

North Yorkshire County Council

Corporate and Partnership Overview and Scrutiny Committee

Minutes of the meeting held at County Hall, Northallerton on 31 July 2017 at 10.30 am.

Present:-

County Councillor Derek Bastiman in the Chair.

County Councillors Margaret Atkinson, Eric Broadbent, Stephanie Duckett, Caroline Goodrick, Bryn Griffiths (Vice Chair), Mike Jordan, Andy Paraskos, Stuart Parsons, Caroline Patmore, Joe Plant, Nicola Wilson

Also in Attendance

County Councillors David Chance (Executive Member), Val Arnold, John Blackie, Mike Chambers MBE, Tony Randerson and Helen Swiers.

Officers:

Neil Irving Assistant Director Policy and Partnerships, and Daniel Harry, Scrutiny Team Leader, NYCC Moira Beighton. Senior Lawyer Governance, Josie O'Dowd Democratic Services Manager.

Apologies for absence were received from County Councillors Paul Haslam, Richard Musgrave (sub Cllr Mike Jordan), Tony Randerson (substitute Cllr Eric Broadbent), Cliff Trotter (substitute Cllr Caroline Patmore), Callam Walsh (substitute Cllr Joe Plant), Annabel Wilkinson (substitute Cllr Stephanie Duckett).

Copies of all documents considered are in the Minute Book

11. Declarations of Interest

Cllr Mike Jordan declared an interest as the Acting Chair of Neighbourhood Watch.

12. Public Questions or Statements

There were no public questions or statements.

13. Scrutiny of the Local Business Case: Working Better Together – Options to improve collaboration between Fire and Police services in North Yorkshire

Considered -

A report by Daniel Harry, Scrutiny Team Leader, North Yorkshire County Council, which: summarised the key points of the Local Business Case; the context for the discussions; suggested some lines of enquiry; and noted the role of the overview and scrutiny committee in this matter.

In summary:

- The Police and Crime Commissioner previously attended the committee on 3 April 2017 to discuss the proposals and Local Business Case that was under development

- At that meeting, the committee raised a number of concerns about the proposed changes to governance for the Fire and Rescue Service
- The options that are being considered are the Representation Model, the Governance Model, and the Single Employer Model
- The preferred option of the Police and Crime Commissioner is that of the Governance Model, whereby the Police and Crime Commissioner takes on legal and overarching responsibility for the Fire and Rescue Service and the Fire and Rescue Authority ceases to exist as a governing body
- The preferred option of the Fire and Rescue Authority is that of the Representation Model, whereby the Police and Crime Commissioner is represented on the Fire Authority and its committees
- The Local Business Case has been prepared using the HM Treasury Five Case Model
- The consultation on the proposals will run from 17 July 2017 to 22 September 2017
- The timeline that has been established could mean that any change in governance come into effect as of 1 April 2018
- The Police and Crime Panel have previously highlighted a number of concerns, including their capacity and capability to take on an expanded role of scrutiny of scrutiny of the Police and Crime Commissioner's governance of both the Police and the Fire and Rescue Service
- The County Council had previously raised concerns about the impact of any change in governance on existing multi-agency collaboration in the county.

Daniel Harry stated that the role of the overview and scrutiny committee was to make recommendations to Executive, based upon the evidence that was presented at the meeting. Any recommendations made would need to directly address which is the preferred model for governance along with a clear rationale as to why.

Resolved -

The committee resolved to:-

- Note the report.

14. The Local Business Case: Working Better Together – Options to improve collaboration between Fire and Police services in North Yorkshire

Considered -

The presentation by Julia Mulligan, Police and Crime Commissioner for North Yorkshire, Thomas Thorp, Policy and Scrutiny Manager and Michael Porter, Chief Finance Officer, both from the Office of the Police and Crime Commissioner.

Julia Mulligan apologised to the committee for not being able to present the Local Business Case to the recent meeting of the County Council. This was not possible as the meeting was just after the launch of the public consultation and the papers could be not provided in accordance with Council deadlines ahead of the meeting.

