ym mharagraff 3.7 i leihau maint yr ATA yn lleihau amrywiaeth ymysg yr aelodau ac fe allai gyfyngu ar y cyfleoedd i ddefnyddio'r Gymraeg, sef byddai cyfran y siaradwyr Cymraeg ar yr ATA yn debygol o ostwng o gymharu â'r gyfran ar hyn o bryd.

Cwestiwn 20: Eglurwch hefyd os gwelwch yn dda sut yr ydych chi'n credu y gallai cynigion y polisi gael eu llunio neu eu haddasu er mwyn cael effeithiau cadarnhaol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg; a pheidio â chael effeithiau andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Ni allwn weld sut na fyddai cyfran y siaradwyr Cymraeg ar y ATA yn gostwng drwy'r cynnig ym mharagraff 3.7.

Cwestiwn 21: Rydym ni wedi gofyn nifer o gwestiynau penodol ynglŷn â llywodraethu, cyllid a rheoli perfformiad Awdurdodau Tân ac Achub. Os oes gennych chi unrhyw faterion cysylltiedig nad ydym ni wedi rhoi sylw penodol iddynt, rhowch eich sylwadau amdanynt isod:

Mae'r Papur Gwyn yn gwneud ymdrech fawr i ddweud nad yw ei gynigion yn bwriadu cael effaith ar wasanaethau rheng flaen, ac na fyddant yn gwneud hynny. Rhaid dod i'r casgliad fod hyn naill ai'n naif neu'n anonest, ond y naill ffordd neu'r llall, mae'n gwbl anghywir. Er nad oes eglurder yn y cynigion y cyfeirir atynt uchod, dylid bod yn glir fod posibilrwydd amlwg o leihau'r gwasanaethau rheng flaen, o ystyried yr anghydbwysedd arfaethedig rhwng safbwynt yr ATA a safbwynt yr awdurdodau lleol/Llywodraeth Cymru am lefel y cyllid sydd ei angen. Yn wir, dylid pwysleisio'r pwynt oherwydd mae anghysondeb mewn rhai paragraffau rhwng canmoliaeth gan Lywodraeth Cymru i waith a llwyddiannau'r ATAAu, a'i feiniadaeth ar lefel y gwariant a fu er mwyn sicrhau'r llwyddiannau hynny. Ond, hyd yn oed yn y Papur Gwyn, cydnabyddir bod yr ATAAu wedi gostwng lefel eu gwariant mewn termau real yn y degawd diwethaf (amherthnasol mewn gwirionedd yw'r gostyngiad yn nifer y digwyddiadau yn y cyfnod hwn, er bod hynny'n cael ei bortreadu fel ffactor cyd-destunol a chysylltiedig).

O osod hyn ochr yn ochr â'r feirniadaeth yn y Papur Gwyn fod gwariant yr ATAau yng Nghymru yn y chwarterel uchaf yn y DU, rydym yn edrych dros y ffin ac yn ymhyfrydu nad ydym wedi gwneud rhai o'r penderfyniadau y mae ATAau yn Lloegr wedi eu gwneud (paragraff 1.20), yn enwedig gan eu bod yn effeithio ar ddiogelwch y gymuned a diffoddwyr tân, ac, sydd o bosibl, yn golygu eu bod yn is i lawr yn y gynghrair gwariant na'r ATA yng Nghymru. Mae'r Awdurdod yn ystyried y byddai ei ddull yn cael cefnogaeth eang ymysg y cyhoedd a dyma farn a ellid, yn ôl pob tebyg, ei phrofi yn yr ymchwiliad cyhoeddus yn dilyn unrhyw gynnig gan Weinidogion Cymru i amrywio neu ddirymu'r Gorchymyn Cyfuno.

Ac i gloi, nid yw'r Papur Gwyn yn cyfeirio o gwbl at ddiogelwch swydd y Prif Swyddogion Tân presennol. Gan fod bwriad i wneud newidiadau i'r Gorchmynion Cyfuno (sy'n gwneud cyfeiriad penodol ar swydd Prif Swyddog Tân) ac i statws y Prif Swyddog Tân fel rhan o'r trefniadau newydd, mae'n bwysig egluro'r sefyllfa hon.

Mae ymatebion i ymgynghoriadau yn debygol o gael eu gwneud yn gyhoeddus, ar y rhyngrwyd neu mewn adroddiad. Os byddai'n well gennych i'ch ymateb aros yn ddienw, ticiwch yma:

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Response 46

Consultation Response Form

Your name: **Mid and West Wales Fire and Rescue Service**

Organisation (if applicable):

email / telephone number: [REDACTED]

Your address: **Service HQ, Lime Grove Avenue,
Carmarthen SA31 1SP**

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

The rationale for reform is not clearly set out within the White Paper and it may be considered that the document fails to provide clear evidence of how the objectives for reform have been proposed.

It is right and proper to preserve the current evidenced high standards of service and allow the Fire and Rescue Service (FRS) to maintain and enhance them to the fullest extent possible. Clear and effective leadership of, and accountability for, the development and delivery of FRSs is welcomed by Mid and West Wales Fire and Rescue Service (MAWWFRS).

Reform of the current governance, finance and performance management arrangements for FRAs should:

□ ***Preserve the current high standards of service and allow the Fire Service to sustain and enhance it to the fullest extent possible.***

MAWWFRS agrees with the above sentence. Preserving and enhancing the current high standards of service and allowing the FRS to maintain and enhance them to the fullest extent possible is critically important, to both MAWWFRS and the citizens it serves. MAWWFRS has a proven track record of effective delivery through continued development and providing value for money ensuring that the correct strategic and operational matters are being delivered and documented.

MAWWFRS is extremely proud to hold the liP Platinum Accreditation, a clear, evidenced and objective acknowledgement of an organisation that staff are very proud to be a part of. Indeed, MAWWFRS is the only Fire and Rescue Service in the world to hold the Platinum Accreditation. Of the 15,000 organisations affiliated to liP, based in 75 different countries across the world, MAWWFRS is part of an elite group of organisations who hold this accolade. Of all the liP accredited organisations worldwide, only 1% have achieved the Platinum standard. MAWWFRS also holds the Corporate Health Gold Accreditation as a further external validation of the high standards promoted and achieved by the organisation.

Decision-makers in Government, the Fire Authority and Civil Society Organisations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organisations and whether the decision is internal or external. The Fire Authority for MAWWFRS delivers good governance by ensuring that both the governing body and individuals working for the organisation act in the public interest at all times. They maintain consistency with the requirements of legislation and government policies, avoid self-interest and, where necessary, act against a potential organisational interest.

□ ***Create clear and effective leadership of, and accountability for, the development and delivery of fire and rescue services.***

It is important to note that issues can arise when governance and leadership roles are confused, and whilst leadership can be considered attractive, understanding the concepts of governance is an altogether different matter. The constitution for the FRA clearly identifies the role of the Authority and their involvement in the decision-making process. Indeed, it emphasizes that they are to act as a voice for the communities they serve and encourage the citizens they represent to also become involved in this decision-making process.

MAWWFRS cannot afford to ignore governance: it ensures everything undertaken within the Organisation aligns with the strategic direction of the Service. It ensures that service delivery is achieved effectively and efficiently in an optimised environment using professional judgement and transparency to promote better decision making.

Decision makers require training to handle governance properly and this is generally achieved via local authority training for councillors. In addition, MAWWFRS also provides bespoke training and awareness to enable Fire Authority Members to better understand their role within the governance structure of the organisation. Within MAWWFRS there exists a corporate governance structure that is ultimately responsible for the quality and safety of services provided and this is not only governed via the FRA but via other regulatory bodies such as Wales Audit Office (WAO), National Operational Guidance and protocols, Risk Critical training accreditation etc. This is derived from the legal responsibility and operational authority for all activities undertaken by MAWWFRS.

□ *Create genuine external accountability for FRA budget and spending decisions, while recognising the particular features of resourcing emergency services.*

MAWWFRS is unclear what is referred by the term 'genuine external accountability' as it implies that existing governance arrangements within MAWWFRS do not attain a standard acceptable to Welsh Government. As a result, MAWWFRS disagrees with the assertion that FRA Members are not accountable to their constituent Authorities. Whilst Members are not directly elected by the electorate to sit on the FRA they are appointed to the FRA by their constituent authorities in the same manner as many other committees that they are elected onto, such as Planning/Health & Social Care/Highways Committees. If the constituent authority is, for any reason unhappy with the performance of an individual councillor on the FRA, they have autonomy and power to remove and change the said individual at any time.

By altering the governance structure of the Fire and Rescue Services across Wales the manner of scrutinising the FRS would clearly change. It is critical that any process needs to be transparent, robust, accurate and be able to offer a quality of delivery that would not affect the service to its citizens.

□ *Encompass the changing role of the service and provide clear, fair and sustainable funding mechanisms for it.*

MAWWFRS agrees with the objective to secure clear, fair and sustainable funding mechanisms that will encompass the changing role of the FRS. MAWWFRS would welcome Welsh Government's lead in pursuing an agreement that would sustainably fund the added value that FRSs can provide to the health sector in Wales, both from a preventative and response perspective. MAWWFRS has established arrangements in delivering wider safety and health messaging through its home safety/health and wellbeing check arrangements, as well as spearheading vital medical response provision to offer support to the most rural of our community locations. However, these essential community provisions also require a new and sustainable funding model to provide much needed longevity to the wider demands being placed on fire and rescue service provision.

□ *Increase the expertise and capability of FRAs to provide strategic leadership, to sustain effective collaboration and to hold senior officers to account.*

Whilst there could be scope to broaden strategic inclusion to the Authority, this should be balanced against community expectation of representation and indeed the competencies of the existing FA make up. Consideration should also be made to the potential confusion of role between the FA and Chief Fire Officer (Head of Paid Service) where such changes are considered. It should also be noted that the democratic process in itself is a process that is not built upon any specific expertise or capability, but rather on one's ability to be democratically elected by one's constituents to represent the community expectations of the area. Sustaining effective collaboration has always been a cornerstone of the successes achieved by MAWWFRS in reducing risk within its communities.

□ *Provide for FRA members to be fewer in number, but to have a more clearly defined remit and the capability to carry it out.*

There is no detailed evidence provided that confirms there is a failure of the existing arrangements, on the contrary, MAWWFRS's Constitution sets out very clearly the expected standards of the Fire Authority in the conduct of its undertaking. The current arrangements provide democratic representation across the Service footprint and when considering an area of approximately 12000sqkm, involving 6 Local Authority Councils. It is not clear that this representation can be achieved fully with a cabinet model, however, MAWWFRS acknowledges that there may be scope to refine its existing arrangements which may include a reduction in FA Members in the spirit of improving its operating efficiency.

□ *Include a new performance management system which should better reflect the particular operating contexts and challenges which FRAs face.*

The Service is broadly supportive of improvement to performance management systems and considers the prospect of adopting a potentially new performance management system as an opportunity to further enhance its service delivery effectiveness. However, such a system would require full consultation with the FRS to ensure that its performance measuring and reporting capability provides all round added value to both the Service and Welsh Government and crucially to our local communities.

□ *Be as limited in scope as possible, and avoid any changes to front-line operations or resources.*

MAWWFRS agree that caution must be applied to any future governance change, which could potentially have a detrimental impact on front line Service Delivery. Maintaining the proven success of delegated powers to the Chief Fire Officer, will support professional consideration and application of operational efficiency and enable the organization to respond in the most appropriate manner. Representative Bodies respond positively to the leadership of the Chief Fire Officer for operational decision making and delivery of risk response and this relationship is likely to be become damaged should changes in this role be made in isolation of the wider impacts.

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

MAWWFRS is not aware of any other objectives that the reform programme should pursue. MAWWFRS does not believe that significant changes are needed but accept that there is always scope for continual improvement and indeed prides itself on its approach to leading on, and embracing, change and improvement using established governance arrangements

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

MAWWFRS agrees that the 3 current FRAs should remain as separate and distinct entities, within the current existing boundaries. MAWWFRS already operates on the principle of regional working and is an organisation that has operated efficiently and effectively on the current regional footprint of Mid and West Wales for over 20 years.

The three FRSs in Wales have a well-established approach to collaborative working ensuring that whenever possible, and in order to achieve efficiencies, matters are addressed on a Wales wide level, whilst ensuring that any regional differences are observed where appropriate. For the last 10 years, the 3 FRS in Wales have embedded collaborative working on a number of strategic and operational levels through the establishment of the National Issues Committee (NIC).

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?

MAWWFRS agrees that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate.

Whilst MAWWFRS welcomes the evaluation of elements of the existing governance model to ensure that the most suitable and correct governance model is in place across the sector, the FRS in Wales is devolved to Welsh Government and Policing is not. It is therefore not clear to MAWWFRS how this transfer could legally be achieved and the potential benefits this would provide both to the citizens and communities in Wales.

The operational independence of the FRS is the main safeguard against politicisation but there is a potential that this may be eroded by the introduction of an alternative system. As has been witnessed on the same commissioning model in some English FRS's, it is inevitable that Chief Fire Officers would be susceptible to informal pressure exerted by their Police, Fire and Rescue Commissioner being that this official possesses delegated control over both the Police and Fire Chief's via the power to appoint and dismiss both. As understood from colleagues within English FRS's, MAWWFRS would suggest that there is a potential vulnerability with the PCC model in that their intrusion erodes the principle of operational independence placing strategic decision making to improve operational service delivery at an impasse.

The appointment and performance management of the CFO is currently determined by the FRA. Due to the diverse representation provided by the FRA system and the number of individuals involved in this process, this appointment is independently determined and not subject to the potential short-term variances of a single, politically appointed, post holder which has the potential to demand changes to operational FRS delivery in order to meet headline manifesto pledges, that inevitably, do not deliver to the communities for which the Service is currently based upon.

MAWWFRS is of the opinion that transferring control of FRSs to local authorities would also be ineffective on such a small scale, as it would create long term difficulties in sustainable funding for the sector across Wales.

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?

The FRS, whilst devolved, operates Nationally across the UK for many elements of its work. Specialised functions such as water rescue resources are registered Nationally (UK), and the majority of FRS sector learning is undertaken on a National basis ensuring that the latest information is shared across the whole sector. Mutual aid arrangements are also in place with several cross-border Fire Services and thus National (Wales or UK) interests must be reflected in any future governance model.

The FRS is renowned for its ability to adapt to changing operational demands and the new global terrorism threat is no exception where innovative approaches to support this through the creation of MTFA teams are made.

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

Agreed, MAWWFRS believes that the citizens it serves should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention and thus local authorities should continue to nominate members. Good governance ensures effectiveness and efficiency through the application of processes and practices to produce results that meet needs while making the best use of resources. MAWWFRS believes that this is achieved through the democratically elected model currently in place for the formation and operation of Fire Authorities.

More effective governance is one of the main rationales that have been used in promoting decentralisation, with centralised national governments criticised as being less efficient in allocating services and resources to citizens. Devolution became a priority for the UK Government in 2015 with the suggestion that council leaders had a greater ability to respond to their constituents' needs. Elected politicians at a local level can more easily be identified as being responsible, and can more effectively monitor the behaviour of officers, than can a more distant national politician.

Decentralisation of decision-making authority can be considered to better coordinate and reduce bureaucracy, resulting in economic and social improvements in the provision of local public services, and can bring governance closer to the people.

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

MAWWFRS believes that the political make up of a Fire and Rescue Authority should be representative of the communities within that regional area, to ensure that democratically the FRA is getting representation of what the community thinks of the services provided. This may not be fully achievable with a cabinet model when considering that MAWWFRS serves an area of 12000sqkm (two thirds of the landmass of Wales).

MAWWFRS does not therefore agree that local authorities should nominate one FRA member each drawn from their cabinets. However, it may be possible to maintain good governance which is representative of the area served with a refined membership model based on population bands.

Achieving a political balance which is generally representative of the area served is of course much more difficult to achieve with so few members which may in turn have a detrimental effect on the overall aim of better scrutiny and governance.

A revised system should consider any increased costs of operating a cabinet model that would potentially need additional cabinet members across each local authority area to address FRA governance. It is also not clear how a cabinet model would address the implied statement within the paper that current FRA members don't necessarily have all the capability that they need to operate an efficient scrutiny and challenge process. The fact that a locally elected member is nominated to cabinet doesn't change one's make-up as essentially all councillors enter local politics via the 'backbench'.

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?

MAWWFRS cannot comment on remuneration of council cabinets as this is a matter for each local authority and the IRPW to determine. MAWWFRS would however query capacity related matters of the current council cabinets and whether it is deemed appropriate to include Fire and Rescue governance as a bolt-on for Cabinet Members that already have busy workloads.

The Consultation paper does not appear to reference already agreed protocols around elected member job sizing, roles/responsibilities and remuneration.

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

MAWWFRS can see some benefit from the inclusion of non-executive members to the FRA. It would however be necessary to clarify the position regarding voting rights etc to ensure that nothing detracts from the overarching democratic process.

MAWWFRS would emphasise that this should be a power to be used at local discretion rather than prescribed nationally. It is vital to ensure that local democracy of elected members is not put at risk or undermined in any arrangements for co-opted representatives to be given voting rights and the power to 'call in' decisions.

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

MAWWFRS believes that if a proposal to include non-executive members onto the FRA's was progressed, the appointments process should be completed locally within the respective FRA area. However, much more detailed consideration is necessary with regard to the practical application and funding of such a move, coupled with an evaluation of the potential added benefits (or not) that this arrangement provides by comparing and contrasting with other public sector entities of similar operation.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

MAWWFRS does not agree with this proposal.

MAWWFRS see similarities within this proposal to that of the historic tripartite structure utilised previously across UK Police Forces.

It can be considered that the tripartite structure had elements of success in setting priorities and enabling local people to hold the police to account. Greater local accountability was arguably achievable through local strategic partnerships, while retaining police authority accountability at force level. The system ensures that the Service and Chief Fire Officer can remain apolitical, but it should be noted that the UK Government worked hard to move away from this system partly due to the power vested in the Chief Constable.

The tripartite system rested on the separation of power, but there was many a debate concerning the balance of power between the three partners. At the time of the enactment of the Police and Magistrates Courts Act 1994 it was generally acknowledged that it was necessary to strengthen the relative position of the local police authority.

MAWWFRS would have concerns with vesting so much power and responsibility in one individual and in some instances, subject to the individual, there may be a risk to the way that the service is delivered. Local community involvement in FRS matters should be encouraged not diluted and MAWWFRS consider this as an essential ingredient in continuing to increase the confidence of its communities.

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

MAWWFRS does not see any evidence to support this proposal and is unclear on what any outcomes may be?

MAWWFRS is not aware of any other objectives that the reform programme should pursue. MAWWFRS does not believe that significant changes are needed but acknowledges there is always scope for continual improvement and indeed prides itself on its approach to leading on and accepting change and improvement.

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?

This is not agreed, MAWWFRS believes that governance and funding go hand in hand and thus it would be extremely difficult for elements to be split between Welsh Government and the constituent authorities. The Mid and West Wales Fire Services (Combination Scheme) Order 1995 has been exercised responsibly since its creation and it is pleasing to note that this is recognised within the White Paper.

