



## **COMBINED FIRE AUTHORITY**

**18 DECEMBER 2018**

### **FURTHER GOVERNMENT RESPONSE: ENABLING POLICE AND CRIME COMMISSIONERS (PCCs) TO SIT AND VOTE ON COMBINED FIRE AND RESCUE AUTHORITIES**

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#### **REPORT OF CHIEF FIRE OFFICER**

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##### **PURPOSE OF REPORT**

1. The purpose of this report is to make members aware of the results of the independent enquiry that was commissioned by the Government following objections from two fire authorities to the consultation entitled 'Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities'.

##### **BACKGROUND**

2. On 27 November the Home Office launched a consultation entitled 'Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities'. The consultation proposed to take forward one of the strands of governance change, 'the representation model', introduced by the Policing and Crime Act 2017. The representation model enables PCCs to be represented on a Fire and Rescue Authority (FRA) and treated as a member of that authority with voting rights where the FRA agrees.
3. The Authority agreed a draft response to the consultation at its meeting on 21 December 2017. The Government published their response in May 2018 although it was not communicated to fire authorities until 13 June 2018.
4. As two fire authorities (Cleveland and Dorset & Wiltshire) objected to the proposals to amend their combination order via a statutory instrument (S.I.) the Government commissioned an independent enquiry into the concerns raised. The enquiry was implemented under the provisions of the Fire and Rescue Services Act 2004, to better understand their concerns and to help come to a view on whether to make the proposed amendments to their respective combination schemes. The enquiry was undertaken by Jim Barron CBE, a former senior civil servant who worked for the Cabinet Office for 27 years. He published his findings on 11 July 2018 and this was communicated to fire authorities on 26 November. A copy of the results of the enquiry are attached at Appendix A.
5. The enquiry concluded that the objections presented did not carry sufficient strength to prevent the provisions from being made and therefore the Government would amend the combination schemes of those two authorities to enable the PCCs to sit on the authorities as a member with voting rights, where the FRA agrees to such a request.

6. The enquiry made two recommendations to the Government, which were that they should confirm the following:
  - to Cleveland, that if the PCC is appointed, it is open to the Authority to decide locally to increase the membership by one (on the basis that the political balance is heavily weighted in one direction already) to accommodate the PCC or, if they wish to maintain the existing political balance, to reduce the membership by one or increase it by one or more. (The Authority does not need the Home Office's formal approval to increase its membership because the maximum number permitted under its Combination Scheme is 25.)
  - to Cleveland and to Dorset & Wiltshire, that while their Combination Schemes will be amended to allow for the PCC to send a deputy to its meetings, it is open to them and the PCC to agree locally the terms of the PCC's sitting on the Authority and this might involve the PCC's undertaking not to send a deputy or anyone else in their place if they were unable to attend a meeting.
7. The Government has accepted these recommendations and have now written to Cleveland FRA to clarify their position on political balance where they remain clear that it is up to individual FRAs to consider the impact of a PCC's membership locally and to determine how to proceed. Subject to the rules of the relevant combination scheme, local arrangements could be made to allow each constituent authority to appoint extra members if considered appropriate for reasons of proportionality.
8. The Government have also written to both Cleveland and to Dorset & Wiltshire FRA to reiterate their policy position with regards to deputy PCCs. A PCC should be able to appoint a deputy to attend and speak at FRA meetings, but that deputy cannot vote or be treated as an authority member. We further accept that an FRA may come to a local agreement with the PCC not to delegate any PCC functions in respect of the FRA.

## **IMPLICATIONS FOR THE AUTHORITY**

9. The Government is currently in the process of drafting a S.I. to amend the combination schemes of FRAs who are supportive of the amendments. They also intend to incorporate amendments to the combination schemes of Cleveland and Dorset & Wiltshire FRAs within the S.I., which is expected to be laid before Parliament in Spring next year. Applying the 'representation model' to Combined FRAs will enable PCCs to sit on these FRAs with voting rights, where the FRA agrees. This aligns the rules around PCC's applying to be a member of a fire authority across Combined, County and Metropolitan FRAs.
10. Locally, the PCVC (Ron Hogg) has stated, in writing, that he has no intention of pursuing a change to governance for the fire and rescue service nor does he wish to become a member of the Authority.

## **RECOMMENDATIONS**

11. The Authority is requested to:
  - (a) **note** the contents of the report and the outcome of the independent enquiry that was commissioned by the Government following objections from two fire

authorities to the consultation entitled 'Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities'

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