Julia Mulligan then circulated a copy of a letter dated 28 July 2017 that had been sent by her to the Chief Fire Officer outlining her intentions should the Governance Model be adopted and the Fire and Rescue Authority dissolved. A copy of this letter is included in the minutes.

Julia Mulligan introduced the consultation document and provided an overview of the Local Business Case and the rationale behind the preferred option of the Governance Model.

In summary, the key issues raised as part of the presentation and the You-Tube segment:

- The Local Business Case and the preferred governance model are focused on identifying the potential big wins for the public and not for the Police and Crime Commissioner
- The Police and the Fire and Rescue Service are both stand-alone organisations that are co-terminous. As such, it is relatively easy to look at achieving efficiencies and savings through shared structures, services and approaches
- Both the Police and the Fire and Rescue Service are under pressure as demand increases and resources are squeezed. As such, the drive is to find ways in which money can be saved across the back office and reinvested in the front line
- There are other synergies between Police and Fire and Rescue which make greater collaboration and changes to governance appropriate. For example, Her Majesty's Inspectorate of Constabulary has recently expanded its role to include Fire and Rescue Services
- The nature of policing is changing with more and more contacts being public service and welfare related (54% of calls to the control room) and with the Police becoming the 'service of last resort'
- Whatever the outcome the roles and responsibilities of Police Officers and Firefighters will not change. The two services will remain separate legal entities and budgets will not be pooled.
- Both organisations recognise that collaboration between the Police and the Fire and Rescue Service has stalled. As such, the status quo is not an option.
- The Representation Model is low risk but low gain. The Single Employer Model is high risk but high gain
- PA Consulting were used to develop the Local Business Case and 2/3 of the costs associated should be picked up by central government
- Fractured governance arrangements have been identified by the University of York as a barrier to effective partnership working
- The aim is to work collaboratively across a broad range of partners and not just focus on arrangements between the Police and the Fire and Rescue Service
- There has been a pressing need to move forward and look at how changes to governance arrangements could help promote collaboration, save money, protect front line services and improve outcomes
- The Police and Crime Plan would be expanded to include Fire and Rescue and so become a Police, Fire and Crime Plan. This would then be the basis of service planning and delivery.

Julie Mulligan spoke of the difference she has made since her election, citing a doubling in the number of collaborative arrangements. In terms of capacity, she stated that many in such senior positions have responsibility for more than one service, this is not uncommon and should not be a cause for concern.

Julia Mulligan then provided an update on the consultation. She stated that so far there had been 2 public meetings and 326 responses thus far. Of these, 61% were in favour of the adoption of either the Governance Model or the Single Employer Model. 38% were in favour of the Representation Model.

Cllr Bryn Griffiths raised a number of queries regarding the financial details that had been provided as part of the Local Business Case querying how they had been derived.

In response, Julia Mulligan stated that all the financial information had been developed and checked by the Strategic Reference Group. In some cases these were estimates and assumptions had been made but these were in keeping with financial planning and projections.

Cllr Bryn Griffiths queried whether there would be significant additional costs associated with trying to adopt a shared IT platform across both services.

Julia Mulligan acknowledged that the lack of a common IT system would pose problems

but that it could be overcome, as it had been elsewhere in the country.

Julia Mulligan reiterated that the Local Business Case was for a proposed change in governance and was not about every possible change to services that could be made.

Cllr Bryn Griffiths noted that neither a complete risk assessment nor a full Equality Impact Assessment were included.

Tom Thorp stated that the consultation outcome would inform the development of the full Equality Impact Assessment, prior to submission of the final proposal to the Home Office for consideration. Also, the proposed changes in governance were unlikely to have a significant impact upon the general population or people with protected characteristics as they did not entail any changes to services. Tom Thorp also directed committee members to the risk assessment on page 105 of the Local Business Case.