MAWWFRS takes budget planning and setting extremely seriously and undertakes several budget planning days before agreeing a final budget. These planning days are well attended by FRA Members, Executive Leadership Team, Corporate Communications Team and Representative Bodies and commence during late Spring/early Summer, in advance of setting the budget for the following year. To date, these arrangements have underpinned effective governance arrangements in both performance reporting and scrutiny within the Service.

The proposal to introduce some form of facility to reserve arbitration power to Welsh Ministers is not supported by MAWWFRS, as the current arrangements are considered democratically appropriate and accountable – a reserve arbitration process appears to simply add a further 'layer' of bureaucracy which does not align to local decision making and accountability.

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?

Precepting has the potential to enable services to work towards longer-term strategic planning which will provide the most cost-effective, sustainable and efficient service to the communities they serve. MAWWFRS are open to further discussion regarding a move towards a precepting model which could support a way of ensuring clear evidence of FRA costs to the citizens of Mid and West Wales.

What must be factored into any proposals is the potential effects on sparsity within a rural area(s) in terms of a precepting model. MAWWFRS would want to ensure that any precepting model takes account of the sparsity element of the make-up of the organisation to ensure that any new funding formula provided the ability to ensure the sustainability of service delivery within both urban and rural areas.

If supported, this proposal should be based on a structured transition in preparation for the next local council term and the proposal should avoid any attempt at a short-term interim fix.

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

As above

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

MAWWFRS agrees that the current performance management system for FRAs is not well suited to current operational and service delivery requirements and agrees with the repealing of the Local Government (Wales) Measure 2009.

The Framework offers the potential to incorporate performance management within a new draft. This would allow for FRS's to report to WG on deliverables, however it must be noted that each Welsh FRS has differing demands and resources and, as such, comparable reporting may not be appropriate.

Creating a new system that is more aligned to the distinctive features of the FRS is welcomed along with the joint development of the Framework. MAWWFRS would however query the practicalities of developing such a document with so many different bodies. The inclusion of representative bodies in any development should not be limited to just one but should include all representative bodies for all employee sectors.

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?

MAWWFRS agrees with the need to provide greater flexibility on planning cycles which would need to be directly linked to funding arrangements, longer-term funding arrangements would allow for greater strategic planning and implementation of change.

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?

It is accepted that for such an important service, Welsh Government should expect Welsh Ministers to report to the Assembly on delivery of the Framework. Much of this matter is of

course dependant and inherently linked to the governance model that the FRS will operate under, and a matter for Welsh Government itself

Question 19: We would like to know your views on the effects that 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 favourably than English.

A reduced FRA presence introduces a significant risk of reducing the diversity representation of our communities, including the use of the Welsh language and its inherent cultural value within rural Wales.

What effects do you think there would be?

The suggested FA membership reduction and the potential inclusion of strategic representation, may reduce Welsh Language representation and create a reduction in the opportunity of business to be conducted through the medium of Welsh. It is worth noting that the area of MAWWFRS has one of the predominant Welsh speaking populations.

How could positive effects be increased, or negative effects be mitigated?

There are areas of the proposal that would need to take consideration of the potential effects on the Welsh Language, particularly within the proposed governance model, to ensure the Service's continued ability to promote the Welsh Language.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

The reduction of representatives or specific appointments to the governance structure, will reduce the opportunity to broaden the use of Welsh Language during governance business. Whilst there will continue to be a provision of translation facility, further consideration would need to be made to ensure that such facility translates to Welsh from English.

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:

The public sector is responsible for using a significant proportion of national resources to provide services to citizens. MAWWFRS has managed excellent delivery of services to its communities since its formation in 1996 and the Fire Authority has ensured throughout this duration, that the emergency service of protection, prevention and response have been delivered, not only within budget but in an efficient and effective manner.

Since its inception in 1996, significant transformation has taken place, driven by the need to make efficiencies in the Organisation whilst improving response and reacting to the broadening of the fire fighters role against a backdrop of a National (UK) pay dispute. It is clear therefore that the MAWW Fire Authority has played its part in both governing and delivering value for money in these times of austerity. More recently (last 10 years) a total of £9.0 million financial reductions, or 20% of the budget has been made. Difficult decisions have been made that led to reductions in staffing numbers on stations by 27%, and

middle/senior Manager posts by 34% but these decisions were always undertaken democratically and with good governance.

Since the summer of 2015, we have been undertaking a Public Opinion Survey – “Did You Know...” - to which we have received a total of **4492** responses so far.

Q1. We asked people what they thought our priorities should be?

- 97 % said responding to fires should be our priority
- 93% said responding to other life-threatening emergencies such as road accidents and other rescues should be our priority
- 53% said providing community fire safety education to young people and those most at risk including free HFSCs should be our priority
- 11% said protecting local businesses from fire should be our priority
- 48% said responding to natural disasters such as flooding should be our priority

Q2. With impending cuts, which of the following options would they prefer?

- **80% said they would prefer to pay more to maintain the current level of service. 80%**
- Just 6% said they would prefer to pay the same but face cuts to services
- 2% said they would prefer to pay less and remove more services
- 10% said that they didn't know which option they preferred

Q3. If MAWWFRS must make savings, where did they think the savings should be made?

- 58% thought savings should be made by collaborating more with other services
- 37% thought none of the options
- 2% thought employing less firefighters could deliver savings
- 2% thought closing fire stations could deliver savings

The Fire Authority is accountable not only for how much it spends but also for the way it uses the resources with which it has been entrusted with. This makes it critical that the whole organisation can demonstrate the integrity of all its actions and has mechanisms in place that encourage and enforce a strong commitment to ethical values and legal compliance at all levels.

The argument therefore that budgets are set without any formal external challenge or control is not valid, as clearly the strategic service delivery decisions are made via democratically and auditable governance arrangements. Good governance gives the local communities confidence in MAWWFRS and improves the confidence that Councillors and Officers have in the Fire Authority and its decision-making processes. It leads to better decisions, helps local government meet its legislative responsibilities and importantly provides an ethical basis for governance. The result of this proactive approach is that this Organisation is now extremely lean, but one that continues to deliver an effective service to the citizens of Mid and West Wales via a well governed and importantly, a democratically supported system.

The argument remains as to the driver to change the governance and funding model for a service provider that is already regionally based across Wales. A Service that is continually

evolving, adapting and improving and one that delivers efficiently and effectively year on year for less than 1% of the Welsh Governments budget.

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☐

Response 47

Reform of fire and rescue authorities in Wales

Submit your response

Q1. 1. Do you agree the objectives for reform are appropriate and important?

Comments:

Some of the objectives for reform are important, although it is important to note that others are less so. If reform is considered necessary, it is important and appropriate that it preserves the current high standards of service and allows the Fire Service to sustain and enhance them to the fullest extent possible. However, it is questionable whether there is a requirement to create 'clear and effective leadership and accountability for the development and delivery of fire and rescue services', given that the MAWWFRA have been awarded an Investors in People Platinum Award following a rigorous accreditation process. This process highly commended the level of leadership within the organisation. Furthermore, the need to establish 'genuine external accountability for FRA budget and spending decisions' is also questionable, and needs to be clarified. The FRA is already scrutinised by the WAO, a process deemed sufficient for other Constituent Authorities. Moreover, Leaders of constituent Local Authorities have the ability to remove Members from the Authority if it is considered necessary, and accounts are published annually for public scrutiny. It is implied that there is a need to 'increase the expertise and capability of FRAs', but no justification is offered, or an indication as to the expertise or capability that is missing in the present arrangements. The membership of FRAs offers adequate experience and expertise to undertake its responsibilities, as scrutiny of operational decision making is beyond their remit. It is unclear whether the White Paper offers a coherent understanding of its own proposition when it suggests that FRA members need to be 'fewer in number, but have a more clearly defined remit and the capability to carry it out' and also suggests membership could be drawn from Local Authority Cabinets. Local Authority Cabinet Members already undertake a significant number of duties and responsibilities, and so it is unclear how FRAs consisting of just 6 Cabinet Members would have a greater capability than the present membership, consisting of members who are often able to fully concentrate on their FRA responsibilities. Despite the reservations outlined above, should reform be pursued, it should be limited in scope so as to prevent avoid any changes to front-line operations or resources.

Q2. 2. Are there other objectives that the reform programme should pursue?

No

Q3. 3. Do you agree that Fire and Rescue Authorities (FRAs) should remain as separate and distinct entities, with the same boundaries as now?

Yes

Q4. 4. Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

Yes

Q5. 5. Do you agree that there are legitimate but limited national interests in the Service that need to be reflected in its governance arrangements?

Yes

Q6. 6. Do you agree that local authorities should continue to nominate FRA members?

Yes

Q7. 7. Do you agree that local authorities should nominate one FRA member each, drawn from their cabinets?

No

Comments:

I do not agree that local authorities should nominate one FRA member each, drawn from their cabinets, primarily due to the demand that the role would have on individuals already tasked with significant duties and responsibilities, and a preference that membership offer a fair reflection of the geography of the areas and communities served.

Q8. 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?

No

Comments:

As per the reasons outlined above.

Q9. 9. Do you agree that FRAs should also have non-executive members?

Comments:

This is something that could be explored, providing that sufficient clarity is established as to what new skills these new would contribute to FRA, and if it can be proven that such a process would add value to the service.

Q10. 10. Who should appoint non-executive members of FRAs?

N/A

Q11. 11. Do you agree that, in the longer term, responsibility for the service 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?

No

Comments:

As previously expressed, the rationale for such changes is unclear. Greater evidence as to how this would benefit or add value to the service is required before such a proposal can be justified.

Q12. 12. Do you have any other proposals for how to reform FRA governance which meet the criteria in Chapters 1 and 2?

Again, the need for reform is unclear, given that the present model appears to be working well - successive audit reports confirm that the Fire Authority manages a high performing service.

Q13. 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?

No

Comments:

I am mindful that the Fire Service has successfully overseen considerable efficiencies during the past decade, whilst maintaining the quality of service. As such, greater detail as to how it is considered these changes would bring about an improvement to the existing budget planning process.

Q14. 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?

No Response

Q15. 15. Do you have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2?

No Response

Q16. 16. Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services?

Yes

Q17. 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?

Yes

Q18. 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?

No Response

Q19. 19. We would like to know your views on the effects that 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 favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Should proposals that would effectively reduce the number of members sitting on the authority be implemented, it is likely that this would also reduce the number of Welsh speakers. It is a fact that nearly a third of MAWWFRA are first language Welsh speakers, and the Welsh language is routinely used within both full FA meeting and Committee meetings. Maintaining the number of members on the authority would not only ensure a fairer reflection of the many communities within the authority area, but also naturally enhance the number of Welsh speakers associated with the authority, which would otherwise be impacted by any reduction to the membership.

Q20. 20. Please also explain how you believe the policy proposals could be formulated or changed 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 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.

No Response

Q21. 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.

No Response

Q22. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name Ben Lake

Organisation (if applicable) -

Q23. If you want to receive a receipt of your response, please provide an email address. Email address

[REDACTED]

Q24. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

Response 48

Reform of fire and rescue authorities in Wales

Submit your response

Q1. 1. Do you agree the objectives for reform are appropriate and important?

Yes

Q2. 2. Are there other objectives that the reform programme should pursue?

No

Comments:

However it is imperative that this reform does not adversely impact the business of the Fire and Rescue Service, or its ability to provide both emergency response and preventative services.

Q3. 3. Do you agree that Fire and Rescue Authorities (FRAs) should remain as separate and distinct entities, with the same boundaries as now?

Yes

Comments:

It is essential that the 'local' knowledge be kept separate, even if other issues are aligned amongst the 3 Welsh FRS.

Q4. 4. Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

Yes

Comments:

It would not be of sufficient benefit to align the control to Police and Crime commissioners, and would in my opinion be detrimental to the fire and rescue authorities.

Q5. 5. Do you agree that there are legitimate but limited national interests in the Service that need to be reflected in its governance arrangements?

Yes

Q6. 6. Do you agree that local authorities should continue to nominate FRA members?

Yes

Comments:

Yes, but preferably from their cabinet or those that also sit on other aligned committees.

Q7. 7. Do you agree that local authorities should nominate one FRA member each, drawn from their cabinets?

Yes

Q8. 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?

Yes

Q9. 9. Do you agree that FRAs should also have non-executive members?

Yes

Q10. 10. Who should appoint non-executive members of FRAs?

Welsh Ministers

Q11. 11. Do you agree that, in the longer term, responsibility for the service 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?

Yes

Q12. 12. Do you have any other proposals for how to reform FRA governance which meet the criteria in Chapters 1 and 2?

No Response

Q13. 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?

Yes

Q14. 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?

Yes

Q15. 15. Do you have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2?

No

Q16. 16. Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services?

Yes

Comments:

The measures need to be appropriate to the work. The emergency response measures may need to be slightly different per FRA and local issues, or alternatively cover all 3 FRS with differing levels in some instances to reflect the natures of the Service area. In addition, the FRS should be involved in supporting the NHS or Welsh Ambulance Service more, and in more flooding etc with relevant funding to support these activities. Preventative work should include Behavioural Change Techniques and specific evaluation to evidence the value of interventions, more funding available for Road Safety and other fire prevention and safety activities.

Q17. 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?

Yes

Q18. 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?

Yes

Q19. 19. We would like to know your views on the effects that 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 favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

There would be no negative impact on the Welsh Language, everything is available bi-lingually already.

Q20. 20. Please also explain how you believe the policy proposals could be formulated or changed 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 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.

No Response

Q21. 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.

No Response

Q22. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name

██████████

Organisation (if applicable) -

Q23. If you want to receive a receipt of your response, please provide an email address. Email address

████████████████████

Q24. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

Response 49



GWYNEDD ADVICE RESPONSE - Welsh Government White Paper: Fire and Rescue Authorities Reform Wales - consultation on the reform of the Welsh Fire and Rescue Authorities' governance and funding arrangements.

Gwynedd Council is pleased to present their comments on the above white paper published on 13th November 2018. Our response will be submitted before the consultation deadline of 5 February 2019.

Chapter 1 - The Debate for Change

Chapter 1 - Consultation Questions:

1. A 1. Do you agree that the objectives for reform are appropriate and important?
2. A 2. Are there other objectives that the reform plan should address?

Chapter 1 – Gwynedd Council Response:

We note that the governance arrangements and securing democratic accountability in the white paper are for Fire and Rescue Authorities only. There are a number of other organizations that provide a service to the public (such as Ambulance Service, Health Authority) where there are no democratic accountability arrangements. Why is the Welsh Government only putting emphasis on the Fire and Rescue Authority?

However, given the current position of this public body and the specific consultation on the reform and governance arrangements of FRAs, consideration was given to the direction proposed.

It is very difficult to argue against the principle of sealing any change to the need to improve the capacity of the service to maintain and build on existing success, understanding and responding to long-term challenges. In addition, it is difficult to dispute and the need for public bodies to be clearly accountable to those who serve them by ensuring clear democracy arrangements.

However, the link between the debate about change and what is proposed in terms of the democratic structures is not clearly pronounced. There may be room to modify

the current arrangements for democratic accountability, in particular the role of elected members together with the funding arrangements of the service. However, there would be a need to clarify how practical arrangements are about ensuring the fulfillment of the principles.

We believe that the biggest change is the change to the Fire and Rescue Authority's budgeting arrangements. The Fire and Rescue Authority is currently raising levy on the relevant authorities, and although the budget size is determined by consultation on the progress, the service itself.

Chapter 2 New System Design

Chapter 2 - Consultation Questions:

3. Do you agree that Fire and Rescue Authorities should continue to be separate and specific entities, with the same boundaries as they currently have?
4. Do you agree that it would not be appropriate to transfer control over fire and rescue services to Police and Crime Commissioners or local authorities?
5. Do you agree that there are legitimate but limited national interests in the Service that need to be reflected in its governance arrangements?

Chapter 2 - Response of Gwynedd Council:

The consultation in the second episode, in effect, sets out why the current arrangements should not be changed, however, there are some mixed messages in pressing for keeping the authorities separate (question 3), but also emphasis on the national benefits (question 5).

We interview that there is no obvious benefit arising from having one Fire and Rescue Authority for Wales and that the current arrangements of three Authorities should continue with no change to the existing boundaries. The current boundaries of the North Wales Fire and Rescue Authority are in line with the boundaries of the six local authorities, the Betsi Cadwaladr Health Authority Board and much regional work is taking place and develops on this regional basis. A strong voice must be made to the North, with a service based on a strong understanding of the area and the needs of the area being served.

We also interview that Fire and Rescue Services should not be transferred under the control of Police and Offenders Commissioners. Should it move to that model, it is necessary to note that there would be further implications as the Police and Offenders Commissioners are under the responsibility of the Home Office, who have not devolved, although the service itself has been devolved. Such a situation would not be ideal and combine the responsibilities for these services can result in confusion about roles, powers and responsibilities.

We also interview that Fire and Rescue Services should not be transferred directly to local authorities. It is not a reasonable step to dismantle a service that works regionally across six authorities in north Wales. It would result in the loss of the regional co-operation element and the resulting benefits and much less efficient and efficient. It is envisaged that there would be a need to establish a joint committee to manage the service, without a clear benefit arising from such arrangements of the reorganization.

We have already stated our view that FRAs should continue to be separate entities to meet local requirements (which are very different in north Wales to what the other two areas face) and keep local expertise. In our view, the national benefits are secondary to the local benefits. We place emphasis on serving locally, accepting any national benefits that arise from national policies in the field.

Chapter 3: Governance and Membership

Chapter 3 - Consultation Questions:

6. Do you agree that local authorities should continue to nominate members of Fire and Rescue Authorities?
7. Do you agree that local authorities should nominate one member of the Fire and Rescue Authority, selected from their cabinet members?
8. Do you think that any changes to the law regarding the size of a council cabinet, and the amount of pay paid, are required so that members can also serve on Fire and Rescue Authorities?
9. Do you believe that Fire and Rescue Authorities should also have non-executive members?
10. Who should appoint non-executive members of Fire and Rescue Authorities?
11. Do you agree, in the longer term, that responsibility for the service should be in the hands of a statutory Chief Fire Officer, with Fire and Rescue Authorities scrutinizing and supervising? If so, would that mean that any change to membership arrangements needed to be made?
12. Do you have any other proposals about how to reform the governance of Fire and Rescue Authorities that meet the criteria set out in Chapters 1 and 2?

Chapter 3 –Response of Gwynedd Council:

Current governance arrangements for the Fire and Rescue Authority need to be reviewed. Democratic representation (currently 5 elected members of Gwynedd) is requested to serve on the Fire and Rescue Authority Board. Democratic representation is based on the population of each authority and is based on a political balance. The elected members of the different authorities that sit on the Fire and Rescue Authority are accountable and serve the Fire and Rescue Authority itself. It is not a role that represents the local authority or represents the population of the areas.

We agree that there is a place to modify the number of elected members serving on the Fire and Rescue Authority, however, we believe that the individual Councils should appoint them. If Local Authorities did not nominate a member or members to be on the Fire and Rescue Authority, it is very difficult to think of another means of identifying members to serve. It must be remembered that elected Members of each authority bring local expertise and a local voice to the Fire and Rescue Authority in order to protect the interests of their local residents. In addition, they have been democratically elected to represent their constituents.

