

Proposed Changes

Introduction

The Avon Fire Authority was in receipt of an adverse Statutory Inspection Report in July 2017 which highlighted a number of significant failings in the Authority and amongst its most senior management. A wide-ranging change programme within the Authority is now taking place, a leading part of which is being played by the External Improvement Board. There is no intention within this paper to review the work completed already, in train or planned, beyond the potential for reviewing the numbers of authority members and any associated changes to the governance structure.

Currently the make-up of the Authority by Unitary Authorities (UAs) and by political group is listed in Table 1 below:

Table 1 – Current political balance (November 2017)

Current Political Balance	BANES	Bristol	N Som	S Glos	Total
Conservative ¹	3	2	4	3	12
Labour	0	6	0	1	7
LD	1	1	0	2	4
Ind / Green	0	1	1	0	2
Total	4	10	5	6	25

There has been a shift in the numbers of electoral voters registered in the 4 UAs but there will be no change in the allocation of Members from each UA at the 2018 Annual Meeting:

Table 2 – Revised Allocation of Members (January 2018)

Unitary Authority	Electoral Voters	%	Seats	Change
BANES	134,017	16.22	4	-
Bristol	327,985	39.70	10	-
N Somerset	162,459	19.67	5	-
South Glos	201,609	24.41	6	-
Total	826,070	100.00	25	

Inspection Report

The Report is rightly critical of the way the Authority has been run for too many years and highlights a number of governance failings within it. In terms of the number of Authority Members the Report indicated:

1. Paragraph 127[198] – ‘...the previous Chair was looking at reducing the number of members from 25 and again I believe this is directionally correct – a group of approximately half this size will be more-focused, better-informed, more nimble and more decisive, as long as its members take their responsibilities seriously’

However, there is no further guidance from the Report on what a smaller Authority might look like.

2. Paragraph 195 – ‘...the Authority should look very different two years from now’.
3. Paragraph 133 – ‘...there is the possibility of passing control from the Authority to the Police and Crime Commissionernot be allowed to stall the other changes detailed in this report that need to be made by the Authority without delay’

¹ Note that the Conservative Members are split into 2 Groups comprising of 6 Members each as at 31.12.17.

The issues of numbers on the Authority and other governance issues were discussed at length in the meeting with Fire Minister Nick Hurd MP in his office at the Home Office on 13 September 2017. There was agreement on:

1. the priority was to keep the people of Avon safe.
2. to undertake the measures that this Board is fully briefed upon.
3. to provide monthly updates on progress direct to the Minister, which commenced in August.
4. to review the governance arrangements for the Authority in liaison with the PCC and other stakeholders such that a fit-for-purpose Authority or revised control structure under the PCC is in place following the municipal elections in three of the four UAs in May 2019. This would fit in with timescales for any potential review of PCC involvement and match expectations in Paragraph 195 of the Inspection Report.
5. change to be effected within a 2 year period.

Current Situation

A number of governance steps have already been undertaken in line with the findings in the report:

1. to introduce term limits of six years in total for Chairs and Vice-Chairs.
2. to ask the UAs to remove any AFA members who have served for more than eight years, including retrospectively (see Inspection Report Paragraph 193).
3. to revise the committee structure, creating a Diversity, Inclusion, Cohesion and Equality Committee to address the significant criticisms of the failings of the organisation in this area. The Chair of the Authority is not chair of any of those committees to improve independence of debate and decision-making. Each Committee is chaired by a Member from a different political group.
4. in liaison with the Local Government Association to produce a Member Development Programme to improve skills and awareness around governance. The Chair will be highlighting to UA Leaders the importance of attendance at this programme by their council colleagues (reference last sentence of Inspection Report Paragraph 127). The programme has also started with a session on the legal responsibilities of Members and 2 more have been arranged for February on roles & responsibilities and scrutiny.