Cllr Stuart Parsons queried why consideration had not been given to the Fire and Rescue Authority taking on the governance for the Police, on the basis that the Fire and Rescue Service had performed consistently well over the years and was highly professional. Cllr Parsons went on to note that the Local Business Case seems to imply that both the Fire Authority and the Fire and Rescue Service are in some way deficient.

In response, Julia Mulligan stated that there was no criticism intended of either the Fire and Rescue Service or the Fire and Rescue Authority. One of the reasons for the review is that both the Police and the Fire and Rescue Service are stand-alone organisations that share a geography and which are both experiencing similar challenges.

Cllr Stuart Parsons raised concerns about the Police 101 system, stating that the Police and Crime Commissioner had not yet been able to resolve the problems. If that were the case, then what proof is there that the Police and Crime Commissioner would be able to manage the complexities associated with oversight of the Police and the Fire and Rescue Service.

In addition, Cllr Stuart Parsons commented that the Police and Crime Panel was largely powerless and that the only way that a Police and Crime Commissioner can be held to account is every 4 years at elections. As such, it is a risk that, should the Governance Model be adopted, then there would be insufficient checks and balances to ensure that two critical public services are effectively managed.

Julia Mulligan stated that there is a misunderstanding regarding the role of the Police and Crime Panel, it has a duty to support and not to scrutinise the Police and Crime Commissioner.

Cllr Parsons then queried what the vision was for the Fire and Rescue Service and where it would be in five years.

Julia Mulligan acknowledged that the 101 service was in need of significant improvement and that work was underway to improve it. She invited members of the committee to attend a briefing on the 101 service so that their concerns could be addressed.

Julia Mulligan stated that the vision was for Police, Fire and Rescue and other public sector services was to work together to protect the vulnerable and improve wellbeing. It was not about a unilateral approach, with a vision for one service and then the other.

The Chairman, Cllr Derek Bastiman, noted that the 2013 'Statement of Intent' between Police and Fire and Rescue had not delivered anything of real significance. It was not clear why this was the case, who was at fault and what had been done about it. More could be done to understand why. As such, it seemed that the adoption of the

Governance Model was too rapid an escalation and that the preferred approach may be the adoption of the Representation Model.

Cllr Mike Jordan asked why the Police had relocated to a new HQ in Northallerton, without first seeing whether the Fire and Rescue Service could also be accommodated.

In response, Julia Mulligan stated that the move to Allerton Court would save £10million and that the move could not have been delayed. She had been in discussion with the Fire and Rescue Service about co-location at the new HQ but discussions had not moved at sufficient pace.

Cllr Eric Broadbent raised concerns about the timing of the consultation and the proposal to adopt a new form of governance for the Fire and Rescue Authority, given that the Fire and Rescue Service was currently consulting on changes to deployment and staffing.

Julia Mulligan expressed her reservation regarding the potential reduction in staffing on tactical response vehicle staffing from three to two.

Cllr Joe Plant noted that there is to be a central government review of the funding formula for the Police and Fire and Rescue Services. As such, would it be sensible to await the outcome of this to fully understand what the local challenges were before considering what changes to governance may be needed.

Julia Mulligan replied that the changes to funding arrangements will take some time and that they were unlikely to be beneficial to North Yorkshire and York. In view of this, there is even more urgency to promote collaborative efforts across the two services.

Cllr Caroline Goodrick raised concerns about the process that had been adopted for the consultation and sought assurances that representative samples would be used that were statistically significant.

Julia Mulligan outlined the process that had been undertaken which included the use of an independent organisation which worked to Market Research Society Rules and which would be using random samples to alongside the self-selecting sample gained through the consultation documents on the website. She advised that she will take a balanced view of the results. It was noted that the strength of the business case can sometimes be deemed to outweigh the results of consultation.

Cllr Derek Bastiman observed that how a question is asked usually dictates the answer that is given. As such, great care was needed when developing any form of public engagement to ensure that questions were not bias and do not pre-determine the answer.