However, we do not coincide with the suggestion that individual Authorities should nominate one member to serve on the Fire and Rescue Authority, from Cabinet Members.

We are not clear of the reason noted behind the suggestion of seeking a specific role for the Cabinet Member on the Fire and Rescue Authority. Cabinet members' workloads are already heavy, and the cabinet member's priority is to serve the people in their authority and to get the best service for them. It must be remembered that the Independent Remuneration Panel for Wales notes that Cabinet Members' salaries are based on working approximately 40 hours per week (but not 9 - 5). The level of commitment expected by the Panel therefore suggests that higher expectations could not be cope. In addition, the Panel has also indicated that no member should pay more than one salary, again based on expectations and the level of commitment to senior salary holders.

We do not believe that one member, who is a Cabinet Member, is the right answer. Any dedicated member can acquire expertise to the field, and it is considered that some backbench members have some more time to commit to the work. We also believe that more than one member of the authority is needed given that the members represent a large geographical area and a high number of the population. The appointment of more than one member would also ensure attendance to represent the electorate at Fire and Rescue Authority meetings.

It is very important to note that the above comments are based on changing the Fire and Rescue Authority's funding regime to a precept procedure. It must be noted that, if the funding arrangements did not change to the precept arrangements following the consultation, further consideration would be needed to the membership of the Fire and Rescue Authority specifically to ensure that the Councils have a direct voice in the fiscal decisions, rather or accepting the only requirement we give.

In addition, if the idea was to move a Cabinet Member as a member of the Fire and Rescue Authority, it would be necessary to look at making legal changes to the cabinet size in order to cope with the additional requirements. In addition, it would be necessary to look at the impact of senior pay payments on the Fire and Rescue Authority's budget, ensuring that any changes to the arrangements do not involve additional costs, particularly as a result of the current financial climate with ongoing

savings. In addition, it would be necessary to accept that the membership of the Fire and Rescue Authority would not be based on the political balance of the region.

In terms of non-executive members, it is necessary to question how the role would add value and ensure clarity of the requirements and role before moving forward. However, should consideration be given to proceeding on this route, a transparent appointment procedure, which is clear to the public and to be led by the body responsible for appointment.

It is noted that "responsibility for the service should be in the hands of a statutory Chief Fire Officer". Is this a responsibility for the active operation of the service? The Fire Authority usually sets the strategic direction and budget of the Service etc. It must be clear that the establishment of scrutiny and overview arrangements only is implied when giving responsibility for the service in the hands of a statutory Chief Fire Officer, with the Fire and Rescue Authority, which is a step back from setting strategic and financial decisions, in the hands of elected members.

Chapter 4

Chapter 4 – Consultation Questions:

13. Do you agree that Fire and Rescue Authorities and local authorities should agree on how much FRA and FRA funding each year will have, with the power of arbitration for Welsh Ministers?

14: Do you agree, in the longer term, that Fire and Rescue Authorities should have the powers to impose the council tax precept, with the remainder of their funding coming in the form of grants from the Welsh Government?

15: Do you have any other proposals about how to reform the FRA funding that meets the criteria in Chapters 1 and 2?

Chapter 4 – Response of Gwynedd Council:

We agree that current arrangements for the funding of the Fire and Rescue service need to be reviewed. Although there is a consultation on the progress made by the Fire and Rescue Authority, the authority determines the size of its own budget, and there is no external control or an independent challenge on the size of local authority contributions.

Current arrangements are unclear to council tax payers and can lead to difficult decisions for elected members as they seek to achieve as low as possible to the Council tax. The Fire and Rescue Authority may want to raise their budget of 6%, which means an additional levy of approximately 0.5% on council tax in Gwynedd. It is not clear then for the County's residents that 0.5% of the increase they face is outside the Council's control.

We believe that moving towards a precept system for the funding of the Fire and Rescue Service. Collecting the money on behalf of the Fire and Rescue Service would be an improvement on the current levy arrangements on local authorities in the region.

A precept procedure would ensure consistency with the way resources are collected on behalf of the Police and Community Councils, thereby ensuring transparency for council tax payers for the cost of the Fire and Rescue service.

Chapter 5 – Performance Management

Chapter 5 – Consultation Questions:

- 16. Do you agree that the performance management system for Fire and Rescue Authorities should be based on the Fire and Rescue Services National Framework**
- 17. Do you agree that such a system is required to provide Fire and Rescue Authorities with flexibility in terms of planning and reporting circles, and in terms of the sources of information that they use for performance?**
- 18. Do you agree that the Welsh Ministers should keep their duty to report to the Assembly about how the framework will be provided, and their powers to intervene?**

Chapter 5 – Response from Gwynedd Council:

The element of performance management of the service is completely dependent on the other changes to the Fire and Rescue Authority's governance and funding



YMATEB CYNGOR GWYNEDD - Papur Gwyn Llywodraeth Cymru: Diwygio Awdurdodau Tân ac Achub Cymru - ymgynghoriad ar ddiwygio trefniadau llywodraethu a chyllido Awdurdodau Tân ac Achub Cymru.

Mae Cyngor Gwynedd yn falch o'r cyfle i gyflwyno eu sylwadau ar y papur gwyn uchod a gyhoeddwyd ar 13eg Tachwedd 2018. Cyflwynir ein hymateb cyn dyddiad cau'r ymgynghoriad, sef 5 Chwefror 2019.

Pennod 1 Y Ddadl Dros Newid

Pennod 1 - Cwestiynau Ymgynghori:

1. A ydych chi'n cytuno bod yr amcanion ar gyfer diwygio yn briodol ac yn bwysig?
2. A oes amcanion eraill y dylai'r cynllun diwygio roi sylw iddynt?

Pennod 1 - Ymateb Cyngor Gwynedd:

Noder fod y trefniadau llywodraethu a sicrhau atebolrwydd Democratiaeth yn y papur gwyn ar gyfer Awdurdodau Tân ac Achub yn unig. Mae nifer o gyrff eraill sy'n darparu gwasanaeth i'r cyhoedd (megis Gwasanaeth Ambiwylans, Awdurdod Iechyd) lle nad oes trefniadau atebolrwydd democrataidd ar eu cyfer. Pam fod Llywodraeth Cymru yn rhoi pwyslais ar yr Awdurdod Tân ac Achub yn unig?

Fodd bynnag, o ystyried sefyllfa gyfredol y corff cyhoeddus hwn a'r ymgynghoriad penodol ar ddiwygio trefniadau llywodraethu a chyllido Awdurdodau Tân ac Achub Cymru, ystyriwyd y cyfeiriad sy'n cael ei gynnig.

Mae'n anodd iawn dadlau yn erbyn yr egwyddor o selio unrhyw newid ar yr angen i wella gallu'r gwasanaeth i gynnal llwyddiant presennol ac adeiladu arno gan ddeall ac ymateb i heriau hirdymor. Yn ogystal, mae'n anodd anghydweld a'r angen i gyrff cyhoeddus fod yn atebol mewn modd eglur i'r rheini a wasanaethir ganddynt gan sicrhau trefniadau democratiaeth glir.

Fodd bynnag nid yw'r cyswllt rhwng y ddadl am newid a'r hyn a gynigir o safbwynt y strwythurau democrataidd yn cael ei ynganu yn hollol eglur. Efallai fod lle i addasu'r trefniadau cyfredol o ran atebolrwydd democrataidd, yn arbennig rôl aelodau etholedig ynghyd â threfniadau cyllido'r gwasanaeth. Ond ogystal, byddai'n rhaid sicrhau eglurder ar sut mae trefniadau ymarferol am sicrhau cyflawni'r egwyddorion.

Rydym o'r farn mai'r newid pennaf yw'r newid i drefniadau cyllidebu'r Awdurdod Tân ac Achub. Yn gyfredol mae'r Awdurdod Tân ac Achub yn codi ardoll ar yr awdurdodau perthnasol, ac er bod ymgynghori ar y cynnydd, y gwasanaeth ei hun sy'n penderfynu ar faint y gyllideb.

Pennod 2 Dylunio System Newydd

Pennod 2 - Cwestiynau Ymgynghori:

3. A ydych chi'n cytuno y dylai Awdurdodau Tân ac Achub barhau i fod yn endidau ar wahân a phenodol, gyda'r un ffiniau ag sydd ganddynt ar hyn o bryd?
4. A ydych chi'n cytuno na fyddai'n briodol trosglwyddo rheolaeth dros y gwasanaethau tân ac achub i Gomisiynwyr Heddlu a Throseddu neu awdurdodau lleol?
5. A ydych chi'n cytuno bod buddiannau cenedlaethol dilyn ond cyfyngedig yn y Gwasanaeth y mae angen eu hadlewyrchu yn ei drefniadau llywodraethu?

Pennod 2 – Ymateb Cyngor Gwynedd:

Mae'r ymgynghoriad yn yr ail bennod, i bob pwrpas, yn nodi pam na ddylid newid y trefniadau cyfredol, fodd bynnag, mae rhywfaint o negeseuon cymysg wrth bwysu am gadw'r awdurdodau ar wahân (cwestiwn 3), ond pwyslais hefyd ar y buddion cenedlaethol (cwestiwn 5).

Rydym yn cydweld nad oes budd amlwg yn deillio o gael un Awdurdod Tân ac Achub i Gymru ac y dylid parhau gyda'r trefniadau cyfredol o dri Awdurdod heb newid i'r ffiniau presennol. Mae ffiniau cyfredol Awdurdod Tân ac Achub Gogledd Cymru yn cyd-fynd â ffiniau'r chwe awdurdod lleol, Bwrdd Awdurdod Iechyd Betsi Cadwaladr ac mae llawer o waith rhanbarthol yn digwydd ac yn datblygu ar y sail ranbarthol hon. Rhaid sicrhau llais cryf i'r Gogledd, gyda gwasanaeth sy'n seiliedig ar ddealltwriaeth gref o'r ardal ac anghenion yr ardal sy'n cael ei wasanaethu.

Rydym hefyd yn cydweld na ddylid trosglwyddo'r Gwasanaethau Tân ac Achub dan reolaeth y Comisiynwyr Heddlu a Throseddwy. Petai symud tuag at y model hwnnw, mae'n angenrheidiol nodi y byddai goblygiadau pellach gan fod y Comisiynwyr Heddlu a Throseddwy dan gyfrifoldeb y Swyddfa Gartref, sydd heb ei ddatganoli, er bod y gwasanaeth ei hun wedi ei ddatganoli. Ni fyddai sefyllfa o'r fath yn ddelfrydol a gall cyfuno'r cyfrifoldebau am y gwasanaethau yma arwain at ddryswch ynglŷn â rolau, pwerau a chyfrifoldebau. .

Rydym hefyd yn cydweld na ddylid trosglwyddo'r Gwasanaethau Tân ac Achub dan gyfrifoldeb awdurdodau lleol yn uniongyrchol. Nid yw'n gam rhesymol datgymalu

gwasanaeth sy'n gweithio'n rhanbarthol ar draws chwe awdurdod yn y gogledd. Byddai'n arwain at golli'r elfen cyd-weithio ranbarthol a'r budd a ddaw yn sgil hynny ac yn llawer iawn llai effeithiol ac effeithlon. Rhagwelir y byddai angen sefydlu cydbwyllgor i reoli'r gwasanaeth, heb fudd amlwg yn dod o drefniadau o'r fath o'r ad-drefnu.

Rydym eisoes wedi datgan ein barn y dylai'r Awdurdodau Tân ac Achub barhau i fod yn endidau ar wahân er mwyn sicrhau ateb gofynion lleol (sy'n bur wahanol yn y gogledd i'r hyn a wynebwr gan y ddwy ardal arall) a chadw arbenigedd lleol. Yn ein barn ni, mae'r buddion cenedlaethol yn eilradd i'r buddion lleol. Rydym yn rhoi pwyslais ar wasanaethu yn lleol, gan dderbyn unrhyw fuddion cenedlaethol a ddaw yn sgil polisïau cenedlaethol yn y maes.

Pennod 3 Llywodraethu ac Aelodaeth

Pennod 3 - Cwestiynau Ymgynghori:

6. A ydych chi'n cytuno y dylai awdurdodau lleol barhau i enwebu aelodau Awdurdodau Tân ac Achub?
7. A ydych chi'n cytuno y dylai awdurdodau lleol enwebu un aelod Awdurdod Tân ac Achub yr un, wedi eu dewis o blith eu haelodau cabinet?
8. A ydych chi'n credu bod angen gwneud unrhyw newidiadau i'r gyfraith ynglŷn â maint cabinet cyngor, a faint o dâl a roddir, fel y gall yr aelodau hefyd wasanaethu ar Awdurdodau Tân ac Achub?
9. A ydych chi'n credu y dylai Awdurdodau Tân ac Achub fod ag aelodau anweithredol hefyd?
10. Pwy ddylai benodi aelodau anweithredol Awdurdodau Tân ac Achub?
11. A ydych chi'n cytuno, yn y tymor hwy, y dylai cyfrifoldeb am y gwasanaeth fod yn nwylo Prif Swyddog Tân statudol, gydag Awdurdodau Tân ac Achub yn craffu a goruchwylio? Os felly, a fyddai hynny'n golygu bod angen gwneud unrhyw newid i drefniadau aelodaeth?
12. A oes gennych chi unrhyw gynigion eraill ynglŷn â sut i ddiwygio'r modd o lywodraethu Awdurdodau Tân ac Achub sy'n bodloni'r meini prawf a nodir ym Mhenodau 1 a 2?

Pennod 3 – Ymateb Cyngor Gwynedd:

Mae trefniadau llywodraethu cyfredol ar gyfer yr Awdurdod Tân ac Achub angen eu hadolygu. Gofynnir am gynrychiolaeth ddemocrataidd (5 o aelodau etholedig o Wynedd ar hyn o bryd) i wasanaethu ar Fwrdd yr Awdurdod Tân ac Achub. Mae'r gynrychiolaeth ddemocrataidd yn seiliedig ar boblogaeth pob awdurdod ac wedi ei selio ar sail cydbwysedd gwleidyddol. Mae'r aelodau etholedig o'r gwahanol awdurdodau sy'n eistedd ar yr Awdurdod Tân ac Achub yn atebol ac yn gwasanaethu'r

Awdurdod Tân ac Achub ei hun. Nid yw'n rôl sy'n cynrychioli'r awdurdod lleol nac yn cynrychioli poblogaeth yr ardaloedd.

Rydym yn cytuno fod lle i addasu rhywfaint ar niferoedd yr aelodau etholedig sy'n gwasanaethu ar yr Awdurdod Tân ac Achub, fodd bynnag, rydym o'r farn mai'r Cynghorau unigol ddylai eu penodi. Pe na fyddai Awdurdodau Lleol yn enwebu aelod neu aelodau i fod ar yr Awdurdod Tân ac Achub, mae'n anodd iawn meddwl am ddull arall o adnabod aelodau i wasanaethu. Rhaid cofio fod Aelodau etholedig o bob awdurdod yn dod ag arbenigedd lleol a llais lleol i Awdurdod Tân ac Achub er mwyn gwarchod buddion eu trigolion lleol. Yn ogystal, maent wedi eu hethol yn ddemocrataidd i gynrychioli eu hetholwyr.

Fodd bynnag, nid ydym yn cydweld gyda'r awgrym i Awdurdodau unigol fod yn enwebu un aelod i wasanaethu ar yr Awdurdod Tân ac Achub, a hynny o blith Aelodau Cabinet.

Nid ydym yn glir o'r rheswm sydd wedi ei nodi tu cefn i'r awgrym o geisio rôl benodol i'r Aelod Cabinet ar yr Awdurdod Tân ac Achub. Mae llwythi gwaith aelodau Cabinet yn drwm eisoes, a blaenoriaeth aelod cabinet ar wasanaethu'r bobl yn ei awdurdod ef/ hi a sicrhau'r gwasanaeth gorau iddynt. Rhaid cofio fod Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol yn nodi fod cyflogau Aelodau Cabinet yn seiliedig ar weithio oddeutu 40 awr yr wythnos (ond nid 9 - 5). Mae'r lefel ymroddiad disgwylidig gan y Panel felly yn awgrymu na ellid ymdopi â disgwyliadau uwch. Yn ogystal, mae'r Panel hefyd wedi nodi na ddylid caniatáu mwy nag un uwch gyflog i unrhyw aelod, eto ar sail disgwyliadau a'r lefel ymroddiad i ddeiliaid uwch gyflogau.

Nid ydym yn credu mai un aelod, a hwnnw/honno yn Aelod Cabinet yw'r ateb cywir. Gall unrhyw aelod ymroddedig fagu arbenigedd i'r maes, ac ystyrir fod rhywfaint mwy o amser gan aelodau mainc gefn i ymroi i'r gwaith. Hefyd, rydym o'r farn fod angen mwy nag un aelod o'r awdurdod o gofio fod yr aelodau yn cynrychioli ardal ddaearyddol fawr a nifer uchel o'r boblogaeth. Byddai penodi mwy nag un aelod hefyd yn sicrhau presenoldeb i gynrychioli'r etholwyr yng nghyfarfodydd yr Awdurdod Tân ac Achub.

Mae'n bwysig iawn nodi fod y sylwadau uchod yn seiliedig ar newid trefn cyllido'r Awdurdod Tân ac Achub i drefn praesept. Rhaid nodi, pe na byddai'r trefniadau cyllido yn newid i drefniadau praesept yn dilyn yr ymgynghoriad, y byddai angen ystyriaeth bellach i aelodaeth yr Awdurdod Tân ac Achub yn benodol er mwyn sicrhau fod gan y Cynghorau lais uniongyrchol yn y penderfyniadau cyllidol, yn hytrach na derbyn y gofyn sy'n cael ei roi arnom yn unig.

Yn ogystal, petai symud ymlaen gyda'r syniad fod Aelod Cabinet yn aelod o'r Awdurdod Tân ac Achub, byddai'n angenrheidiol edrych ar wneud newidiadau cyfreithiol ar faint cabinet er mwyn gallu dygymod â'r gofynion ychwanegol. Yn ychwanegol, byddai'n angenrheidiol edrych ar effaith taliadau uwch-gyflogau ar

gyllideb yr Awdurdod Tân ac Achub, gan sicrhau fod unrhyw newidiadau i'r trefniadau ddim am olygu costau ychwanegol, yn arbennig yn sgil yr hinsawdd ariannol gyfredol gydag arbedion parhaus. Yn ogystal, byddai'n rhaid derbyn na fyddai'r aelodaeth ar yr Awdurdod Tân ac Achub wedi ei selio ar gydbwysedd gwleidyddol y rhanbarth.

O ran aelodau anweithredol, mae'n rhaid cwestiynu sut fyddai'r rôl yn ychwanegu gwerth a sicrhau eglurder o'r gofynion a'r rôl cyn symud ymlaen gyda hynny. Fodd bynnag, petai ystyriaeth i symud ymlaen ar y trywydd yma, byddai'n rhaid sicrhau trefn penodi dryloyw, sy'n glir i'r cyhoedd ac i gael ei arwain gan y corff sy'n gyfrifol am eu penodi.