In terms of numbers, Table 3 below lists membership levels across all Combined Fire Authorities. The Authority is not exceptional. Those CFAs that have reduced numbers have done so in relatively steady-state conditions, not the extraordinary circumstances in Avon.

Table 3 - Memberships of CFAs in England

Fire and Rescue Authority	Number of Members as at 31.12.17
Devon & Somerset	26
Avon	25
Hereford & Worcester	25
Kent	25
Lancashire	25
Cheshire	23
Humberside	22
Durham	21
Staffordshire	21
Royal Berkshire	20
Dorset & Wiltshire	18
East Sussex	18
Nottinghamshire	18
Buckinghamshire	17
Cambridgeshire	17
Leicestershire	17
Shropshire	17

Cleveland	16
Derbyshire	16
North Yorkshire	16
Bedfordshire	12
Hampshire	10

Advantages of keeping current structure

Given the quite extraordinary circumstances, this being the first such Inspection Report produced for a Fire Authority, there are a number of reasons for maintaining the existing structure in the short term, instead of generating even more upheaval when other matters are of higher priority:

1. there are a number of investigations into actions highlighted in the Report which will lead to Employment Committee Panels being held. The legal advice received is that the Authority will need to have sufficient Members to ensure that Panels are impartially selected, to avoid the same members hearing proceedings at different levels of the disciplinary process, potentially through to appeal.
2. the revitalising of the Authority by the replacement of those Members with more than eight years' service needs to be seen through.
3. the LGA are investing around £50,000 into the Members' Development Programme and it would be somewhat disrespectful of their efforts for those whose skill sets have been enhanced suddenly to disappear before we have had the opportunity to take advantage of them.
4. that Member Development will give us the opportunity to properly develop the 'job description' for members, so that potential and new Members are fully aware of what would be required of them.
5. given the workload across committees and working groups to address the necessary changes in governance, the current membership gives a broad spectrum of expertise to call upon and also ensures that workload is reasonably well spread; a much smaller number of Members would be experiencing a very heavy workload at present and there would be a strong case for significantly increased allowances to account for the time commitments required.
6. one of the criticisms of the Report is of a small cabal of members, in particular the use of the Special Purposes Committee, making decisions which are then reported to the Authority. The current Authority is conducting robust debate and scrutiny. A smaller Authority size would be likely to fall back into these poor practices through an Executive Committee system, especially if it becomes partisan in its make-up, see 7 below.
7. currently the reshaping of the Authority has been conducted in a non-partisan way, since no group has overall control, and so the Authority itself is operating in a way that is focussed on the quite necessary change, as highlighted by recent decision-making across group lines. The Authority has never had one group in overall control, but reducing numbers would have that effect.

Table 4 - Projected membership by group (based on current political balance and assumptions on allocation and revised allocation of members)

	Calculation					Allocation			
	BANES	Bristol	N Som	S Glos	Total	<i>BANES</i>	<i>Bristol</i>	<i>N Som</i>	<i>S Glos</i>
20 seats									
Conservative	2.4	1.6	3.1	2.4	10	2	2	3	3
Labour	0.0	4.8	0.0	0.8	7	0	6	0	1
LD	0.8	0.8	0.0	1.6	2	1	0	0	1
Ind / Green	0.0	0.8	0.8	0.0	1	0	0	1	0
Total	3	8	4	5					
18 seats									
Conservative	2.2	1.4	2.8	2.2	10	2	2	3	3

