



COMBINED FIRE AUTHORITY

17 JULY 2018

GOVERNMENT RESPONSE: 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 of the Government's response 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, a copy of the response is attached at Appendix A.

SUMMARY OF RESPONSES

4. In total 67 responses were received from FRAs, PCCs, Association of PCCs, the National Fire Chiefs Council (NFCC), members of the public and private companies. 20 of the 22 FRAs (91%) that took part in the consultation agreed with the proposed amendments to the combination schemes of Combined FRAs established or continued in existence under sections 2 and 4 of the Fire and Rescue Services Act 2004.
5. There were a number of FRAs that raised concerns in relation to political balance. FRAs are required to take membership into account when calculating proportionality in accordance with section 15 of the Local Government and Housing Act 1989. The requirements under section 15 would apply to each constituent authority and the FRA itself separately.

6. The response in the consultation outlined that it is up to the FRA to consider the impact of a PCCs membership locally and to determine how they wish to proceed. If the combination scheme allows, it is possible to go above the upper limit of members currently permitted by the scheme, with the new number being the maximum number of members of the FRA. An authority should keep their numbers under review to ensure that it is sufficient enough to allow effective scrutiny, while being focused, nimble, decisive and not over burdensome.
7. As CDDFRA is already at the maximum number of elected members permitted under the Combination Order, increasing the number of members would not be an option that could be considered should the Police, Crime and Victims' Commissioner (PCVC) request a seat on the Authority.
8. A number of respondents questioned whether or not a PCC should be able to appoint a deputy to represent them on the FRA given the option of appointing a non-elected substitute was not open to elected members. The consultation proposed that deputies would be able to speak on behalf of the PCC but not have voting rights. The Government's response outlined that Section 18 of the Police Reform and Social Responsibility Act 2011 enables a PCC to delegate certain functions to a Deputy PCC (DPCC) or arrange for any person not the DPCC to exercise these functions (a deputy). This would include enabling a deputy to attend and speak at meetings of the FRA where the PCC is unable to, and potentially enables a deputy to have voting rights (subject to amendments being made to the relevant combination scheme). These arrangements had already been implemented in Hampshire FRA, the only Combined FRA that has already had its amendment order altered.
9. A number of FRAs questioned the cost of PCCs being able to claim allowances and therefore increasing the cost of the Authority in a difficult financial climate. The Government's response was that the policy intention is that they would not expect PCCs to receive any additional allowance for being represented on a FRA. The rationale behind this intention is that the PCC would be represented on the FRA in their capacity as a PCC and would therefore be exercising their functions in that capacity. As they are already remunerated for their role and functions, they would not want the PCCs representation to increase the cost of governance of the FRA. It is proposed therefore that PCCs would be able to claim expenses but only in relation to their role as a PCC and not as a member of the FRA.

IMPLICATIONS FOR THE AUTHORITY

10. The Government has decided to vary the combination schemes of those Combined FRAs who have agreed to the proposed amendments. A negative statutory instrument (SI) will be drafted to make these amendments and it is then expected to be laid before Parliament in the autumn.
11. Two FRAs objected to the proposed amendments. As such, the Government intend to hold an inquiry 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. An independent person has been appointed to consider the objections of FRAs, the position of other relevant stakeholders such as the PCCs and the Government's position and to then come to a judgement on the strength of objection. The inquiry was launched in May, with plans to publish an inquiry report and a Government response to the inquiry shortly after.

12. In the coming weeks the Government will start to engage FRAs who are supportive of the amendment on the draft negative SI to amend their combination schemes, and as part of that process they will seek the views of PCCs and FRAs on the issue of membership allowances for PCCs.
13. 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

14. The Authority is requested to:
 - (a) **note** the contents of the report and the Government's response to the consultation;
 - (b) **note** that there will be further consultation in relation to the amendment of the combination schemes;
 - (c) **delegate** responsibility to consider and submit any further consultation responses that are required over the summer period to the Chief Fire Officer, following discussion with the Chair, Vice Chair and Clerk.

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