Nodir "y dylai cyfrifoldeb am y gwasanaeth fod yn nwylo Prif Swyddog Tân statudol". Cyfrifoldeb am ochor weithredol y gwasanaeth ydi hyn? Yr Awdurdod Tân sydd fel arfer yn gosod cyfeiriad strategol a chyllideb y Gwasanaeth ayyb. Rhaid bod yn glir mai sefydlu trefniadau craffu a throsolwg yn unig sydd yn cael ei awgrymu wrth roi cyfrifoldeb am y gwasanaeth yn nwylo Prif Swyddog Tân statudol, gyda'r Awdurdod Tân ac Achub, sydd yn gam yn ôl o osod penderfyniadau strategol a chyllidol, yn nwylo aelodau etholedig.

Pennod 4 Cyllid

Pennod 4 - Cwestiynau Ymgynhori:

- 13: A ydych chi'n cytuno y dylai Awdurdodau Tân ac Achub ac awdurdodau lleol gytuno ar faint o gyllid a gaiff Awdurdodau Tân ac Achub bob blwyddyn, gyda phŵer cymrodeddu wrth gefn ar gyfer Gweinidogion Cymru?
- 14: A ydych chi'n cytuno, yn y tymor hwy, y dylai Awdurdodau Tân ac Achub fod â'r pwerau i osod praesept y dreth gyngor, gyda gweddill eu cyllid yn dod ar ffurf grantiau gan Lywodraeth Cymru?
- 15: A oes gennych chi unrhyw gynigion eraill ynglŷn â sut i ddiwygio cyllid Awdurdodau Tân ac Achub sy'n bodloni'r meini prawf ym Mhenodau 1 a 2?

Pennod 4 – Ymateb Cyngor Gwynedd:

Rydym yn cytuno fod trefniadau cyfredol ar gyfer ariannu'r gwasanaeth Tân ac Achub angen ei adolygu. Er bod ymgynghori ar y cynnydd gan yr Awdurdod Tân ac Achub, yr awdurdod sy'n penderfynu ar faint ei gyllideb ei hun, ac nid oes rheolaeth allanol na her annibynnol ar faint cyfraniadau'r awdurdodau lleol.

Mae'r trefniadau cyfredol yn aneglur i'r rhai sy'n talu'r dreth cyngor a gall arwain at benderfyniadau anodd i aelodau etholedig wrth iddynt geisio sicrhau cynnydd mor isel â phosib i'r dreth Cyngor. Gall fod yr Awdurdod Tân ac Achub fod eisiau codi eu cyllideb o 6%, sy'n golygu ardoll ychwanegol o oddeutu 0.5% ar y dreth cyngor yng

Ngwynedd. Nid yw'n glir i drigolion y Sir wedyn fod 0.5% o'r cynnydd y maent yn ei wynebu y tu allan i reolaeth y Cyngor.

Rydym o'r farn y dylid symud tuag at system presept ar gyfer ariannu'r Gwasanaeth Tân ac Achub. Byddai casglu'r arian ar ran y Gwasanaeth Tân ac Achub yn welliant ar y trefniadau cyfredol o ardoll ar awdurdodau lleol y rhanbarth.

Byddai trefn praesept yn sicrhau cysondeb gyda'r modd y cesglir adnoddau ar ran yr Heddlu a Chynghorau Cymuned, a thrwy hynny yn sicrhau tryloywder i'r rhai sy'n talu'r dreth cyngor am gost y gwasanaeth Tân ac Achub.

Pennod 5 Rheoli Perfformiad

Pennod 5 - Cwestiynau Ymgynghori:

16. A ydych chi'n cytuno y dylai'r system rheoli perfformiad ar gyfer Awdurdodau Tân ac Achub fod yn seiliedig ar Fframwaith Cenedlaethol y Gwasanaethau Tân ac Achub

17. A ydych chi'n cytuno bod angen system o'r fath i roi hyblygrwydd i Awdurdodau Tân ac Achub o ran cylchoedd cynllunio ac adrodd, ac o ran y ffynonellau gwybodaeth y maen nhw yn eu defnyddio ar gyfer perfformiad?

18. A ydych chi'n cytuno y dylai Gweinidogion Cymru gadw eu dyletswydd i adrodd i'r Cynulliad am sut y caiff y fframwaith ei ddarparu, a'u pwerau i ymyrryd?

Pennod 5 - Ymateb Cyngor Gwynedd:

Mae'r elfen o reoli perfformiad y gwasanaeth yn llwyr ddibynnol ar y newidiadau eraill i'r trefniadau llywodraethu a chyllido'r Awdurdod Tân ac Achub.

Response 50

Consultation Response Form

Your name: WAO staff (Nick Selwyn and Steve Frank) on behalf of Adrian Crompton, Auditor General for Wales

Organisation (if applicable): Auditor General for Wales

email / telephone number: [REDACTED]

Your address: 24 Cathedral Road, Cardiff CF11 9LJ

We welcome the opportunity to comment on the White Paper, *Reform of Fire and Rescue Authorities in Wales*. We are not in a position to answer all the questions posed, as some

are clearly matters of the merits of policy, and we do not have information on which to provide a response. Nevertheless, we are able to provide some comments, which we hope are useful.

We note that paragraph 1.12 of the White Paper mentions the functions of the Auditor General for Wales in auditing and inspecting Fire and Rescue Authorities. Similarly, paragraph 1.21 flags the need to focus on ensuring value for money. Given this situation, and the recognition in the White Paper of the need to strengthen and improve current scrutiny and oversight, we would welcome the opportunity to discuss with the Welsh Government his role and how external audit can best support these aspirations.

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

Some of the objectives in the list of on page 8 of the paper are clearly appropriate. Preserving and, if possible, enhancing high standards of service, while providing fair and sustainable funding, and effective leadership and accountability for fire and rescue services are clearly important.

We note, however, that the list includes intermediate objectives (the fifth and sixth bullets, e.g. “provide for FRA members to be fewer in number...”) as well as high-level objectives (e.g. “preserve the current high standards...”). The intermediate objectives may have merits given particular policy choices, but in our view they are not of the same order as the points mentioned above.

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

While not in themselves high level objectives, we think that the paper does not provide sufficient consideration of:

- The suitability of the current vision and priorities set out in the Fire and Rescue Service National Framework 2016;
- How the proposed changes in the Paper link with and reflect responsibilities of FRAs under the Wellbeing of Future Generations Act 2015. For example, incentives for collaboration and integration of services, importance and evaluation of prevention activity and how authorities could effectively involve service users and citizens in decision making and service design.
- Equality and diversity in relation to those who manage and scrutinise the Service.

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

We are not sure about this. While the White Paper presents a case for the existing local configuration, it does not seem to give much consideration for a national service. While it notes that Scotland and New Zealand have national fire services, it does not cover the strengths and weaknesses of those examples.

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?

We see the merits of the Welsh Government’s conclusions on these options. We understand that only three police and crime commissioners (PCCs) have been approved to take control of fire and rescue authorities in England: Staffordshire, Cambridgeshire and

Essex. Moves to engage PCCs in Northamptonshire, Surrey, and Suffolk have not progressed but have incurred considerable cost.

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?

We are not clear as to what is meant by “limited national interests”. There is clear national and public interest in the work of Fire and Rescue Authorities; they are an important component of public safety infrastructure, as well as contributing to wider wellbeing and community safety nationally and locally. Consequently, it is important that the governance arrangements for Fire and Rescue provide sufficient regard for national priorities. As noted under question 3, we do not think that the White Paper has sufficiently explored the strengths and weaknesses of national configurations, including in terms of sustainability of funding. We also wonder whether the Paper gives sufficient weight to national interests.

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

We think that there is considerable merit in such nominations. Our attendance at Authority Meetings and Audit Committees has highlighted the important feedback that local authority members provide on legitimate community concerns. These would largely have been overlooked and not considered without these local representatives being present. A system that gives greater focus to national issues without losing sight of local matters would, we believe, be an appropriate solution.

To strengthen accountability, the Welsh Government should ensure the nomination process is both fair and transparent to secure representatives with sufficient seniority, skills and capacity. If possible, it would also be helpful to encourage authorities to seek to create an inclusive and representative Fire and Rescue Authority Board with more female, ethnic minority and younger elected members nominated.

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

We can see that such a development has merit. This would reflect the governance structures in the three National Park Authorities, which have a mix of elected members and appointees. From our audit work, we have no evidence that this is not working, and, on that basis, it seems a reasonable model for Fire and Rescue.

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

We note that all Scottish Fire and Rescue Service Board Members, including the Chair, are Scottish Ministerial appointments. The appointment process is led by a selection panel which includes representatives from the Office of the Commissioner for Ethical Standards in Public Life in Scotland, and from the Scottish Business Resilience Centre. The Welsh Government may wish to consider a similar transparent and accountable model for appointing non-executive members.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

The precedent of chief constables and police authorities indicates that this may be a useful model. Ensuring appropriate checks and balances are in place would be an important element in making such an arrangement work. The authority membership will need to have a

balance of expertise and knowledge, covering a fair degree of technical expertise, financial knowledge and local expertise. The size of the membership will need to be sufficient to cover these matters without being unwieldy. In addition to membership, there are clearly links between such an arrangement and the functions of the Auditor General in scrutiny. We would therefore welcome a discussion with the Welsh Government regarding how the Auditor General's work will interact with the proposed changes.

Please also see our comments regarding Chief Fire Officers under question 21.

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

Perhaps not a distinct proposal, but we would note that given the financial challenges faced by public services in Wales, it would be helpful if the Welsh Government reconfirmed the importance of public bodies working together to improve efficiency and maintain services.

This is particularly pressing in the more rural areas of Wales where the challenges of maintaining services are acute. For example, the difficulties recruiting and retaining on-call part time firefighters ('retained firefighters') in Mid and West Wales and North Wales has resulted in poor operational resilience in some of the more rural fire stations. This could affect speed of response, business continuity, and safety of the public and firefighters.

The Auditor General's recent report on local government services to rural communities highlights that local government and its key partners including Fire and Rescue Authorities need to do more to co-locate and share services, develop community resilience and opportunities for self-help. [Auditor General's report -services-to-rural-communities-report-english.pdf](#). A clear message from Welsh Government on the need to collaborate and integrate relevant public services to maximise impact and make best use of resources, and particularly how Fire and Rescue Authorities might achieve this, would be helpful. This might cover, for example, the integration of back office functions, and more effective use of data to direct and inform decision making.

Question 14 (per White Paper): Do you have any views on whether, and if so how, the funding model should change in the longer term?

Creating a sustainable funding model is important for all public services, and we would support changes that move away from annual grant cycles and multiple sources of short-term funding for Fire and Rescue. The weaknesses of the current grant and funding regime with annual budgeting creates uncertainty, and public bodies continue to spend too much time focusing on in-year budget management, which could be reduced with a shift to a medium-term allocation of funds. This is an issue that the Auditor General has highlighted in recent work (See [Auditor General's report -services-to-rural-communities-report-english.pdf](#) and [Auditor General's report on community-safety-wales](#)).

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

It is difficult to comment. While we understand a review of the Framework is currently underway, it would have been helpful if the proposals in the White Paper were presented alongside an updated framework. At present, we are seeing changes proposed in the White Paper with no clear idea on the changes planned for the Framework. Evidently, the National Framework is the key focus for the three Fire and Rescue Authorities in delivering their

operational services. However, currently, the way that Welsh Government measures progress with the priorities and objectives of the Fire and Rescue National Framework lacks transparency.

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?

We note the White Paper's comment on the Local Government (Wales) Measure 2009 regime being burdensome and over-complex. We agree with this conclusion. The need to take a rounded view of performance and move from measuring activity to focus on outcomes and impact is something that the Auditor General has continued to highlight in reports as ongoing weaknesses in how public bodies manage and evaluate their performance (see, for example, [Auditor General's report on housing adaptations](#)). We therefore welcome the focus on strengthening performance management and requiring Fire and Rescue Authorities to focus less on process and more on understanding and demonstrating how their work improves people's lives. As with other comments in our response, we would welcome the opportunity to discuss with Welsh Government the Auditor General's role in challenging performance and supporting improvement. For example, it is perhaps worth covering the Auditor General's functions under the Public Audit (Wales) Act 2004, which lend themselves to a more flexible approach.

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?

We consider that for the sake of accountability that if the Welsh Ministers have a function of setting the Framework, then this should be accompanied by a duty on them to report on delivery and intervention.

Question 19: We would like to know your views on the effects that 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 favourably than English.

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

We note that the Welsh Government Integrated Impact Assessment Summary dated 13 November 2018 says, "A full Equality and Welsh Language Impact Assessment has been undertaken which raised no issues." It would, however, be helpful if the full assessment were made available.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

See Q19

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:

Please enter here:

We are aware of several strategic risks that it would be helpful to consider, or consider further, in finalising proposals, namely:

- the emerging and wider plans for local government reform and the opportunities that integration and collaboration offer;
- while the White Paper makes clear the intention to remove the Local Government (Wales) Measure 2009, there needs to be detailed consideration of how the changes set out tie in with a greater focus on the Wellbeing of Future Generations (Wales) Act 2015 and Fire and Rescue Authorities' responsibilities under this;
- how the key financial challenges facing Fire and Rescue Authorities will be addressed—for example, the need for and funding of future capital programmes and how to address the current pensions deficit;
- the fact that all three Fire and Rescue Authorities are statutory partners and members of PSBs—this is not mentioned in the White Paper. Given the demands placed on Fire and Rescue Authorities to service up to 10 PSBs, it would be helpful to give some thought on this would work with a leaner governance structure.

We would also note that Chief Fire Officers in Wales have always been male, and come from an operational and uniformed backgrounds, and have worked their way up through the ranks. It may be helpful to consider alternative approaches, such as that in Kent and Medway Fire and Rescue Authority, which created a Chief Executive post to encourage opportunities for the Fire and Rescue Authority to employ the best talent and secure a more diverse senior leadership team. This may be something the Welsh Government may wish to emphasise in setting out how they foresee the role will develop in the future.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☐

Ffurflen Ymateb i'r Ymgynghoriad

Eich enw: Staff Swyddfa Archwilio Cymru (Nick Selwyn a Steve Frank) ar ran Adrian Crompton, Archwilydd Cyffredinol Cymru

Sefydliad (os yw'n berthnasol): Archwilydd Cyffredinol Cymru

e-bost / rhif ffôn: [REDACTED]

Eich cyfeiriad: 24 Heol y Gadeirlan, Caerdydd CF11 9LJ

Croesawn y cyfle i roi sylwadau ar y Papur Gwyn, *Diwygio Awdurdodau Tân ac Achub Cymru*. Nid ydym mewn sefyllfa i ateb yr holl gwestiynau a ofynnwyd, oherwydd bod rhai yn

amllwg yn faterion o rinweddau polisi, ac nid oes gennym wybodaeth i roi ymateb amynt. Serch hynny, rydym yn gallu rhoi rhai sylwadau, a gobeithiwn eu bod yn ddefnyddiol.

Nodwn fod paragraff 1.12 yn sôn am swyddogaethau Archwilydd Cyffredinol Cymru wrth archwilio ac arolygu Awdurdodau Tân ac Achub. Yn yr un modd, mae paragraff 1.21 yn tynnu sylw at yr angen i ganolbwyntio ar sicrhau gwerth am arian. O ystyried y sefyllfa hon, a'r gydnabyddiaeth yn y Papur Gwyn o'r angen i gryfhau a gwella'r craffu a goruchwyllo presennol, byddem yn croesawu'r cyfle i drafod ei rôl gyda Llywodraeth Cymru a sut y gall archwilio allanol gynorthwyo'r dyheadau hyn yn y ffordd orau.

Cwestiwn 1: A ydych chi'n cytuno bod yr amcanion ar gyfer diwygio yn briodol ac yn bwysig?

Mae rhai o'r amcanion yn y rhestr ar dudalen 9 y papur yn amlwg yn briodol. Mae'n amlwg bod gwarchod ac, os yw'n bosibl, gwella safonau uchel o wasanaeth, wrth ddarparu cyllid teg a chynaliadwy, ac arweinyddiaeth ac atebolrwydd teg ar gyfer gwasanaeth tân ac achub yn bwysig.

Fodd bynnag, nodwn fod y rhestr yn cynnwys amcanion canolraddol (y pumed a'r chweched pwynt bwled, e.e. "*aelodau'r Awdurdodau Tân ac Achub i fod yn llai niferus...*") yn ogystal ag amcanion lefel uchel (e.e. "gwarchod y safonau gwasanaeth uchel presennol..."). Efallai fod gan yr amcanion canolraddol rinweddau o ystyried dewisiadau polisi penodol, ond yn ein barn ni nid ydynt o'r un pwysigrwydd â'r pwyntiau a grybwyllwyd uchod.

Cwestiwn 2: A oes amcanion eraill y dylai'r cynllun diwygio roi sylw iddynt?

Er nad ydynt yn amcanion lefel uchel yn eu hunain, credwn nad yw'r papur yn rhoi ystyriaeth ddigonol i'r canlynol:

- Addasrwydd y weledigaeth a'r blaenoriaethau presennol a nodir yn Fframwaith Cenedlaethol y Gwasanaethau Tân ac Achub o 2016;
- Sut y mae'r newidiadau arfaethedig yn y Papur yn cysylltu â chyfrifoldebau Awdurdodau Tân ac Achub o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol 2015 ac yn adlewyrchu'r cyfrifoldebau hyn. Er enghraifft, cymhellion ar gyfer cydweithio ac integreiddio gwasanaethau, pwysigrwydd gweithgarwch atal a'i werthuso a sut y gallai awdurdodau gynnwys defnyddwyr gwasanaethau a dinasyddion yn effeithiol wrth wneud penderfyniadau a chynllunio gwasanaethau.
- Cydraddoldeb ac amrywiaeth mewn perthynas â'r rhai sy'n rheoli'r gwasanaeth ac yn craffu arno.

Cwestiwn 3: A ydych chi'n cytuno y dylai Awdurdodau Tân ac Achub barhau i fod yn endidau ar wahân a phenodol, gyda'r un ffiniau ag sydd ganddynt ar hyn o bryd?

Nid ydym yn siŵr am hyn. Er bod y papur Gwyn yn cyflwyno achos dros y trefniant lleol presennol, nid yw'n ymddangos ei fod yn rhoi llawer o ystyriaeth i wasanaeth cenedlaethol. Er ei fod yn nodi bod gan yr Alban a Seland Newydd wasanaethau tân cenedlaethol, nid yw'n trafod cryfderau a gwendidau'r enghreifftiau hynny.

Cwestiwn 4: A ydych chi'n cytuno na fyddai'n briodol trosglwyddo rheolaeth dros y gwasanaethau tân ac achub i Gomisiynywyr Heddlu a Throseddu neu awdurdodau lleol?

Rydym yn gweld rhinweddau casgliadau Llywodraeth Cymru ynghylch yr opsiynau hyn. Rydym ni'n deall mai dim ond tri Chomisiynydd Heddlu a Throseddu sydd wedi cael eu

cymeradwyo i gymryd rheolaeth dros awdurdodau tân ac achub yn Lloegr. Swydd Stafford, Swydd Gaergrawnt ac Essex. Nid yw symudiadau i gynnwys Comisiynwyr Heddlu a Throseddu yn Swydd Northampton, Surrey, a Suffolk wedi datblygu ond maent wedi costio cryn dipyn.

