



COMBINED FIRE AUTHORITY

17 MARCH 2020

ENABLING POLICE AND CRIME COMMISSIONERS (PCCs) TO SIT AND VOTE ON COMBINED FIRE AND RESCUE AUTHORITIES

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF REPORT

1. The purpose of this report is to make members aware that the Government has published a statutory instrument (S.I.) enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities (FRA's).

BACKGROUND

2. On 27 November 2017 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 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.
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 fire authorities to enable the PCCs to sit on the fire authorities as a member with voting rights, where the FRA agrees to such a request.
6. The enquiry by Jim Barron made two recommendations to the Government relating to proportionality and the appointment of deputies. Both recommendations were accepted by the Government who subsequently wrote to Cleveland and Dorset & Wiltshire to offer a solution to their objections.

7. The Government have subsequently drafted a S.I. to amend the combination schemes of all combined fire authorities. This aligns the rules around PCCs applying to be a member of a fire authority across Combined, County and Metropolitan FRAs. A copy of the S.I. and accompanying explanatory memorandum are available at:

www.legislation.gov.uk/uksi/2020/168/contents/made
8. The S.I. was laid before parliament on 26 February 2020 and comes into effect on 18 March 2020. This follows the provision made in section 7 of the Policing and Crime Act 2017 which enables PCCs to be represented on all types of FRA.
9. The instrument amends the combination scheme of County Durham and Darlington Fire and Rescue Authority (CDDFRA), enabling the PCC to sit on the fire authority as a member with voting rights, where the Authority agrees to the request.

IMPLICATIONS FOR THE AUTHORITY

10. Locally, the previous Police Crime and Victims Commissioner (PCVC), Ron Hogg, wrote to the Chair and Vice Chair stating that he had 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. The interim PCVC (Steve White) has followed the strategic direction set by Ron Hogg, however, PCC elections are due to take place on 7 May 2020 with the new PCVC taking up post from 14 May.
11. The new PCVC may have a different view on their involvement or not in the governance of the Service. The Chair and Vice Chair will request an early meeting with the new PCVC to discuss this position and wider collaboration opportunities.
12. Should the newly elected PCVC request a seat on the Authority members are duty bound to consider this request.

RECOMMENDATIONS

13. The Authority is requested to:
 - (a) **note** the contents of the report and the publication of the S.I. which amends the combination order for CDDFRA with effect from 18 March 2020;
 - (b) **note** that the Chair and Vice Chair will seek an early meeting with the newly elected PCVC to discuss governance arrangements and collaboration.

Stuart Errington, Chief Fire Officer, 0191 3755553