Labour	0.0	4.3	0.0	0.7	5	0	5	0	0
LD	0.7	0.7	0.0	1.5	2	1	0	0	1
Ind / Green	0.0	0.7	0.7	0.0	1	0	0	1	0
Total	3	7	4	4					
17 seats	BANES	Bristol	N Som	S Glos	Total	<i>BANES</i>	<i>Bristol</i>	<i>N Som</i>	<i>S Glos</i>
Conservative	2.2	1.4	2.7	2.1	9	2	2	2	3
Labour	0.0	4.3	0.0	0.7	5	0	5	0	0
LD	0.7	0.7	0.0	1.4	2	1	0	0	1
Ind / Green	0.0	0.7	0.7	0.0	1	0	0	1	0
Total	3	7	3	4					
16 seats	BANES	Bristol	N Som	S Glos	Total	<i>BANES</i>	<i>Bristol</i>	<i>N Som</i>	<i>S Glos</i>
Conservative	1.9	1.3	2.5	2.0	9	2	2	2	3
Labour	0.0	3.8	0.0	0.7	4	0	4	0	0
LD	0.6	0.6	0.0	1.3	2	1	0	0	1
Ind / Green	0.0	0.6	0.6	0.0	1	0	0	1	0
Total	3	6	3	4					
15 seats	BANES	Bristol	N Som	S Glos	Total	<i>BANES</i>	<i>Bristol</i>	<i>N Som</i>	<i>S Glos</i>
Conservative	1.8	1.2	2.4	1.8	9	2	2	2	3
Labour	0.0	3.6	0.0	0.6	4	0	4	0	0
LD	0.6	0.6	0.0	1.2	1	0	0	0	1
Ind / Green	0.0	0.6	0.6	0.0	1	0	0	1	0
Total	2	6	3	4					
13 seats	BANES	Bristol	N Som	S Glos	Total	<i>BANES</i>	<i>Bristol</i>	<i>N Som</i>	<i>S Glos</i>
Conservative	1.6	1.0	2.0	1.6	7	2	1	2	2
Labour	0.0	3.1	0.0	0.5	4	0	4	0	0
LD	0.5	0.5	0.0	1.1	1	0	0	0	1
Ind / Green	0.0	0.5	0.5	0.0	1	0	0	1	0
Total	2	5	3	3					
11 seats	BANES	Bristol	N Som	S Glos	Total	<i>BANES</i>	<i>Bristol</i>	<i>N Som</i>	<i>S Glos</i>
Conservative	1.3	0.9	1.7	1.3	7	2	1	2	2
Labour	0.0	2.6	0.0	0.4	3	0	3	0	0
LD	0.4	0.4	0.0	0.9	1	0	0	0	1
Ind / Green	0.0	0.4	0.4	0.0	0	0	0	0	0
Total	2	4	2	3					
10 seats	BANES	Bristol	N Som	S Glos	Total	<i>BANES</i>	<i>Bristol</i>	<i>N Som</i>	<i>S Glos</i>
Conservative	1.2	0.8	1.6	1.2	7	2	1	2	2
Labour	0.0	2.4	0.0	0.4	3	0	3	0	0
LD	0.4	0.4	0.0	0.8	0	0	0	0	0
Ind / Green	0.0	0.4	0.4	0.0	0	0	0	0	0
Total	2	4	2	2					

Since by some calculations a smaller sized Authority would mean that around fifty councillors in the Avon area and, by extension, their residents would have no direct representation on the Authority this would both seriously disenfranchise a large part of the electorate and also, at a time when a non-partisan approach is beginning to bear fruit, to make the Authority potentially a partisan body. In particular, if the Membership is reduced to 10 there would be no Liberal Democrat, Green or Independent councillors on the Fire Authority.

This could be mitigated by adopting the principles to appointing members to the Overview and Scrutiny Committee of the West of England Combined Authority.

Under the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017, a Combined Authority must appoint such a number of members of each of the constituent councils to an overview and scrutiny committee, so that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils when taken together.

Having the current size at least gives the opportunity, with the support of the UAs, to make the Authority more representative of the people it serves; a body that better reflects the gender and ethnic balance of Avon is more useful in addressing the challenges of the report than a small 'male, pale, stale' body.