Cllr Andy Paraskos stated that many people still do not understand the role of the Police and Crime Commissioner and also that the proposals for changes to governance arrangements for the Fire and Rescue Authority are unlikely to mean a great deal to most people. Further could have been done to articulate what the long term outcome of a seemingly bureaucratic and technical change will be.

At this point in the meeting, County Councillors who were not members of the Corporate and Partnerships Overview and Scrutiny Committee were invited to speak. Under the North Yorkshire County Council Constitution, any County Councillor has the right to attend and address any meeting of a formal Member level body of the Council.

County Councillors Tony Randerson and John Blackie had previously asked to speak.

Cllr Tony Randerson noted that he was a member of the Corporate and Partnerships Overview and Scrutiny Committee but had given his apologies as he was also member of the North Yorkshire Fire and Rescue Authority.

Cllr Tony Randerson raised a number of concerns about the proposed adoption of the Governance Model and the dissolution of the North Yorkshire Fire and Rescue Authority, as summarised below:

- Deeply concerned that the proposed Governance Model would mean that two critical public services would be under the control of one individual, with few democratic checks and balances in place
- The Fire and Rescue Authority is made up of County Councillors and City of York Councillors, all of whom have extensive experience of governance, leadership and oversight of the service. This will be lost if the new governance arrangements are adopted
- It is not clear why the Police and Crime Commissioner is proposing the Governance Model when there are opportunities to promote collaboration and achieve significant savings through the adoption of the Representation Model
- The financial modelling and assumptions in the Local Business Case are flawed
- The Fire and Rescue Service has tried to work with the Police and the Police and Crime Commissioner on collaborative projects but to little avail. The Police focus was often elsewhere, looking at shared services with other Police forces
- The problems with the 101 system have still not been addressed, which does not inspire confidence in the ability of the Police and Crime Commissioner to manage to complex and high risk public services
- Central government has not demanded that these changes go ahead. Most Police and Crime Commissioners in England and Wales are no looking at any such proposals, so why is it being done here?
- There is much more that could be done to develop collaborative approaches without pursuing the Governance Model.

In closing, Cllr Tony Randerson stated that his preferred option was for the adoption of the Representation Model and that he hoped that this would be endorsed by the Committee.

Responding to the statement by Cllr Tony Randerson, the Police and Crime Commissioner and colleagues made the following points:

- The financial analysis in the Local Business Case had been rigorous and was not based upon broad assumptions or guesswork
- There was no implied criticism of the Fire and Rescue Service. The existing structures for the Police and the Fire and Rescue Service are inherently inefficient. This is nobody's fault but a legacy issue
- The Collaboration Committee setup in 2016 was a positive move but it is only a decision making body for the Fire and Rescue Service. All other participants have to go back to their parent bodies to then seek agreement to any proposals. This is inefficient governance.

Cllr John Blackie made a statement to the committee raising a number of issues about the proposals that the Police and Crime Commissioner was consulting on and the Local Business case, including:

- Concerns that this is a fait accompli, with consultants having been employed to engineer the evidence to suit the outcome sought
- That consultation should be meaningful and not be something that was being done reluctantly
- The Police are not delivering an effective service in the Upper Dales and this has not been addressed by the Police and Crime Commissioner. As such, why is the proposal for the Police to take over the Fire and Rescue Service, when the service performs so well in rural areas like the Upper Dales?
- Queried whether the Yorkshire Ambulance Service was going to be next, as part of a broader agenda around the collaboration of blue light services. If so, then further

- concerns would be raised
- Echoed previous concerns about the management of the 101 service and what this implied about the ability of the Police and Crime Commissioner to manage two modern and complex public services
- The 2013 'Statement of Intent' was abandoned after only 6 months. It has not been given a chance
- There should have been a full discussion about the proposals at County Council. Not doing so was a serious omission
- The Fire and Rescue Authority is effective and works well. If adopted, then the Governance Model would mean that it will cease to exist as a governing body. Is this necessary or right?
- The proposals are not about public safety or savings but about pooling powers into one post.