Cwestiwn 5: A ydych chi'n cytuno bod buddiannau cenedlaethol dilys ond cyfyngedig yn y Gwasanaeth y mae angen eu hadlewyrchu yn ei drefniadau llywodraethu?

Nid ydym yn glir ynghylch yr hyn a olygir gan "buddiannau cenedlaethol dilys". Ceir budd cenedlaethol a chyhoeddus clir o ran gwaith Awdurdodau Tân ac Achub; maent yn gydran bwysig o seilwaith diogelwch cyhoeddus, yn ogystal â chyfrannu at lesiant ehangach a diogelwch cymunedol yn genedlaethol ac yn lleol. O ganlyniad, mae'n bwysig bod y trefniadau llywodraethu ar gyfer Tân ac Achub yn rhoi digon o ystyriaeth i flaenoriaethau cenedlaethol. Fel y nodwyd o dan gwestiwn 3, nid ydym yn credu bod y Papur Gwyn wedi trafod yn ddigonol gryfderau a gwendidau trefniannau cenedlaethol, gan gynnwys o ran cynaliadwyedd cyllid. Tybed hefyd a yw'r Papur yn rhoi digon o bwys ar fuddiannau cenedlaethol.

Cwestiwn 6: A ydych chi'n cytuno y dylai awdurdodau lleol barhau i enwebu aelodau Awdurdodau Tân ac Achub?

Credwn fod cryn rinwedd mewn enwebiadau o'r fath. Mae ein presenoldeb yng Nghyfarfodydd Awdurdodau a Phwyllgorau Archwilio wedi tynnu sylw at yr adborth pwysig y mae aelodau o awdurdodau lleol yn ei roi ar bryderon dilys y gymuned. Byddai'r pryderon hyn wedi'u hanwybyddu i raddau helaeth a heb eu hystyried oni bai bod y cynrychiolwyr lleol hyn yn bresennol. Yn ein barn ni, byddai system sy'n rhoi mwy o ffocws ar faterion cenedlaethol heb golli golwg ar faterion lleol, yn ateb priodol.

Er mwyn cryfhau atebolrwydd, dylai Llywodraeth Cymru sicrhau bod y broses enwebu yn deg ac yn dryloyw er mwyn sicrhau cynrychiolwyr ar lefel ddigon uchel o staff, ac sy'n meddu ar y sgiliau a'r gallu digonol. Os yw'n bosibl, byddai hefyd yn ddefnyddiol annog awdurdodau i geisio creu Bwrdd Awdurdod Tân ac Achub cynhwysol a chynrychioladol gan enwebu mwy o aelodau sy'n fenywod, aelodau o leiafrifoedd ethnig ac aelodau iau.

Cwestiwn 9: A ydych chi'n credu y dylai Awdurdodau Tân ac Achub fod ag aelodau anweithredol hefyd?

Gallwn weld bod rhinwedd i ddatblygiad o'r fath. Byddai hyn yn adlewyrchu'r strwythurau llywodraethu yn y tri Awdurdod Parc Cenedlaethol, sydd â chymysgedd o aelodau etholedig a rhai a benodir. O'n gwaith archwilio, nid oes gennym dystiolaeth nad yw hyn yn gweithio, ac, ar y sail honno, mae'n ymddangos yn fodel rhesymol ar gyfer Tân ac Achub.

Cwestiwn 10: Pwy ddylai benodi aelodau anweithredol Awdurdodau Tân ac Achub?

Nodwn fod pob Aelod o Fwrdd Tân ac Achub yn yr Alban, gan gynnwys y Cadeirydd, yn benodiadau gan Weinidogion yr Alban. Mae'r broses benodi yn cael ei harwain gan banel dethol sy'n cynnwys cynrychiolwyr o Swyddfa'r Comisiynydd ar gyfer Safonau Moesegol mewn Bywyd Cyhoeddus yn yr Alban, ac o Ganolfan Gydnerthedd Busnes yr Alban. Efallai y bydd Llywodraeth Cymru yn dymuno ystyried model tryloyw ac atebol tebyg ar gyfer penodi aelodau anweithredol.

Cwestiwn 11: A ydych chi'n cytuno, yn y tymor hwy, y dylai cyfrifoldeb am y gwasanaeth fod yn nwylo Prif Swyddog Tân statudol, gydag Awdurdodau Tân ac Achub yn craffu a

goruchwylio? Os felly, a fyddai hynny'n golygu bod angen gwneud unrhyw newid i drefniadau aelodaeth?

Mae'r cynsail o ran prif gwnstablaid ac awdurdodau'r heddlu yn awgrymu y gallai hwn fod yn fodel defnyddiol. Byddai sicrhau bod gwiriadau a gwrthbysau priodol yn eu lle yn elfen bwysig o ran gwneud i drefniant o'r fath weithio. Bydd angen i aelodaeth yr awdurdod gael cydbwysedd o arbenigedd a gwybodaeth, gan gwmpasu cryn dipyn o arbenigedd technegol, gwybodaeth ariannol ac arbenigedd lleol. Bydd angen i faint yr aelodaeth fod yn ddigonol i gwmpasu'r materion hyn heb fod yn anhylaw. Yn ogystal â'r aelodaeth, mae'n amlwg bod cysylltiadau rhwng trefniant o'r fath a swyddogaethau'r Archwilydd Cyffredinol wrth graffu. Felly byddem yn croesawu trafodaeth gyda Llywodraeth Cymru ynghylch sut y bydd gwaith yr Archwilydd Cyffredinol yn rhyngweithio â'r newidiadau arfaethedig.

Gweler hefyd fy sylwadau ynghylch Prif Swyddogion Tân o dan gwestiwn 21.

Cwestiwn 12: A oes gennych chi unrhyw gynigion eraill ynglŷn â sut i ddiwygio'r modd o lywodraethu Awdurdodau Tân ac Achub sy'n bodloni'r meini prawf a nodir ym Mhenodau 1 a 2?

Efallai nid yw'n gynnig penodol, ond byddem yn nodi o ystyried yr heriau ariannol a wynebir gan wasanaethau cyhoeddus yng Nghymru, byddai'n ddefnyddiol pe bai Llywodraeth Cymru yn ailgadarnhau pwysigrwydd cyrff cyhoeddus yn cydweithio i wella effeithlonrwydd a chynnal gwasanaethau.

Mae hyn yn arbennig o bwysig yn ardaloedd mwy gwledig yng Nghymru lle mae'r heriau o gynnal gwasanaethau yn aciwt. Er enghraifft, mae'r anawsterau o ran recriwtio a chadw diffoddwyr tân ar alwad ('diffoddwyr tân wrth gefn') yng Nghanolbarth a Gorllewin Cymru a Gogledd Cymru wedi arwain at gydnerthedd gweithredol gwael mewn rhai o'r gorsafoedd tân mwy gwledig. Gallai hyn effeithio ar gyflymder ymateb, parhad busnes, a diogelwch y cyhoedd a diffoddwyr tân.

Mae adroddiad diweddar yr Archwilydd Cyffredinol ar wasanaethau llywodraeth leol i gymunedau gwledig yn amlygu bod angen i lywodraeth leol a'i phartneriaid allweddol gan gynnwys Awdurdodau Tân ac Achub wneud mwy i gyd-leoli a rhannu gwasanaethau, datblygu cydnerthedd cymunedol a chyfleoedd ar gyfer hunangymorth. [Adroddiad yr Archwilydd Cyffredinol-gwasanaethau-i-gymunedau-gwledig](#). Byddai'n ddefnyddiol cael neges glir gan Lywodraeth Cymru ar yr angen i gydweithio ac integreiddio gwasanaethau cyhoeddus perthnasol er mwyn sicrhau'r effaith fwyaf posibl a gwneud y defnydd gorau o adnoddau, ac yn enwedig sut y gallai Awdurdodau Tân ac Achub gyflawni hyn. Gallai hyn gwmpasu, er enghraifft, integreiddio swyddogaethau cefn swyddfa, a defnydd mwy effeithiol o ddata i gyfeirio a llywio gwneud penderfyniadau.

Cwestiwn 14 (ar y Papur Gwyn): A oes gennych farn ynghylch a ddylai'r model ariannu newid yn y tymor hwy, ac os felly sut?

Mae creu model ariannu cynaliadwy yn bwysig i'r holl wasanaethau cyhoeddus, a byddem yn cefnogi newidiadau sy'n symud i fwrdd o gylchoedd grantiau blynyddol a nifer o ffynonellau o gyllid tymor byr ar gyfer Tân ac Achub. Mae gwendidau'r weithdrefn grant a chyllid bresennol gyda chyllidebu blynyddol yn creu ansicrwydd, ac mae cyrff cyhoeddus yn parhau i dreulio gormod o amser yn canolbwyntio ar reoli cyllidebau yn ystod y flwyddyn, a gellid lleihau hyn drwy symud i ddyrannu cyllid yn y tymor canolig. Mae hwn yn fater y mae'r Archwilydd Cyffredinol wedi tynnu sylw ato mewn gwaith diweddar (Gweler [adroddiad yr](#)

[Archwilydd Cyffredinol ar wasanaethau llywodraeth leol i gymunedau gwledig](#) ac [adroddiad yr Archwilydd Cyffredinol ar ddiogelwch cymunedol yng Nghymru](#)).

Cwestiwn 16: A ydych chi'n cytuno y dylai'r system rheoli perfformiad ar gyfer Awdurdodau Tân ac Achub fod yn seiliedig ar y Fframwaith Cenedlaethol Tân ac Achub?

Mae'n anodd rhoi sylwadau. Er ein bod yn deall bod adolygiad o'r Fframwaith yn mynd rhagddo ar hyn o bryd, byddai wedi bod yn ddefnyddiol pe bai'r cynigion yn y Papur Gwyn wedi'u cyflwyno ochr yn ochr â fframwaith wedi'i ddiweddarau. Ar hyn o bryd, rydym yn gweld newidiadau'n cael eu cynnig yn y Papur Gwyn heb syniad clir am y newidiadau sydd wedi'u cynllunio ar gyfer y Fframwaith. Yn amlwg, y Fframwaith Cenedlaethol yw'r ffocws allweddol ar gyfer y tri Awdurdod Tân ac Achub wrth gyflawni eu gwasanaethau gweithredol. Fodd bynnag, ar hyn o bryd, mae diffyg tryloywder o ran y ffordd mae Llywodraeth Cymru yn mesur cynnydd o ran blaenoriaethau ac amcanion y Fframwaith Cenedlaethol Tân ac Achub.

Cwestiwn 17: A ydych chi'n cytuno bod angen system o'r fath i roi hyblygrwydd i Awdurdodau Tân ac Achub o ran cylchoedd cynllunio ac adrodd, ac o ran y ffynonellau gwybodaeth y maen nhw yn eu defnyddio ar gyfer perfformiad?

Nodwn sylw'r Papur Gwyn bod gweithdrefn Mesur Llywodraeth Leol (Cymru) 2009 system yn feichus ac yn or-gymhleth. Cytunwn â'r casgliad hwn. Mae'r angen i gymryd golwg gytbwys o berfformiad a symud o fesur gweithgarwch i ganolbwyntio ar ganlyniadau ac effaith yn rhywbeth y mae'r Archwilydd Cyffredinol wedi parhau i'w amlygu mewn adroddiadau fel gwendidau parhau o ran sut mae cyrff cyhoeddus yn rheoli ac yn gwerthuso eu perfformiad (gweler, er enghraifft, [adroddiad yr Archwilydd Cyffredinol ar addasiadau tai](#)). Felly rydym yn croesawu'r ffocws ar gryfhau rheoli perfformiad a'i gwneud yn ofynnol i Awdurdodau Tân ac Achub ganolbwyntio llai ar broses a mwy ar ddeall a dangos sut y mae eu gwaith yn gwella bywydau pobl. Fel gyda sylwadau eraill yn ein hymateb, byddem yn croesawu'r cyfle i drafod gyda Llywodraeth Cymru rôl yr Archwilydd Cyffredinol wrth herio perfformiad a chynorthwyo gwelliant. Er enghraifft, efallai ei bod yn werth ymdrin â swyddogaethau'r Archwilydd Cyffredinol o dan Ddeddf Archwilio Cyhoeddus (Cymru) 2004, sy'n addas ar gyfer dull mwy hyblyg.

Cwestiwn 18: A ydych chi'n cytuno y dylai Gweinidogion Cymru gadw eu dyletswydd i adrodd i'r Cynulliad am sut y caiff y fframwaith ei ddarparu, a'u pwerau i ymyrryd?

Er mwyn sicrhau atebolrwydd, rydym o'r farn os oes gan Weinidogion Cymru swyddogaeth o osod y Fframwaith, yna dylai hyn gael ei ategu gan ddyletswydd arnynt i gyflwyno adroddiad ar gyflawni ac ymyrryd.

Cwestiwn 19: Hoffem gael gwybod eich barn ar yr effeithiau y byddai'r cynigion polisi yn eu cael ar y Gymraeg, yn benodol o ran cyfleoedd i bobl ddefnyddio'r Gymraeg, ac o ran peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Pa effeithiau fyddai'n dod i'r amlwg yn eich barn chi? Sut y gellid cynyddu effeithiau cadarnhaol a lliniaru effeithiau negyddol?

Nodwn fod Crynodeb o Asesiad Effaith Integredig Llywodraeth Cymru dyddiedig 13 Tachwedd 2018 yn dweud, "Cynhaliwyd asesiad effaith lawn ar Gydraddoldeb ac ar y Gymraeg ac ni chodwyd unrhyw faterion yn y rhain." Fodd bynnag, byddai'n ddefnyddiol pe bai'r asesiad llawn ar gael.

Cwestiwn 20: Eglurwch hefyd os gwelwch yn dda sut yr ydych chi'n credu y gallai cynigion y polisi gael eu llunio neu eu haddasu er mwyn cael effeithiau cadarnhaol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg; a pheidio â chael effeithiau andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Gweler C19

Cwestiwn 21: Rydym ni wedi holi nifer o gwestiynau penodol ynglŷn â llywodraethu, cyllid a rheoli perfformiad Awdurdodau Tân ac Achub. Os oes gennych chi unrhyw faterion cysylltiedig nad ydym ni wedi rhoi sylw penodol iddynt, rhowch eich sylwadau amdanynt isod:

Rhowch eich sylwadau yma:

Rydym yn ymwybodol o sawl risg strategol y byddai'n ddefnyddiol eu hystyried, neu eu hystyried ymhellach, wrth benderfynu ar y cynigion yn derfynol, sef:

- y cynlluniau newydd ac ehangach ar gyfer diwygio llywodraeth leol a'r cyfleoedd a gynigir gan integreiddio a chydweithio;
- er bod y Papur Gwyn yn nodi'n glir y bwriad i ddileu Mesur Llywodraeth Leol (Cymru) 2009, mae angen ystyriaeth fanwl o sut y mae'r newidiadau a nodir yn cyd-fynd â mwy o ffocws ar Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 a chyfrifoldebau Awdurdodau Tân ac Achub o dan hyn;
- sut yr eir i'r afael â'r heriau ariannol allweddol sy'n wynebu Awdurdodau Tân ac Achub—er enghraifft, yr angen am raglenni cyfalaf yn y dyfodol a'r cyllid ar eu cyfer a sut i fynd i'r afael â'r diffyg pensiynau presennol;
- y ffaith bod y tri Awdurdod Tân ac Achub yn bartneriaid statudol ac yn aelodau o Fyrddau Gwasanaethau Cyhoeddus—nid yw hyn wedi'i grybwyll yn y Papur Gwyn. O ystyried y galwadau a roddir ar Awdurdodau Tân ac Achub i wasanaethu hyd at 10 o Fyrddau Gwasanaethau Cyhoeddus, byddai'n ddefnyddiol rhoi rhywfaint o ystyriaeth i sut y byddai hyn yn gweithio gyda strwythur llywodraethu mwy darbodus.

Byddem hefyd yn nodi bod Prif Swyddogion Tân yng Nghymru wedi bod yn ddynion erioed, ac o gefndir gweithredol ac mewn lifrai, ac wedi gweithio eu ffordd i fyny drwy'r rhengoedd. Gallai fod yn fuddiol ystyried dulliau amgen, fel yr hyn yn Awdurdod Tân ac Achub Kent and Medway, a greodd swydd Prif Weithredwr i annog cyfleoedd i'r Awdurdod Tân ac Achub gyflogi'r dalent orau a sicrhau tîm uwch arwain mwy amrywiol. Gallai hyn fod yn rhywbeth y bydd Llywodraeth Cymru yn dymuno ei bwysleisio wrth nodi sut y maent yn rhagweld y bydd y rôl yn datblygu yn y dyfodol.

Mae ymatebion i ymgynghoriadau yn debygol o gael eu gwneud yn gyhoeddus, ar y rhyngrwyd neu mewn adroddiad. Os byddai'n well gennych i'ch ymateb aros yn ddienw, ticiwch yma.



Response 51

Response from Blaenau Gwent County Borough Council on Fire and Rescue Authority Consultation

Your name: Governance and Partnerships
Organisation (if applicable): Blaenau Gwent County Borough Council
Email / telephone number: [REDACTED]
Your address: [REDACTED]

Blaenau Gwent County Borough Council welcomes the opportunity to provide as a response on this important national consultation. The Council is generally supportive of the consultation response being submitted by the Welsh Local Government Association (WLGA).

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

The Council is in broad agreement with the opportunity to take part in processes which will look to strengthen and modernise the governance and accountability framework of the Fire and Rescue Authority (FRA). However, we do feel that this should be framed within context of recognising and building on the evidenced continual improvements made by the Fire and Rescue Service (FRS), which the FRA has overseen, in recent years.

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

The Council is fully supportive of the proposal associated to the preventative agenda and notes that this fits with the statutory requirements for both individual and collective duties (via their statutory representation of PSBs) associated to the Well-being of Future Generations (Wales) Act 2015 (WBFGA).

There is scope for consideration for actively building the citizens voice into the decision-making and accountability processes, building on the 'involvement' way of working of the WBFGA.

This may be more pertinent as the financial aspects of the considerations of this consultation may have an impact indirectly on what people pay via their Council Tax.

In recognising the importance of involvement, it is felt this consultation has perhaps missed an opportunity to get the wider public more fully involved in the debate about the FRA and FRS. The approach appears to be a more traditional process of consultation as opposed to a more inclusive approach to engage/involve the people of Wales.

There are examples of current consultations such as the Welsh Government 'Improving Public Transport' which places significantly more emphasis on the opportunity for wider engagement by offering summary version and easy-read and respond documents.

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

Yes, we support the proposal for the FRAs to remain as separate and distinct entities with the same boundaries, noting the already established contributions that the FRS are making through the partnership arrangements associated with PSBs.

4. Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

No, we do not believe that there should be a transfer of control of the FRS to the Police and Crime Commissioner or Local Authorities.

