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# A Review of Scrutiny Arrangements within the Fire and Rescue Authorities of Wales

## **North Wales Fire and Rescue Authority**



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## Summary

1. Member engagement and scrutiny emerged as a medium or high risk in all three Fire and Rescue Authorities (FRAs) as part of the inaugural Joint Risk Assessment (JRA) exercise which is a key element of the Wales Programme for Improvement (Fire). We understand that the Welsh Assembly Government will be consulting on wider public service scrutiny later this year. Consequently, 'scrutiny' in this report refers to the internal scrutiny of decisions and performance by members of the Fire and Rescue Authority, and does not include the contribution of the Fire and Rescue Authority to more formal scrutiny of the wider Welsh public service, for example through Local Service Boards or the local authorities from which FRA members are drawn.
2. Member engagement and scrutiny is less developed in FRAs than it is in local authorities. There is scope to develop further the current structures and procedures, in particular, to develop members' ownership of key strategic decisions and to provide the right information to enable effective scrutiny to take place. There is also scope to improve the selection of issues for members to scrutinise and to develop a clearer shared understanding of the potential scrutiny role of members in the FRA context.
3. There are clearly opportunities to share ideas and good practice in member engagement and scrutiny both within and outside Wales. Consequently this project looked at member engagement and scrutiny across the three Welsh FRAs, with reference to the position in England. Alongside this local report, we have developed a good practice report on member engagement and scrutiny in FRAs.
4. We considered whether FRAs can learn lessons to engage members more effectively in scrutiny and strategic decision making. We organised focus groups and circulated a questionnaire to all members and senior officers.
5. Our findings indicate that North Wales FRA's (the Authority) current approach to scrutiny could be further developed with scope to improve clarity and engagement of members in the scrutiny process. The current arrangements reflect recent developments that include the establishment of a separate Executive Panel. Although the principle of the Executive Panel is sound, there is not yet a clear process of scrutiny of decisions and there are risks of potential conflict between the Panel and the full FRA as members not included in the Executive Panel could feel excluded from the decision making process. This may lead to delayed decisions or conflict.
6. In line with the two other FRAs in Wales, the Authority is seeking to gain the Members' Charter being implemented by the Welsh Local Government Association. Its purpose is to develop the role of Members and the application process involves an appraisal of Members' performance, particularly those appointed as Chairs of committees. This is seen as an opportunity to further develop the role and effectiveness of scrutiny.

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## The current approach to scrutiny could be further developed

7. The full FRA committee meets four times a year; it is supported by a Standards Committee whose primary role is to review code of conduct issues; the Standards Committee is obliged to meet once a year but strives to meet twice a year or more often if business demands more frequent meetings.
8. The FRA also has an Executive Panel (the Panel) which meets in the interim periods between the FRA meetings. The Panel has 14 members, two from each constituent Authority plus the Chair and Vice-Chair. Its role is to consider issues referred to it by the Fire and Rescue Authority and to make recommendations in return. It also makes recommendations to the Authority regarding key strategies and policies, including the Risk Reduction Plan. Its terms of reference include the role of acting as the Authority's Audit Committee.
9. Members told us that a form of scrutiny takes place through the Executive Panel: questions are asked of officers when policy or services changes are proposed, but these take place in an unstructured way, without the use of any scrutiny powers such as 'call-ins' or external expert opinions. Furthermore, Members not included in the Panel are not given an opportunity to interrogate officers or further challenge the decisions made.
10. There are examples where the structure has produced potential conflict and problems where Members and officers have not agreed about the way forward, for example the recent considerations around the location of 'dual role' appliances, along with difficulties in agreeing the Authority's budget and Risk Reduction Action Plan. This culminated at the Extraordinary General Meeting in December 2007 where during a discussion about investment in community fire safety activity 'Members were reminded by the Clerk that, as he had stressed in the Authority's previous meeting, the Authority needed to start taking difficult decisions'.
11. The Members and senior officers who took part in the focus group were very aware of the need for effective scrutiny but agreed that, as a single service, the FRA did not have the resources to copy the Local Authority model. Members have received some training on their roles within the FRA but not specifically on scrutiny; at present, their knowledge and experience of scrutiny tends to come from their roles within the constituent local authorities.
12. The FRA is presently exploring the role of Members, considering the development of 'champions' to represent various issues. A report to the FRA included a recommendation to undertake a self-assessment against the criteria of the WLGA 'Wales Charter for Member Support and Development within Fire and Rescue Authorities' and to consider signing a Statement of Intent in March 2008.
13. However, Members attending the focus group felt that scrutiny of decisions could be improved to ensure greater transparency and greater involvement of those members who are not included in the Executive Panel. At present, out of a total of 28 Members, only 14 serve on the Panel; therefore, there is a risk that the remaining 14 are disengaged from the executive decision making process and are not provided with adequate opportunity to scrutinise decisions. Neither