In closing, Cllr John Blackie stated that the Police and Crime Commissioner would do well to become a member of the Fire and Rescue Authority and so he supported the adoption of the Representation Model.

Responding to the statement by Cllr John Blackie, the Police and Crime Commissioner and colleagues made the following points:

- The proposal offers real opportunities for money to be saved and re-invested in frontline services
- The Police and Crime Commissioner stated that she lives in a rural community and shares concerns about the long term resilience of rural Police and Fire and Rescue Services
- The Police and Crime Commissioner had worked to setup the national Rural Crime Network and also the North Yorkshire Rural Crime Taskforce
- Rural communities are being taken seriously and further gains could be made through the adoption of the Governance Model
- The Police and Crime Commissioner offered to meet with Cllr John Blackie to discuss his concerns about policing in the Upper Dales in greater depth
- There are no proposals involving the Yorkshire Ambulance Service at this stage as their geography and service delivery do not fit that of the Police or the Fire and Rescue Service
- The proposed model would not mean that the Police and Crime Commissioner has any operational control of Policing and Fire and Rescue. This would firmly remain the remit of the Chief Constable and the Chief Fire Officer, respectively.

Resolved -

The committee:-

- Notes the presentation, the You-Tube film, the supplementary information circulated at the meeting and the key points that had been raised by the Police and Crime Commissioner and her colleagues, as part of their overall consideration of the Local Business Case
- Thank Julia Mulligan and her colleagues for attending the meeting.

Note – at this point in the meeting, 1pm, County Councillor Nicola Wilson left the meeting.

15. North Yorkshire Fire and Rescue Authority response to the Local Business Case: Working Better Together – Options to improve collaboration between Fire and Police services in North Yorkshire

Considered -

The report of County Councillor Andrew Backhouse, Chairman of North Yorkshire Fire and Rescue Authority.

Cllr Andrew Backhouse thanked the committee for the opportunity to speak and introduced the North Yorkshire Fire and Rescue Authority response, which argued in favour of the adoption of the Representation Model. In summary, the key issues raised were:

- The Fire and Rescue Authority is a good, strong and effective governing body
- The Fire and Rescue Service has a strong track record in working collaboratively and at present is engaging with over 600 partners across the county to deliver improved services at a local level to vulnerable people
- The Policing and Crime Act 2017 does enable changes to governance but there are four options outlined of which the Governance Model is only one
- The Governance Model is a step too far that does not enable a gradual progression or escalation in response to local, regional and national developments
- A stepped approach offers opportunities for all those involved to learn from experience and better understand the barriers to collaboration and how these may then be best overcome
- The majority of Police and Crime Commissioners, 30 out of 40 in England and Wales, are not looking to change governance arrangements of their Fire and Rescue Authorities
- The adoption of the Representation Model would mean that the Police and Crime Commissioner could become a member of the Fire and Rescue Authority and that there would be no arising expenses associated with more ambitious changes to governance
- Cllr Backhouse confirmed that he is positive about change, where there is a strong rationale and business case to support it. Also, that he and the other members of the Fire Authority are supportive of collaboration with the Police and others to help support and protect vulnerable people
- Once adopted, the Governance Model could not be easily undone
- The members of the Fire and Rescue Authority would support the adoption of the Representation Model wholeheartedly
- This is not about members of the Fire and Rescue Authority protecting their own interests but a bigger issue of making sure that what is done is right for the people of North Yorkshire and that it results in better outcomes
- There is no burning issue that requires these changes to be introduced with such speed
- In the 118 pages of the Local Business Case, there has not been a clear and concise articulation, in language that the public can understand, of the pros and cons of both the Representation Model and the Governance Model. From the outset the focus has been upon justifying the Governance Model.
- There was no resistance to moving the Fire and Rescue Service HQ to Allerton Court to co-locate with the Police
- The consultation could have delayed to enable a full discussion at County Council. There are concerns about the lack of meaningful engagement in local democratic debate
- Concerns that were raised by the Strategic Reference Group, during the development of the Local Business Case, were not addressed. Also, the Check and Challenge Panel met at least once with only one external representative in attendance
- The 2013 'Statement of Intent' between the Police and the Fire and Rescue Service had not delivered as the Police had been exploring options for closer working with neighbouring Police forces
- The letter that had been sent to the Chief Fire Officer on 28 July 2017 and circulated at the start of the Police and Crime Commissioner's presentation, was the first time Cllr Backhouse had seen a copy. He described this as a last ditch sweetener, stating that the Fire and Rescue Authority had no time to react to this prior to this committee meeting and that of the City of York later today.