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

Yes, we broadly agree that in some cases there is legitimacy in considering specific issues at a national level and accountability frameworks should take this into account. However, without specified examples to consider it is not possible to provide a detailed response.

The Council is supportive of the WLGA comment to have further discussion on this point.

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

Yes, we are fully supportive that each local authority should nominate their representation onto the FRA.

7. Do you think that local authorities should nominate one FRA member each, drawn from their cabinets?

No, the Council strongly believes that each local authority should continue to have the autonomy to identify their nomination for the FRA.

As one of only two local authorities across Wales with only one FRA representative this would mean our representation would only be from our Executive (Cabinet). The role of Cabinet/Executive Members is broad and challenging, with an increasingly complex workload. Any stipulation on the nomination would preclude other Elected Members from the opportunity to sit as a representative.

Blaenau Gwent does not support the proposal for a move to 10 FRA members for the South Wales region.

Additionally, we feel that with one representative is not adequate and would advocate that each authority should have at least 2 representatives. This would ensure continuity of representation, recognising that there inevitably will be occasions where an Elected Member may not be able to attend.

If our representation remains at one, whether it is population focused or related to an individual member for each, we would recommend that procedures are put in place to allow substitutions or deputising of the function.

A reduction in number of local authority FRA representatives (e.g. to 10 for South Wales) would potentially also lead to issues associated with key equality issues (gender/age/ethnic balance). We feel that any or each proposal (existing and proposed) should scope out the likelihood of adverse impacts and consequences/mitigation of these issues. The conclusions of the supporting integrated assessment seems to conclude that there would no issues, however we feel that the issue outlined above

should be given more consideration. The suggestion for substitutions, if progressed, would go some way to mitigate the potential issues.

The Council is disappointed by some of the broad generalisation made relating to the Elected Members, and do not feel that the some of the language used to describe the case for change in this area is helpful when looking to come to consensus for change. We strongly support the WLGA response on this point.

8. Do you believe any changes are needed to the size and remuneration of council cabinets, if their members were also to serve on FRAs?

Please refer to response for previous response.

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

Non-executive members could be explored as an option if it fits with an approach for continual improvement and support the development of the FRS (exploring issues such as financial implementation costs and sustainability). However, it should not be looked at as 'a solution' to a perception based on misconception about how the FRA currently operates.

10. Who should appoint non-executive members of FRAs?

We support the WLGA proposal that if non-executive members are appointed to the board that the local authority FRA members should be actively involved in the appointment and review process.

11. Do have any views on the longer term proposal that responsibility for the service 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?

The Council supports the WLGA position that this proposal is under developed and lacks appropriate consideration and detail for a White Paper.

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

Please see previous responses relating to FRA reserve/substitution and EQIA comments.

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?

We feel there is scope to improve the funding model arrangements currently in place, and would welcome further discussion on the opportunity within the precept model, with broad support to the overall position of the WLGA response (including their statements on the Firefighters/NHS issue noted and on long-term approach as opposed to continual, disruptive changes).

14. Do you have any views on whether, and if so how, the funding model should change in the longer term?

We would link back to our initial statements on community involvement and engagement at this point. We feel that a proper programme to raise awareness and understanding with the Welsh public on the funding models would be essential to ensure that people have a good understanding of what their contributions are funding. If this model is taken forward, this could be seen as a good opportunity in Wales to outline to the public that 'Council Tax' in essence is a 'Public Service Tax' given that potentially in the future to would fund not only local authorities but also policing, fire and rescue, and also town and community Councils, not exclusively 'Council' services.

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

No.

16. Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services?

The Council supports the overall position of the WLGA response in relation to the Performance Management Systems.

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?

The Council supports the overall position of the WLGA response in relation to the Performance Management Systems.

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?

The Council supports the overall position of the WLGA response in relation to the Performance Management Systems.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: **We are happy for our response to be made public**

Response 52

Denbighshire CC

Reform of Fire and Rescue Authorities

Consultation response

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

The Council agrees that any objective framed as improving leadership and accountability is appropriate and important in the context of public services.

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

The focus of the reform should be on the funding of FRAs. The Council believes that the focus of reform should be on achieving clarity and accountability by allowing FRAs to set a council tax precept rather than a levy. The precept could be used in conjunction with Welsh Government funding.

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

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?

Yes

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?

The Council does not wish to see Welsh Government exercising direct control over Fire and Rescue Authorities and believes that accountability should be local.

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

Yes

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

No, the Council does not believe that local authorities should be required to nominate Cabinet members. The Council believes that it should be for the local authority to determine which member(s) it nominates to represent it on the Fire and Rescue Authority. While many members felt that 28 may be too high a number for the FRA in North Wales, they would be concerned if the number was too low to enable proper discharge and scrutiny of the FRAs responsibilities.

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?

No, for the reasons given above the Council does not believe that it should be required to appoint Cabinet members. The Council operates with a Cabinet of 8 and sees no need to extend the size of Cabinet or for additional remuneration.

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

The Council believes that if there is to be a reduction in the number of members that there may need to be a role for non-executive members. One member has suggested that there may be merit in FRAs being able to co-opt members with specific expertise for defined periods of time to deal with various issues.

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

The Council is clear that appointments should be made by the FRAs themselves and not Welsh Government.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

The Council does not support this proposal.

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

No

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?

The Council believes that the Government should as soon as possible ensure that the FRAs be given the power to set a precept for Council Tax in order that there be clarity and accountability for funding. The Council believes that this should be the focus of reform rather than having short term stop gap measures. Some Members were concerned to point out that the funding mechanism should ensure sufficient, sustainable funding for future service provision.

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?

Yes. See response to question 13.

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

No.

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

The Council agrees with the principle of increased flexibility but feels that the detail of the proposals in respect of performance management are matters which the FRAs are best placed to comment on.

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?

See response to question 16 above.

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?

The Council has no view on this matter.

Question 19: We would like to know your views on the effects that 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 favourably than English.

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

It is not immediately obvious from the proposals what impact they would have on the language. The Council believes that the current Fire and Rescue Authority in North Wales has high standards in its treatment of the Welsh Language.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

See response to question 19 above.

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:

N/A

Response 53

Consultation Response Form

Your name: **Mid and West Wales Fire and Rescue
Authority**

Organisation (if applicable):

email / telephone number: [REDACTED]

Your address: **Service HQ, Lime Grove Avenue,
Carmarthen SA31 1SP**

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

The Members of Mid and West Wales Fire Authority resolved on the 10th December 2018 to authorise the Chair of the Fire Authority, Councillor Rowland Rees-Evans, in consultation with the Deputy Chair of the Authority, and the Chairs of the Authority's committees, together with the Leaders of the Political groups on the Authority to respond collectively on behalf of the Authority to the proposals set out in the White paper.

The relevant Members met on the 21st January 2019 to formulate the response on behalf of the Authority, which is set out below:

CHAPTER 1 – THE CASE FOR CHANGE

1. Do you agree the objectives for reform are appropriate and important?
- The Authority agrees with the first objective that Reform of the current arrangements should: 'Preserve the current high standards of service and allow the Fire Service to sustain and enhance it to the fullest extent possible'.
 - However, in relation to the second objective, the Authority, whilst supporting the aspiration expressed, is of the clear view that there is no need or requirement to 'create clear and effective leadership of, and accountability for, the development and delivery of fire and rescue services', as this is already in place – as evidenced by the consistently high public satisfaction feedback regarding the Service, and its performance in independently evaluated performance evaluation exercises. There is tangible, independent evidence of outstanding performance by the Fire Authority, for example, the prestigious Investors in People Platinum Award awarded to the Fire Service in October 2018, specifically recognises the excellent work of the Authority, evidenced by feedback to the Fire Authority by an IIP representative at the Fire Authority meeting on the 10th October 2018, when Members were informed that 'the Service had attained the prestigious award following a rigorous two-year

accreditation process, and that of the 15,000 IIP organisations based in 75 different countries worldwide, only 1% had achieved the Platinum Award and that Mid and West Wales Fire and Rescue Service was also the only Fire and Rescue Service in the world to do so. Furthermore, the accreditation process had identified that the level of leadership within the organisation was highly commended and that personnel across the Service had embraced the cultural change which was evident over recent years.'

- With regard to objective three, the Fire Authority also feels that there is no need to 'create genuine external accountability for the FRA budget and spending decisions' as these processes are already in place, and that this is evidenced by the following:
 - That the budget is fully scrutinised by Members, who are elected by and are accountable to their communities and act as representatives of their constituent authorities.
 - That the budget is then fully scrutinised through an extensive internal audit programme, by Carmarthenshire County Council, and which has recently seen an increase in the number of audit days.
 - Finally, the accounts are audited and scrutinised by the Wales Audit Office – which is the same process of accountability as deemed appropriate for Constituent Authorities, and presumably any postulated reconfigured Authority
 - In addition to the above:
 - The Budget and any spending decisions are fully developed with Members annually through several Corporate Budget Planning Days.
 - Local Authority Leaders have the ability to remove Members from the Fire Authority if they do not feel that the right level of scrutiny is being undertaken (there are examples where this has happened).
 - At any time, Members of the Fire Authority could and would ask for evidence to demonstrate that the current processes are not working should they feel that this was not the case.
 - Additional robustness is added to the preparation and auditing and scrutiny of the Fire Authority's financial processes by the fact that the Authority's Section 151 Officer is a considerably experienced Finance officer who was also Director of Finance/ Section 151 officer for Carmarthenshire County Council.
 - Furthermore, the Chief Fire Officer has met (and intends to meet annually) with the Treasurers of the Constituent Authority's (or their nominated representatives) to discuss the budget requirements on numerous occasions, latterly for the Financial year 2019/20 which further presented a budget/ performance scrutiny opportunity.
 - The Fire Authority's accounts are published annually and are available for public and press scrutiny in a similar way to Local Authorities.
 - Fire Authority meetings are open to the public and any Member of the public could request the opportunity to speak / challenge items on the budget – as has happened previously.
 - In conclusion on this objective, the Fire Authority is of the view that there is a proven record of the Fire Authority competently and efficiently meeting the

changing demands of resourcing an emergency service, and that there was no real reason for highlighting this issue.

- With regard to the fourth objective, the Fire Authority acknowledges the changing role of the Service and the requirement to fund changes, but reiterates that the aspirations set out, such as clear, fair and sustainable funding mechanisms have been successfully operated and delivered by the Authority over a number of years through the Corporate Budget Planning Days / Medium term Financial Plan – where there was specific focus on prevention and protection from financial and funding problems. In the light of the processes set up, the Authority feels that it has met the objectives set out in the bullet point, and indeed has recently demonstrated flexibility and responsiveness to new situations by effectively responding to the newly imposed statutory duty with regard to flooding, and the ongoing challenges of co-responding to medical emergencies with the Wales Ambulance Service Trust.
- In relation to the objective regarding the aspiration to 'Increase the expertise and capability of FRAs to provide strategic leadership, sustain effective collaboration, and hold senior officers to account', the Fire Authority makes the following comments:
 - Firstly, the Authority strongly wishes to express its disquiet at what it feels to be the derogatory tone of this objective, which its Members felt clearly accused them of being not suitable, and in some way incapable and not qualified to discharge the roles which they have been undertaking successfully for a number of years.
 - In response to this objective, the Authority wishes to highlight the considerable experience of current and recent Members of the Authority, which includes or have included a former Assembly Member, a number of former Cabinet Members from the Constituent Authorities, a number of former Presiding Officers and numerous Elected Members with 30+ years' experience.
 - The Authority is also of the view that Members of the Fire Authority did not need specific expertise to scrutinise operational decision making as this is not within their remit, nor indeed was that an expertise possessed by Members of Local Authority scrutiny committees. The Authority is of the view that there is currently a Fire Advisor appointed to Welsh Government for that purpose, whose role, if felt appropriate, could be extended to support existing scrutiny arrangements within the Welsh FRA's. Finally, in this context, the Authority also queries whether a reduction in the number of Fire Authority Members, and / or appointment of cabinet Members to Fire Authorities, would support or enhance the objective of increasing expertise regarding scrutiny, and would welcome explanation as to how this would be achieved.
 - The Authority would also refer to the highly regarded Member Development Charter – and the Authority's Training and Development Strategy and annual Programme which it is felt considerably enhances Members skills and understanding of operational and fire related issues.

- The Authority also questions what sort of expertise was being sought or envisaged as being currently not provided? – current Members include business people and even a former firefighter. The Authority further wishes to query what exactly are the skills the Welsh Government feel are currently missing, and which would enhance the governance arrangements of the Authority? In addition, as there is no requirement that any candidate for public office, such as MEP's, MP's, AM's nor local Authority Councillors, should possess particular skills or qualifications, why is it felt desirable that this should be a requirement of representation on Fire Authorities? The Authority feels that such a requirement would be undemocratic, discriminatory, and probably contrary to Human Rights and Equalities legislation.
- Finally, the Authority would conclude regarding this objective by stating that the Fire Authority would welcome a conversation around the inclusion of independent Members – but again would query what skills they would bring which would differ to those already included on the Authority – and how those Members would be recruited, retained and remunerated? The Authority also queries whether or not this process had indeed added value within other emergency services / health boards and would welcome any examples of where such skill sets have been provided and how they have enhanced or improved scrutiny in other public bodies.
- In response to objective six, namely to 'Provide for FRA Members to be fewer in number, but to have a more clearly defined remit and the capability to carry it out', the Authority would comment as follows:
 - That whilst the Authority were happy to discuss or consider a slight reduction in membership, the Authority did not support this objective and felt that there was no evidence to suggest that it would improve the working of the Fire Authority. Furthermore, it was felt that the current arrangements provided representation across the widely differing areas, and communities of the Fire Authority, on a wide political basis, with a significant Welsh language input, whilst ensuring representational cover in cases of Member incapacity and /or illness.
 - That the current Constitution provided clear roles and remit for Members and Committees, and if this were felt to be deficient in some way (though this has not been identified), it could be easily remedied by straightforward amendments to the constitution.
 - That there was no tangible evidence provided or identified to suggest that the Members of the Fire Authority were not capable of fulfilling their roles, and that to the contrary there was clear evidence that demonstrated that the existing governance arrangements were being discharged effectively and appropriately in a collaborative, collegiate and harmonious working environment.
 - That any alternative governance arrangement involving the appointment of cabinet Members to the Fire Authority would be as expensive, if not more so, than the current arrangements, and that any reduction in numbers would deliver slight if any savings, when weighed against the reduction in representation and accountability. Furthermore, any cabinet Members

appointed would find the Fire Authority workload difficult to cope with in addition to their other portfolios of responsibility. The Fire Authority is also of the view that providing an additional cabinet Member for Fire Authorities alone would be even more expensive and would not be as representative of the various communities served by the existing Authority, whilst also posing the danger of failing to meet quorums at meetings.

- Furthermore, the Authority notes, significantly, that all existing Local Authority Cabinet Members were at some time, all elected Members, prior to being given their current portfolio, and therefore were equally lacking in 'perceived expertise'. In addition, in the main, the appointment of cabinet posts was a political decision in the gift of the Constituent Authorities Leader – not a democratic process. The Authority would also point out that no cabinet Member was elected by their constituents as cabinet Member for a particular portfolio, and indeed even if they had been, any incumbent cabinet Member could be removed, at any time, for any reason, by a leader with no input whatsoever by the electorate. Accordingly, the Authority is strongly of the view that the appointment of cabinet Members to Fire Authorities would add little if anything above to the current system, and indeed detract from it.
 - Finally, the Authority wishes to note what the Authority considered to be the derogatory tone of this section of the White Paper which seemed to accuse Fire Authority Members of being unsuitable / lacking in expertise and inexperienced for the roles which it was felt had been effectively undertaken for a number of years, and which indeed had been commented favorably upon by the academic report by Professors Farrell and Ashworth into reform of Welsh Fire Authorities.
- With regard to the penultimate objective, the Authority agrees that consideration should be given to a new performance management system.
 - Finally, the Authority agrees that any reform of Welsh Fire and Rescue Authorities should be limited in scope and avoid any changes to front-line operations or resources, and which should remain as it is in line with the roles and responsibilities of Officers and Members, as defined within the current Constitution.

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

It would appear that the reform programme is seeking to reform something that it accepts is performing well. However, the Fire Authority would welcome discussion on any meaningful suggestions that may be put forward.

CHAPTER 2 – DESIGNING A NEW SYSTEM

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

The Authority agrees that the FRAs should remain as separate and distinct entities, with the same boundaries as now.

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:

The Authority agrees that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate.

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:

The Authority agrees that there are legitimate but limited national interests in the Service that need to be reflected in its governance arrangements.

CHAPTER 3 – PROPOSALS FOR CHANGE

(1) Governance and membership.

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

The Authority agrees that local authorities should continue to nominate FRA Members.

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

For the reasons outlined above, the Authority does not agree that local authorities should nominate one FRA Members each, drawn from their cabinets. Specific concerns can be raised in respect of:

- The considerable time and demands that would be imposed upon a single Member discharging a single role.
- The costs to support an additional 6 cabinet Members, which would be required to fulfil the remit of a Fire Authority representative at cabinet level, which would match, if not exceed the current costs.
- The concern that a single representative would not be reflective of the geography of the areas or the communities served, particularly with regard to the Welsh language.

- That there would be clearly disproportionate responsibility and power given to a single Member from a small constituent Authority, in comparison to a large or the largest Authority, who would be representing a considerably larger electorate, and also contributing a significantly greater proportion of the Authorities budget.
- There could also be a 'democratic deficit' in that the sole representative of a constituent Authority would be appointed by and represent the majority party, leaving no representative from smaller or minority parties or groups – unlike the current system which does ensure representation of the wider electorate.
- Smaller representation on Fire Authorities could also raise issues regarding the diversity of the Authority – in particular representation from women, ethnic minorities, and younger Members, with a narrowing of scope for the articulation of alternative views, or opinions.
- Whether there was any added value of a Fire Authority Member being a cabinet Member, as all cabinet Members are backbenchers on election, prior to being made a cabinet Members, and that therefore would not be elected on a mandate to be a Fire Authority Member.
- Whether there would there be different salaries for different Members, reflecting the sizes of their constituent Authorities, as is currently the case?
- The fact that in most Authorities, Cabinet Members are political appointments made at the behest of the Leader – often made on the grounds of political expediency, and which would be highly unlikely to be made on the grounds of experience / skill / knowledge / professional background relevant to Fire Authorities.
- The clear difficulties in ensuring political balance across Authorities or the wider electorate within the Fire Authority area, when appointing 6 individuals.
- The clear difficulties in ensuring that meetings are quorate e.g. due to illness, conflicts, or travel issues when facilitating the lawful operation of the meetings with only 6 individuals.
- The proposal not taking into account the significant additional duties incumbent upon whichever Cabinet Member would be Chair/ Vice Chair of the Fire Authority, on top of a probably significant 'mainstream' portfolio.

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?

For the reasons outlined above, the Authority does not agree that local authorities should nominate one FRA Member each, drawn from their cabinets and accordingly, the Authority does not agree that changes are needed to the law on the size and remuneration of council cabinets, to allow their Members also to serve on FRAs.