Advantages of changing numbers

The debate within local government on mayoral, committee-and executive-based decision-making shows that there is no one suitable model, therefore it is important to fully establish what we want the Authority to do. As the Statutory Inspector comments '*a group of approximately half this size will be more-focused, better-informed, more nimble and more decisive, as long as its members take their responsibilities seriously*'. This then feeds into a number of demands:

1. keeping the people of Avon safe.
2. more representative of the community.
3. better skilled in the demands of the task ahead.
4. ensuring good use of scarce resources.
5. making the role attractive to people, this may require sufficient allowances for the time taken to achieve 1 to 4 above.

As has been discussed above there are a number of issues with changing the size of the Authority in respect of achieving a fit for purpose fire and rescue authority. This is why in discussion with the Fire Minister we agreed that careful consideration be taken of change. Options to be considered:

1. PCC puts forward a business case to take over the AFA.
2. a change in Combination Order to reduce size of the Authority with all else remaining as is.
3. a smaller Authority, which is much more akin to an executive board, membership based on being representative of the population of Avon and that membership having appropriate skill sets for the job in hand. In some ways this is what Hampshire have done with 10 Members meeting 6 times a year and working groups doing more detailed work when necessary together with a Standards and Governance Committee (including audit) and a Pension Board.
4. a renewed Authority of 26 (including PCC).
5. ask another regional elected body, such as WECA, if that body should take over running the Fire and Rescue Service.
6. other governance models from elsewhere.

Disadvantages of changing numbers

There are 2 particular problems with a significant reduction in numbers:

1. A reduction will change the political balance of the Fire Authority from No Overall Control to Conservative.

BANES, North Somerset and South Gloucestershire appoint their Members for a 4 year term following their local elections. Current Members were appointed in 2015. These authorities have elections in 2019 and at that point Members will be appointed on a politically balanced basis.

Bristol appoint their Members on an annual basis. The next local elections there are in 2020.

This issue could be mitigated by ensuring that any change takes effect after the local elections in 2019.

2. A reduction may also fail to be representative of the communities served. This will be potentially exacerbated by any reduction but particularly by a reduction to 10 Members.

This can be partly mitigated by asking the UAs to have particular regard to the representative nature of their Members when appointments are made as far as reasonably possible.

Associated Changes to the Governance Structure

On the basis that “form follows function” any reduction in membership would in normal circumstances be preceded by an analysis of what the role of Members should be in a smaller authority.

The developing governance landscape for FRAs in England seems to be based on Members undertaking the following functions:

1. Setting the council tax / budget.
2. Approving the Integrated Risk Management Plan (IRMP).
3. Approving the Statement of Assurance.
4. Appointing, suspending or dismissing the Chief Fire Officer (CFO).
5. Holding the CFO to account.
6. Approving a pay policy statement.
7. Approving arrangements:
 - (i) to enter into a reinforcement scheme
 - (ii) with other employers of firefighters
 - (iii) for discharge of functions by others.
8. Approving business continuity plans to enable the Authority to perform its fire and rescue functions if an emergency occurs.
9. Approving any arrangements for the co-operation with Category 1 and 2 responders under the Civil Contingencies Act 2004.
10. Determining the Authority's priorities and objectives for the purposes of the IRMP.
11. Appointing a local auditor and deciding whether to enter into a liability limitation agreement.

To these can be added a number of other activities such as dealing with some employee appeals, some pension issues, the audit function and member conduct issues.

The Fire Authority needs to spend time on reflecting what the best structure for any reduced membership will look like and it is the intention to ask the Member Development Working Group to work with the Clerk and the LGA to develop appropriate models for discussion.

Options

3 options are put forward for consideration:

1. 25 Members

This is the no change option which does warrant consideration given the arguments set out above.

2. 20 Members

This is the preferred size by a majority of Fire Authority Members from Bristol City Council. This would allow an executive board-type approach but with sufficient members to populate panels, undertake the audit function and to take part in working groups undertaking task and finish/scrutiny work.

3. 10 Members

This is the most radical option but there is a concern that there will not be sufficient Members for the functions required given the consequent increase in commitment expected.