In closing, Cllr Backhouse asked that the committee support the Fire and Rescue Authority proposal that the Representation Model be adopted.

Cllr Mike Jordan stated that the Fire and Rescue Service had been shown to be effective and efficient and so it was not clear why there was any need to change and why the status quo could not be maintained.

In response, Cllr Andrew Backhouse acknowledged noted that there is a need to look into what the opportunities there were to make savings, based upon evidence, as resources are tight. The quickest way to do this would be through the adoption of the Representation Model.

Cllr Joe Plant highlighted that the response of the Fire and Rescue Authority was concise and straight to the point but lacked detailed financial analysis.

Cllr Andrew Backhouse stated that the Representation Model could deliver up to £5.3million of savings over a 10 year period. The Local Business Case was skewed to the Governance Model and did not take into account the full range of savings that could be achieved through the Representation Model.

Cllr Caroline Patmore asked why there was only one reference to the Yorkshire Ambulance Service.

Cllr Derek Bastiman reminded members that the focus here was upon the Local Business Case and the proposal that had been made by the Police and Crime Commissioner to adopt the Governance Model. There was no scope at this meeting for a much wider discussion about the Yorkshire Ambulance Service.

Cllr Bryn Griffiths noted that the key to all of this was to understand the financial business case. The Local Business Case contains extensive financial analysis which is lacking from the Fire and Rescue Authority response.

Cllr Andrew Backhouse stated that the timelines imposed by the Police and Crime Commissioner were pressing, that the Fire and Rescue Authority had not had the benefit of PA Consulting undertaking their financial analysis, that this was the Police and Crime Commissioner's consultation and that additional work would increase the cost to the public. All of this meant that there were limited opportunities to undertake a rigorous financial analysis of the Local Business Case. Despite this, it was clear that there were significant savings that could be made at lower levels of governance, like the Representation Model.

At this point in the meeting, 2:05pm, the Police and Crime Commissioner and her colleagues left the meeting to attend a series of meetings at the City of York Council regarding the consultation.

The Chairman then invited County Councillors who were not members of the committee to speak.

Cllrs Val Arnold and Helen Swiers, both members of the Fire and Rescue Authority, endorsed the arguments that had been put forward by Cllr Andrew Backhouse for the adoption of the Representation Model.

Resolved -

The committee resolved to:-

- Note the presentation by Cllr Andrew Backhouse, the Chair of the North Yorkshire Fire and Rescue Authority, as part of their overall consideration of the Local

Business Case

- Thank Cllr Andrew Backhouse for attending the meeting.

- 16.** Cllr Derek Bastiman restated that the role of the committee was, having heard the evidence that had been put forward, to make a recommendation to the North Yorkshire County Council Executive regarding the preferred proposal for changes to governance to the North Yorkshire Fire and Rescue Authority.

Cllr Stuart Parsons proposed that the Corporate and Partnerships Overview and Scrutiny Committee recommend to the North Yorkshire County Council Executive that the Representation Model is the preferred option for governance. This was seconded and the committee voted unanimously, all 11 County Councillors in attendance, in favour of the motion.

Resolved -

1. The Committee recommends to the North Yorkshire County Council Executive that the Representation Model is the preferred option for governance
 2. That officers prepare a full draft response for consideration by the Executive.
- 17. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

No other business was raised.

The meeting concluded at 2:20pm

DH