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

The Authority would welcome a conversation around the inclusion of independent Members (non-executive board Members) on Fire Authorities (a facility that the Fire Authority already possesses) – but again queries, and requests evidence to support:

- what skills they would bring which differ to those already included on the Authority;
- how those Members would be recruited / retained and remunerated;

- How political balance would be ensured?
- How the disparate needs of a wide and varied electorate could be met, particularly regarding the Welsh language
- Whether or not this process had indeed added value and improved governance and performance within other emergency services / health boards etc.

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

As above, the Authority would welcome further clarification as to role and remit would be required before this question could effectively be answered.

Question 11: Do you agree that, in the longer term, responsibility for the Service 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?

The Authority would wish to query what if any improvement would be made to the current system by the creation of statutory Chief Fire Officers, particularly regarding accountability and potential disciplinary proceedings. There are also considerable dangers in vesting all functions in one individual, whereas the current system clearly delivers effective checks and balances. It was also felt that such a proposal would go against the overall stated objectives of the White Paper of seeking to deliver accountability and effective representation. Furthermore, as detailed previously, the Authority does not agree that there should be less Members and that they should be drawn from local authority cabinets (which is the model which would probably be required to support responsibility for the service being vested in a statutory Chief Fire Officer). The Authority would also query what additional skills or expertise regarding scrutiny would be delivered under such a system. Accordingly, in the light of the above observations, the Authority does not support this proposal.

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

The Authority does not have any other proposals for how to reform FRA governance which meet the criteria in Chapters 1 and 2. However, the Authority wishes to note that this was not because the Authority was not open to change; but because there were no proposals put forward which would enhance the already robust governance and management standards already in place. As stated previously there is no evidence to suggest that the current model is not working properly – and to the contrary, Audit reports provide assurances that the Authority is managing a high performing Service. The Authority strongly feels that there was little merit in changing something that was clearly delivering a well-run and effective service to the satisfaction of a wide varied and disparate electorate.

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?

The Authority does not agree that FRAs and local authorities should agree the level of FRA funding each year, with a reserve arbitration power for Welsh Minister. It is

felt that the way the Authority plans and approves the budget currently, through the corporate budget planning process, is efficient, effective and robust. The Authority would wish to demonstrate this with reference to the efficiencies already achieved over the last 10 years. Furthermore, there needs to be more detail provided regarding the arbitration power, and the process involved, which should clearly set out final accountability for the decision made, namely the Minister, who would have to make complex decisions, on emotive issues (such as possible closure of Fire Stations) in relatively short time scales. Such a system could also militate against harmonious working between the Fire Authority and the constituent Authorities, either of which may hold up or block budget setting to default potentially difficult and unpopular decisions to the Minister.

The proposed system may also be against the philosophy of the Future Generations legislation, as it would not be conducive to orderly long-term planning, and could result in a fractured, default driven process out of kilter with the aspirations of the legislation.

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:

The Authority agrees that they would welcome a discussion around future funding structures but would require further clarification around the proposal for FRAs to set a council tax precept, e.g. the percentage covered, with the balance of funding from Welsh Government. There was also a significant danger in changing funding arrangements, in particular that individual constituent authorities could hold up or delay budget setting, to the clear jeopardy of the public and the effective running of the Service. Such proposals to change the model would also have to address issues regarding where ultimate accountability, both political and legal, would rest for budget decisions, and the consequences thereof.

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

The Authority does not have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2.

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

The Authority agrees that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services.

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?

The Authority agrees that such a system should give FRAs flexibility on planning and reporting cycles, and on the sources of information regarding performance that would be used.

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:

The Authority feels that this question cannot be fully answered at this time and welcomes clarification on the proposed governance structure, before being able to consider this proposal further.

Question 19 – We would like to know your views on the effects that 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 favourably than English.

See below response for Question 20.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

The Authority wishes to note that the proposal to reduce membership of the Authority to be significantly fewer in number; and / or further represent constituents via a cabinet Member from each local constituent authority (maximum of 6) would considerably reduce the number of Welsh speakers participating in the governance of the Authority and dilute the involvement of the Welsh Speaking electorate in Mid and West Wales. Furthermore, such proposals would erode and dismantle the considerable commitment the Authority has made to the Welsh language. Over 30% of MAWWFRA Members are first language Welsh speakers and the Welsh language is routinely used at full FA meetings.

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:

Finally the Authority wishes to express the Authority's disappointment at what is felt was the derogatory language used by the then Cabinet Secretary within the report and in particular the accusation that current Members of the Authority do not possess the skills, the professionalism, and experience to discharge the complex and challenging role of Fire Authority Member, in the face of clear evidence that the Members have carried out their duties with considerable success since the creation of the Fire Authority in 1996.

In conclusion, the Authority is strongly of the view that changes to what has proved to be a successful, accountable and effective governance structure should not be embarked upon lightly, and only when there are clear, cogent and compelling reasons to do so. The proposals set out in the White Paper do not set out any clear alternative to the existing system, and indeed all the proposals articulated fall well short of the existing governance model, which delivers considerable levels of accountability, at relatively low cost, with extremely high levels of interaction with and representation of a wide and varied electorate, and which whilst may be amenable to measured change nevertheless should be left substantially in place.

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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Response 54

Hello

The Council's current position is that it endorses the response submitted by the WLGA.

The Council reserves the right to forward any further comments following the meeting of the Council's Cabinet and Cabinet Scrutiny Committee next week (13th February 2019).

If you have any queries on the above, please do not hesitate to contact me.

Regards, Caryn

Caryn Furlow

Strategic Manager Policy & Democratic Services/ Rheolwr Strategol Polisiau a Gwasanaethau Democrataidd

Tel/ Ffôn: [REDACTED]

Additional Comments from Neath Port Talbot County Borough Council – Fire and Rescue Authority Consultation

Further to the meetings of the Council's Cabinet Scrutiny Committee and the Cabinet February 13TH February 2019, the Council wishes to make the following representations to Welsh Government:

Elected Members consider the comments made in the consultation document regarding the competency of existing fire and rescue authority members to be insulting and disgraceful. The Members who serve on fire and rescue authorities bring considerable experience and skill to the roles they carry out.

Elected Members believe the existing fire and rescue authority membership provides robust challenge to the Chief Fire Officer and his team. Furthermore, they believe the diverse membership of the existing fire and rescue authorities ensures the community impact of the work of the fire and rescue service is fully considered in decision making processes.

Elected Members strongly disagree with the proposal that the existing membership be replaced by members of council executives. This is not considered to be practical or in the best interests of democracy.

There is a case for reviewing the way the Fire Service is funded to ensure the funding model reflects the work of the modern day fire and rescue service – in particular the growing role the service plays in supporting the NHS in Wales.

Elected Members do not consider models such as those in place to support Local Health Boards to be a suitable basis for democratic oversight of an important public service like the fire and rescue service. There is no case made out to replace elected councillors with appointees.

Response 55

Consultation Response Form

Name: Cllr Dr Louise Brown

Organisation: Monmouthshire County Councillor, South Wales Fire Authority member.

Email/Telephone: [REDACTED]

Personal individual response to this consultation.

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

In my opinion from being on the Fire Authority, there is absolutely no need whatsoever for reform of the South Wales Fire Authority as they already meet these objectives without reform and will continue to do so, provided there are not fewer elected members of the FRAs.

Opportunities for any Improvements in the financial scrutiny of any of the Welsh fire authorities can happen by simple recommendations for internal change within the existing system for any fire authority not already undertaking such measures.

The FRAs are an extremely good example of democratic locally elected members with each authority having members on it.

The elected members are from 24 to 28 for the three FRAs, with South Wales only having 24 members

The consultation compares the Fire Authority with other bodies such as health boards.

Health Boards are completely undemocratic and consist of appointed and salaried members, as such their scrutiny function is poor because they wish to preserve their own healthy remuneration and are not inclined to put forward challenging decisions and are very divorced from the public they are supposed to serve.

In comparison, normal members of the FRAs represent extremely good value for money. The remuneration is only £1780 per year for ordinary members. The Vice Chair of Aneurin Bevan Health Board advertised recently at a salary of £56,316. This amount for one post on the health board compares to £10,480 Chair, £5480 deputy chair, 2 committee chairs of £5480, leaving 20 members at 1780. A total amount of £62,520 remuneration for all of the South Wales Fire Authority costing hardly much more than one Vice Chair of a Health Board.

Instead of changing FRAs, which work well and do not need changing, it would be far better to change Health Boards to become elected representatives not salaried positions so that they are more accountable for their actions to the electorate.

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

There should be no change in the existing structure of membership of FRAs but it would be possible to look at whether or not each individual Fire Authority could review and look for opportunities to improve their own internal scrutiny functions, which would assist in case any Welsh Fire authority is not already doing so.

An objective within the existing structure could be to improve the scrutiny function of any Welsh FRA and report on this on an annual basis.

For example:

- Members who have not received scrutiny training in their own local authority should be given this by each particular Fire Authority although many back bench members already have this training;
- Scrutiny should be encouraged by Chairs amending recommendations, having action lists and requesting more information for members for the next report;
- All committee reports should begin by an explanation of what the questioning function of scrutiny means. This happens for all Monmouthshire scrutiny committees;
- Fire Authorities could provide fuller minutes of how members have actually scrutinized items on the agenda and follow up action points;

- Ensure that the model in the Assembly and local government is followed whereby members of the leading opposition are given remunerated finance scrutiny chairs. It would be a cost effective measure, which would only add a £3,700 cost (i.e...£ 5480-1780). It would mean that there would be an extra internal check and balance to the ruling party group on financial scrutiny matters within the existing structure which already works well

(For example, in SWFRA, of the 24 members, 16 are Labour, seven are coalition and two are independents. The Chair of FRA, the Deputy Chair and the two Chairs of the committees are all Labour members. The Chair of the Finance, Audit and Performance working group is given to the Chair of the Finance, Audit and Performance Chair. It is equivalent to having a Cabinet member be Chair of the committee. Instead, the Finance, Audit and Performance working group should be called the Finance, Audit and Performance Scrutiny Committee and be chaired by the largest opposition group).

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

Yes, they work well within the existing boundaries and should remain separate and distinct entities.

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?

No, the Police and Fire Services have important but distinct and different roles. The police power of enforcement and arrest creates more of an understandable distance between the police and public. Whereas, the fire service whilst it does have an enforcement side, the emphasis in the public perception is more upon its more altruistic role of fighting fires and saving lives.

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?

No such matters can be dealt with by national guidance and collaboration between FRAs. It would be a mistake to move towards any central type of governance.

Fire authorities are already locally democratically appointed bodies as they are composed of elected members.

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

Yes and in the same arrangement as they currently do.

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

No, I strongly disagree with this suggestion. The consultation appears to assume that the backbench members do not have the required expertise to undertake this function. In fact, backbenchers are well qualified to do so as often those in the Cabinet are not willing to put forward any controversial suggestions or “rock the boat” in order to secure their positions on the Cabinet. In other words, backbench members are normally better at scrutiny for this reason.

In addition, many backbenchers have wide-ranging expertise and experience in different occupations and can engage well with their communities. They are dedicated members of the Fire Authority and their experience should not be dismissed or derided. For example, in this authority there are a number of business leaders and those with professional training and experience.

Cash strapped local authorities certainly are not in a position to provide Cabinet remuneration for jobs not seen as their prime function.

In addition there would be low attendance at Fire Authority meetings by Cabinet members as local authority based members would not see it as their primary role and meetings could be inquorate. It is not simply a question of remuneration. It would not help to allow Cabinet members any increase in allowance to do so, as attendance would be low due to other local authority commitments. In addition there is a danger that unelected non-executive representatives who have no electoral accountability and no local community engagement could dominate committees making them totally unaccountable to the public the fire service serves,

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?

No, it is not a Cabinet local authority function to be a fire authority. You do not have Cabinet members in local authorities dealing with police matters or being on the police and crime panels. In addition, a Cabinet member given a fire authority function in a local authority may well have a conflict of interest in relation to the role of supporting the fire authority budget and supporting the local authority budget particularly as local authority budgets are under great cost cutting pressure.

Simple internal Improvements could be made within existing structures of the FRA membership and governance within all the different fire authorities at minimal cost to allow for a better scrutiny function from opposition members and for more balance in positions on the authority and Chairs of the committees, as suggested in answer to question 2.

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

No as members already have wide-ranging experience and non-executive members may or may not have the same call to public service to serve their local communities that elected members already have and it would not be a cost effective measure.

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

There is no need to appoint them in the first place. However, if that unnecessary change took place it should be the fire authority.

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

No, it creates this false dichotomy between the operational and policy side that has made crime and police panels ineffective in comparison with police authorities.

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

Yes, see the answer to questions 2 and 8.

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?

The system based on charging the local authority according to the population works well and the South Wales Fire Authority always ensure that increases are kept at a reasonable level.

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?

That would be similar to the police model and not sure that it is any more effective. However, I have no objection to a precept model, as it would require more direct public consultation on the budget.

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

It seems to work well in the current system.

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

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?

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?

Question 19: We would like to know your views on the effects that 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 favourably than English. What

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

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

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: Please enter here:

I am happy with the SW Fire Authority response to this consultation.

However, I have made my own individual simple suggestions in this consultation response of ways any Fire Authority can internally improve its own scrutiny process, which are cost effective, modelled on the local authority scrutiny model and possible within existing fire authority membership without any need for the unworkable reforms proposed in the white paper.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Response 56



NFCC
National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

National Fire Chiefs Council
West Midlands Fire Service
99 Vauxhall Road
Birmingham
B7 4HW

Telephone +44 (0)121 380 7311
Email info@nationalfirechiefs.org.uk

**Fire Services Branch
Welsh Government
Rhydycar
Merthyr Tydfil CF48 1UZ
via email: fire@gov.wales**

Dear Sir/Madam,

Please find enclosed the National Fire Chiefs Council's (NFCC) response to the Welsh Government's recent white paper: Reform of Fire and Rescue Authorities in Wales, a consultation on reform of the Fire and Rescue Authorities in Wales' governance and funding arrangements.

We appreciate the opportunity to contribute to this important consultation on the future of funding arrangements in Wales.

Yours sincerely,

**Roy Wilsher
Chair
National Fire Chiefs Council**

Reform of Fire and Rescue Authorities in Wales

Consultation Response Form

Organisation: National Fire Chiefs Council (NFCC)

Email: chair@nationalfirechiefs.org.uk

Address: 99 Vauxhall Road Birmingham, B74HW

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

It is not agreed that the objectives for reform are appropriate or important.

The NFCC are always open to opportunities to improve, but most importantly enhance the services provided to the communities across the UK.

It is questionable whether some of the identified objectives are the most important issues facing the Welsh FRSs today and in the foreseeable future – some key issues that could have a major impact on their ability to continue to deliver an effective service are effectively outside the direct FRS control. For example:

- The inability of the Services to secure greater diversification of role pending resolution at National Joint Council level
- The operational and financial risks posed by the significant delay of the National Airwave project (now scheduled for 2022, but still not set in stone) where current resources are at end of life
- Uncertainty of public sector funding and other issues following Brexit

The NFCC recognise and openly welcome clear and effective leadership of, and accountability for the development and delivery of fire and rescue services. Good performance goes hand in hand with strong and effective leadership and challenge. The performance of the Welsh FRSs is without question a fantastic achievement and one that Welsh Government should be proud of. The role and engagement from the Welsh FRSs is to build on this success and ensure services delivered to communities continues to keep them safe.

Whilst wishing to remain neutral on any political dimension to governance structures, it is suggested that some of the shortcomings (and contradictions) identified within the White Paper in relation to FRA members are not based on fact and would equally apply to all other tiers of local and national government.

The NFCC strongly supports sustainable funding mechanisms to reflect the more diverse role that the FRS could deliver against and would welcome these issues being addressed as a matter of urgency. However, the proposals for reform put forward in the White Paper do not deal with these issues.

The NFCC strongly supports the wish to avoid any adverse changes to front line operations or resources.

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

Please see suggestions detailed in the response to Question 1 above.

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

The statutory responsibilities under relevant legislation sits with the FRA. Unless there is an immediate desire to change the legislation, it is essential that FRAs remain a distinct legal entity.

There has been debate over the years around the appropriate number and geographic boundaries for much of the public sector in Wales. This creates huge amounts of uncertainty and anxiety for the staff affected in these organisations and the communities they serve. This is therefore an issue that requires definitive clarification as a matter of urgency.

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?

It is agreed that transferring control of the Welsh FRSs to PCCs would be inappropriate. Policing is not a devolved function within Wales and therefore having control of the Service (a devolved function) controlled by a non-devolved body is inappropriate.

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?

The Welsh FRSs are an integral component in National (UK) Resilience arrangements. Therefore, it is correct that there are a variety of national and indeed international interests that need to be considered as part of any proposal for reform. The many specialist services that are delivered through regions are larger than any single FRS. These services are also part of a much bigger UK picture of national resilience and cannot be compromised. In addition, mutual aid arrangements take into account the bigger national picture. For example, mutual support for Flooding incidents and the UK MTA capability.

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

Risk is peculiar to local areas and local need, and to remove leadership away from such roots would be inappropriate. However, the construct of local governance is an issue for Welsh Government to consider.

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

Please response to question 6

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?

This is a matter for Welsh Government and the Independent Remuneration Panel for Wales to consider.

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

This is a matter for Welsh Government to consider, although the NFCC would ask that any additional cost incurred implementing this model is not funded through the FRAs funding mechanism, as this would divert much needed funding required to keep the communities safe.

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

Please see response to question 9

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

The NFCC notes that in all other comparable devolved public sectors, it is the Authority / Board / Government that has the statutory responsibility to deliver and/or plan, to agree budgets and to ensure sufficient challenge and scrutiny. The service to implement such decisions is then delivered through officers. The proposed model of public service delivery would seem at odds with all other devolved functions.

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

No

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?

The NFCC know that the Welsh FRAs take their budget setting powers and process very seriously. It is pleasing to note the White Paper acknowledges that such powers have been exercised responsibly.

The proposals do not appear to address one of Welsh Government's stated concerns in relation to health work being subsidized by LAs. These proposals make no mention of funding coming anywhere other than from LAs. It is suggested that if the diversification of the role of the firefighter is to be seriously pursued (as supported by the Welsh FRA's & FRS's), then securing the additional funding from within health budgets would seem wholly appropriate and needs to be addressed. This is especially so given recent reports that highlight that for every £1 invested in the FRS in elements of health work, it would save the health budget £4. This key benefit and argument for reform of budgets is left unaddressed in the proposals and does nothing to aid sustainability.

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?

For the reasons detailed within question 13 above, the NFCC consider that should change be required this is the only method that addresses all of the areas of concern detailed with the white paper. It is open, transparent and provides clear accountability back to the citizen.

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

Please refer to the response at questions 13 and 14

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

Following engagement with the Welsh FRSs the NFCC would support the current performance management arrangements require reform as currently some of the key measures of success of performance are actually measuring other devolved body performance and measuring the wrong thing.

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?

This is agreed.

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?

It is accepted that the Minister should retain responsibility for Fire and therefore it is a matter for Welsh Government on their own internal reporting processes. However, it is suggested that the Ministers Independent Fire and Rescue Advisor would have an instrumental role in reporting to and advising the Minister in this regard, through their role in working closely with the FRS.