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- are non-executive Members provided with any development training which would help them develop a knowledge of current issues facing the Authority.
14. There are also some questions about how effectively the Executive Panel operates given its size. The previous Clerk to the Authority suggested that the Authority may have too many Members given changes in the relative sizes of the electorate since the present make up of the Authority was determined. He also suggested that the size of the Executive Panel could need review and that the allocation to each Council of seats the Executive Panel would be beneficial. This may suggest that a wider review of membership of the Authority, its sub-committees and its general governance arrangements, would be beneficial.
  15. Members of the focus group also expressed a view that North Wales FRA should develop its own approach to scrutiny, as each of the three services within Wales has to respond to different pressures, organisational structures and approaches. For example, at present there are no strong affiliations to political groups within the FRA Members and establishment of any scrutiny activity would have to take this into consideration. In addition, the FRA is working to improve its monitoring procedures which should help form the basis of future scrutiny activity.
  16. We received responses to our survey from all senior officers but only five Members returned the questionnaire. Consequently, the sample size was too small for us to analyse the quantitative questions. We were, however, able to identify some common themes within the responses received, which included concerns about deferring difficult decisions or a tendency to request additional information rather than taking what some saw as vitally important decisions for the long-term, which were consistent with the stated strategic direction of the Authority. The survey responses also included comments about the effectiveness of scrutiny within the FRA, as set out in Exhibit 1, and reflect wider concerns about the extent to which the Authority is able to deliver consistent support for its strategic priorities. Robust arrangements for more proactive, independent, Member-led scrutiny of key priority issues, reported to the full Authority, might help Members to feel more confident when taking such decisions in the future. By establishing a Committee or Working Group in which Members and officers could jointly work on such key priority areas, some of the recent problems in reaching decisions might be avoided.

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#### **Exhibit 1 – there are some concerns about decision making within the Authority**

- 'There is a clear need for separate scrutiny arrangements.'
- 'There is no effective scrutiny activity in place.'
- 'I have a very personal view that Officers are thwarted by continual deferment and amendment as a stalling device by Members who appear unwilling to make tough decisions that may affect their popularity, rather than doing the 'right' thing for the Authority.'
- 'The current structure allows too much deferment with consequent delays. The Executive Panel can be distracted by minor issues and not give enough time to very important ones resulting in a poor decision.'

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Comments were also made on the possible outcomes of the lack of scrutiny:

- 'Members often appear to struggle with the occasional conflicting priorities of the FRA with the needs of their own Authority'.
- There is an 'unwillingness to take difficult decisions, revisiting decisions too easily. Including decisions on relatively minor issues.'
- 'The Executive Panel has a wide range of delegations that are not subject to any other scrutiny than the full FRA...some important decisions could potentially not have the appropriate time spent on them.'

*Source: Wales Audit Office survey of Members and senior officers.*

## Recommendations

17. We recommend that the Authority considers:

- a review of the size, operation and composition of the Executive Panel;
- the development of a separate Audit Committee which would include those members who are not part of the Executive Panel;
- creating 'Task and Finish' groups to examine particular issues/decisions and whose members could either report to the Executive Panel or directly to the Fire and Rescue Authority; and
- whether FRA could draw on local authority scrutiny support where appropriate.



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