The NFCC also welcome the continued support of the Welsh FRSs and the opportunity to share operational, technical and professional standards across the UK.

Question 19: We would like to know your views on the effects that 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 favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

The NFCC are aware of the Welsh Language Act and assume that the WG's proposals are consistent in supporting, promoting and delivering these requirements.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

See Q 19

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: Please enter here:

No further observations to make.

Response 57

Consultation

Response Form

Your name: Colin Mann

Organisation (if applicable): Leader Plaid Cymru group,
Caerffili CBC

email / telephone number: [REDACTED]
[REDACTED]

Your address: [REDACTED]

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

No. Could I say that the Plaid group agrees in many aspects with the official response from Caerffili CBC which you have already received. Basically we believe that this review is not necessary in the absence of any evidence that Fire Services are not performing well. The service is democratically responsible to the Fire Authority which is drawn from a representative number of councillors from the relevant councils in the area.

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

We do see value in the Fire Authority/Service reporting to Council/Scrutiny on a periodic basis

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

Yes. Past experience has shown that boundary changes usually prove costly and don't in fact realise the forecast savings. There needs to be a very strong cost/benefit analysis prior to any changes being proposed/implemented

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?

Yes. It needs to be remembered that, as yet, policing is not devolved to Wales although we strongly feel that it should be

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?

There is already cooperation across Wales, e.g joint meetings of Chairs and Chiefs already take place. We are happy with *beneficial* cooperation

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

Yes

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

No. What evidence is there that one member would do a better job than more members as happens now? Non-Cabinet members may well have skills that Cabinet members do not possess. Having more than one member contributes to the aim of political balance. Within recent years the IRP has actively discouraged Cabinet members being nominated to Fire Authorities

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?

No. See above

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

We do not see the advantage of WG nominating members. The service is funded by the local authorities and should be accountable to its members. We are mindful of the situation in the NHS and other like bodies. What accountability do individual members of Health Boards have to the public? We would suggest very little, if any

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

No-one. Please see previous comments

Question 11: Do you agree that, in the longer term, responsibility for the service 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?

The FRAs already provide scrutiny to the officials

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

No

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?

I am a former member of South Wales FRA serving for a period of 12 years both as a Cabinet and non-Cabinet member. In my experience the councillors on the FRA always had a keen regard for the amount of precept they would be charging the local authorities. We fail to see what improvement the intervention of a Minister would bring. A Minister would not have the detailed knowledge to make relevant decisions. This has been proved in Caerffili CBC where Ministers have made decisions with no apparent regard to local opinion or the local democratic process

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?

No

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

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

My group believes in Performance Management and would have no objection if there are ways to improve this. We would point out, however, that the service is already measured in various ways, including Peer Review and Inspections

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?

We see the advantage of FRAs reporting outcomes to local communities

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?

We happy that the relevant Minister is accountable to the Assembly. Obviously any intervention would only be in extreme circumstances

Question 19: We would like to know your views on the effects that 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 favourably than English.

No obvious effects

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

Question 20: Please also explain how you believe the policy proposals could be formulated or changed 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 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.

The use of Yr Iaith Gymraeg obviously depends on the policies of the service and abilities of the staff involved. More importantly the growth of the language relies very much on Welsh speakers actually using Welsh when they contact the Fire Service and other organization in Wales

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:

Please enter here:

We would like to remind the authors of this consultation that the Fire Services have accomplished much over the years, e.g the ongoing reduction in the number of house fires and casualties and its contribution to community safety in general. Some years ago the SWFRA also introduced radically revised shift patterns to make the service more efficient

and agreed better terms for retained firefighters

This exercise reminds us of the long-drawn issue of local government reform. After consuming a huge amount of time for numerous people across Wales various proposals were then consigned to the bin!

Perhaps more time and focus could be given by officials and Assembly politicians to bodies that are overseen by the WG rather than trying to improve services that are working well. Where was the focus on NRW when it was indulging in various dubious practices and losing £ millions that is a lot to every taxpayer in Wales? This body is not democratically responsible. Perhaps it is time that this issue was considered, not just for NRW!

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☐

Response 58

Reform of fire and rescue authorities in Wales

Submit your response

Q1. 1. Do you agree the objectives for reform are appropriate and important?

Yes

Comments:

We would support the view of the Fire and Rescue Authority (FRA) that clear and effective leadership of, and accountability for the development and delivery of fire and rescue services is essential. It would also be our view that some of the shortcomings identified within the White Paper in relation to FRA members are not correct and would equally apply to all other tiers of local and national government. As outlined in this response we have excellent relationships and partnership working with the FRA and South Wales Fire and Rescue Service (SWFRS) at all levels and the fire service has met the challenges facing them head on through effective leadership and decision making. We would accept that some aspects of the governance and accountability of Fire and Rescue Services in Wales may require change to ensure that performance, financial and accountability requirements are fit for purpose as part of the development of the public sector in Wales. However, we do not agree that the structure of FRAs, in terms of their political membership and leadership, should be changed as outlined below.

Q2. 2. Are there other objectives that the reform programme should pursue?

Ye

Comments:

We would support the changing role of the SWFRS and its preventative agenda. The significant reduction in the incidence of fires is a direct consequence of the efforts and expertise of fire service working with the communities they serve. Further we consider the evolving role of the fire service in securing the health and

Q2. 2. Are there other objectives that the reform programme should pursue?

wellbeing of communities by supporting other statutory public services to be a natural extension of this remit. SWFRS are a key member of the One Newport Public Services Board and have made significant contributions to the development of the Wellbeing Plan for Newport and discharge of the requirements of the Wellbeing of Future Generations (WFG) Act. The service also provide significant support to other emergency services and undertake an invaluable role in the community by supporting our most vulnerable residents. These new and evolving roles have significant cost benefits and support the principles of the WFG Act and in particular the five ways of working. This changing role should be supported as it is only through working as one public service that we can hope to achieve the best outcomes for our communities in the wider context of increasing challenging financial times. The role of Public Service Boards, and delivery of Well-being Plans has supported the partnership arrangements, with a wider number of organisations working towards the same long term goals. The contribution of partners such as the fire service has been invaluable in this evolving work in our urban, densely populated city with considerable community safety challenges. Any changes would need to further enable our fire services to continue to develop this important aspect of their evolving role. The link between local delivery and democratic accountability between the FRA and local authorities could be strengthened. Fire Authority members are nominated by the Council, and this is an important link for us as outlined below, however the service does not currently report back in any formal way. We would like to see fire service reporting progress against their strategic objectives, finance and performance as an item that is examined by Council and/or Scrutiny on a periodic basis.

Q3. 3. Do you agree that Fire and Rescue Authorities (FRAs) should remain as separate and distinct entities, with the same boundaries as now?

Yes

Comments:

We would consider that the FRA is best placed to provide governance for the increasingly technical requirements of service which require the right expertise to safeguard our communities. Technological advances can be best employed by larger organisations and therefore we would not support further disaggregation of the service such as to a local authority footprint. A single service in Wales would be too detached from local communities and local democracy, and be less able to respond to different community needs, or support the effective local partnership arrangements governed by the One Newport Public Services Board (PSB). We agree that the boundaries should remain as they are although we do understand that it can be difficult for fire services to operate over several health board, local authority and police service boundaries. SWFRS are members of nine PSBs in this area, however we, and our neighbour authorities find strong engagement at a strategic and operational level and effective partnership working supportive of our work and community needs. Any reorganisation on a different footprint would need to be supported by a strong case of benefits. The 'footprint' in the Gwent region covers five local authorities and we do not believe that this would offer the scale and resilience needed for a modern fire and rescue service. The current coverage over ten local authorities seems both appropriate and sustainable.

Q4. 4. Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

Yes

Comments:

Yes, this would not be appropriate. Police and Crime Commissioners are non-devolved, whereas the FRA are a devolved function. Police and Crime Commissioners have a difficult job in undertaking the commissioning of effective policing services, against reducing resources and increases and changing challenges. The FRA and Services should determine their own strategic direction with the relevant and appropriate expertise. While they are both emergency services, that already work very closely together, we

Q4. 4. Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

do not see the benefit of introducing one governance structure. We would suggest that FRAs should remain separate organisations within the public sector, working in partnership with other bodies.

Q5. 5. Do you agree that there are legitimate but limited national interests in the Service that need to be reflected in its governance arrangements?

Yes

Comments:

We believe the Fire and Rescue Services should be able to determine their own strategic direction based upon the risk factors in their communities in terms of demographics, geography and the types of building/housing within their area. They should be able to determine their own plans and budgets, subject to the considerations we explain in further detail below, and they should be able to set their performance and outcome measures in collaboration with the other services in Wales. NCC view is that the current arrangements provide Welsh Government and the wider public sector with the assurance it needs and that our services are operating effectively. This includes for example Wales Audit Office oversight, and the setting of Well-being Objectives.

Q6. 6. Do you agree that local authorities should continue to nominate FRA members?

Yes

Comments:

We strongly agree with this proposal, the local connections that this provides are essential in the understanding of needs and issues in each area. Risk is specific to local need and to remove leadership at a local level would be inappropriate. This Authority nominates two members, who have developed knowledge and expertise in their role, which is supported by the FRA. We entirely disagree with the assertion in the White Paper that 'backbenchers' do not have the required expertise and capacity to carry out their role effectively. Members sit on several Fire Authority committees and have provided an effective role in carrying out this function on behalf of the local authority. Local authority elected members come from a wide range of backgrounds with a range of skills. Members are selected based upon what they may bring to the Fire Authority and how they could contribute to the process. We do not subscribe to the view that this function cannot be satisfactorily performed by non-executive members. Further the use of non-executive members will mean that those members are more likely to have the time to attend and develop the relationship, and be less cost prohibitive. Any assertion that non-executive ('backbench') members being less skilled is rejected. Reducing the number of nominees will mean that Newport has less influence that it does now, with 1/10th of the representation with the relevant FRS spend, pressures and risk at considerably higher than that at the fourth largest in our area. Our view is that the local authority should continue to nominate two members as it does now. We believe that the level of commitment required to support the business of the Fire and Rescue Authority requires this number of elected members as we fail to see how a single member would have the capacity to undertake the role. Many of our members are also employed and may not have the ability to take on the role single handed. The benefit of drawing on their expertise in other roles, which may be directly related to their employment, is of benefit to both the local authority and the fire authority. This proposal devalues the essential role that our elected members play in ensuring the democratic accountability of the communities they serve and negates the fact that they are representing the whole authority when they sit on the Fire Authority and not their own constituencies. Views on issues that affect locality service such as stations closure are gathered, or should be gathered, through effective public consultation.

Q7. 7. Do you agree that local authorities should nominate one FRA member each, drawn from their cabinets?

No

Comments:

As outlined above, we do not think that the function requires a Cabinet Member to conduct this role. Further the nomination of one member is inequitable and could lead to detrimental impacts on the FRA. Cabinet Members have significant portfolios within the Local Authority. Asking a Cabinet Member to also effectively discharge the local authority responsibility to the Fire Authority alongside their responsibility to local authority services would detriment both roles, and the ability of a range of Councillors to act in that Cabinet role. Further we would assert that Elected Members who do not sit in Cabinet are effective in many roles and will have skills in different areas. Welsh Government has previously made clear the requirement to enhance the role of members and ensure that elected members are representative of the communities they serve, including age and background (Strengthening Local Government Consultation, 2018). The best person for the job should be the most important factor.

Q8. 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?

No

Comments:

No, we don't not believe that the size of local authority Cabinets should increase to fulfil this role. Neither do we believe that remuneration of Cabinet Members should be increased. There is a cost to our local taxpayers in increasing the size of the Cabinet, which we do not believe would be acceptable to our citizens. We believe that we have the correct balance for the senior executive and the role they undertake for the local authority. Remuneration through special responsibility allowance is more appropriate for Elected Members who take on this role alongside their constituency and local authority functions.

Q9. 9. Do you agree that FRAs should also have non-executive members?

No

Comments:

Current FRA members come from a range of professional disciplines and backgrounds which supports effective governance. Elected members represent their communities and wider areas and are best placed to provide the link back to local democracy. The role of the Fire and Rescue Authority is to hold the Fire and Rescue Service to account not manage the service. Necessary expertise should come from the officers of the service itself not the Fire Authority Members.

Q10. 10. Who should appoint non-executive members of FRAs?

As above. This is not an appropriate role for Welsh Government who are removed from the direct relationship with local communities.

Q11. 11. Do you agree that, in the longer term, responsibility for the service 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?

Yes

Comments:

Chief Fire Officers should hold the responsibility for delivering the service which includes budgetary control. The responsibility of the Fire Authority should be to hold the service to account. This should not require changes to membership arrangements as we would consider elected members are in the best position to scrutinise the planning and performance of the service, for the communities they serve.

Q12. 12. Do you have any other proposals for how to reform FRA governance which meet the criteria in Chapters 1 and 2?

No, this would be dependent on the case for reform and the desired outcomes.

Q13. 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?

Yes

Comments:

Accountability is currently provided through the committees and robust processes of the FRA. Further influence in determining the levy and monitoring performance would seem a sensible step forward to support assurance that the service is delivering on behalf of our residents, businesses and communities. As explained above the democratic link could be strengthened and to see the planning and performance of the Fire Service discussed within the local authority democratic processes such as Council and Scrutiny.

Q14. 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?

Yes

Comments:

We note that the use of the precept works elsewhere in the UK, would support accountability and be a development of existing governance arrangements within the FRA. This would require appropriate planning and transition and we would need further information on the proposal to be able to answer fully. Engagement with citizens would be required to ensure that any change is fully understood. We would also suggest that the link to local democracy should be strengthened as outlined above.

Q15. 15. Do you have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2?

Yes

Comments:

The changing role of the service should be considered in respect of the funding mechanisms. If the role of

Q15. 15. Do you have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2?

fire officers is to continue to evolve, particularly through providing support to health and other public services, then there must be a mechanism to fund this enhanced role.

Q16. 16. Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services?

Yes

Comments:

We would agree that the current performance management arrangements require reform. We agree that the Local Government Measure is not the most appropriate way to measure the performance of Fire and Rescue Services. The National Framework, supported by the WFG Act to take account of local requirements is a better option. Benchmarking with the other services in Wales and similar services in England is important, however prevention would need to be measured through the development of other outcome measures.

Q17. 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?

Yes

Comments:

Yes, we agree with this in order to understand outcomes for local communities and not what can be measured. Fire Services themselves are best placed to determine their measures and reporting in collaboration with each other and through the National Framework, subject to the scrutiny of the Fire and Rescue Authority and possibly the local authority democratic process.

Q18. 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?

Yes

Comments:

Yes.

Q19. 19. We would like to know your views on the effects that 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 favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

We would expect any changes to support the development of the welsh language in our area, in line with the requirements on local government.

Q20. 20. Please also explain how you believe the policy proposals could be formulated or changed 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 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.

No comment.

Q21. 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.

We would support the SWFRS FRA view that the current mechanisms work well in the main, with some scope for modernisation and reform, including strengthening the democratic process.

Q22. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name Will Godfrey, Chief Executive

Organisation (if applicable) Newport City Council

Q23. If you want to receive a receipt of your response, please provide an email address. Email address

[REDACTED]

Q24. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

Response 59

Reform of fire and rescue authorities in Wales

Submit your response

Q1. 1. Do you agree the objectives for reform are appropriate and important?

No

Comments:

Reform should always be open for consideration, but in this case reducing the membership is unlikely to improve either democratic input or the level of expertise. No case appears to have been made for such an exercise in attempting to fix something that does not appear to be broken.

Q2. 2. Are there other objectives that the reform programme should pursue?

No

Comments:

Aside from a more general; monitoring of efficiency, which one might expect the audit also to explore.

Q3. 3. Do you agree that Fire and Rescue Authorities (FRAs) should remain as separate and distinct entities, with the same boundaries as now?

Yes

Comments:

This ensures that local input is available, without extra layers of management or ineffectual democratic oversight.

Q4. 4. Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

Yes

Comments:

This is outwith the experience of the P&CC. Local authority control of a county fire service, which is what I infer from this question, would be likely to degrade service and reduce efficiency whilst increasing costs.

Q5. 5. Do you agree that there are legitimate but limited national interests in the Service that need to be reflected in its governance arrangements?

Yes

Comments:

These already exist within the legislation.

Q6. 6. Do you agree that local authorities should continue to nominate FRA members?

Yes

Q7. 7. Do you agree that local authorities should nominate one FRA member each, drawn from their cabinets?

No

Q7. 7. Do you agree that local authorities should nominate one FRA member each, drawn from their cabinets?

Comments:

Reducing, for example, the NWFRA to six members, even with government-appointed extras, would reduce democratic input, could reduce political balance and would (I almost say will) reduce the level of expertise and experience. Dedicating one executive board member in each council to FRA duties, or largely dedicating, would not be the most effective use of time - for either party. An inference might be drawn from the questioning that non-Executive Board members do not have the necessary intelligence or experience for an FRA role. This is incorrect.

Q8. 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?

No

Comments:

Any changes so forced upon councils would require Welsh Government funding.

Q9. 9. Do you agree that FRAs should also have non-executive members?

No

Comments:

To what end? How would (could?) such (presumably) government-appointed members be democratically accountable?

Q10. 10. Who should appoint non-executive members of FRAs?

N/a - there should be no such members.

Q11. 11. Do you agree that, in the longer term, responsibility for the service 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?

No

Comments:

How could budget and management be so separated?

Q12. 12. Do you have any other proposals for how to reform FRA governance which meet the criteria in Chapters 1 and 2?

No, thank you.

Q13. 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?

No

Comments:

I am unsure of the value of such arbitration - and ultimate responsibility.

Q14. 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?

Comments:

This is not the question asked in page 18 of the ConDoc. Proper and effective funding needs to be agreed, without reducing council funding.

Q15. 15. Do you have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2?

No

Q16. 16. Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services?

Yes

Comments:

A reasonable basis, but measuring for measuring's sake is an unhelpful and unhealthy way forward.

Q17. 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?

Yes

Comments:

Yes, the FRAs provide remarkably effective questioning.

Q18. 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?

Comments:

The Fire and Rescue Services are already covered under legislation.

Q19. 19. We would like to know your views on the effects that 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 favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Legislation already applies.

Q20. 20. Please also explain how you believe the policy proposals could be formulated or changed 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 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.

Legislation already applies.

Q21. 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.

No Response

Q22. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name Michael Dixon

Organisation (if applicable) A personal response, albeit an FRA member

Q23. If you want to receive a receipt of your response, please provide an email address. Email address

[REDACTED]

Q24. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

Response 60

Good afternoon / Prynhawn da

Please see message below from Huw.

Dear Julie

Please find attached a submission from the South Wales Fire and Rescue Service. I have also been lobbied on this at a constituency level, and here at the Senedd.

Could you assure me that these concerns are being considered by the Welsh Government in response to the White Paper, and that engagement with the SWFRS is ongoing to address these concerns. Any further information you have which may give reassurance to my constituents would be welcome,

Yours sincerely,

Huw Irranca-Davies

Assembly Member of Ogmore