

Safest People, Safest Places

COMBINED FIRE AUTHORITY

County Durham and Darlington
Fire and Rescue Authority



21 DECEMBER 2017

HOME OFFICE CONSULTATION: 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 consultation entitled 'Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities' and to seek approval for the draft consultation response.

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'. A copy of the consultation is attached as Appendix A.
3. The consultation proposes an approach 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.
4. The proposed changes are only required for combined fire authorities as the primary legislation (the Policing and Crime Act 2017) enabled the representation model for both Metropolitan and County Fire and Rescue Authorities. Secondary legislation was required in order to enable this change to Combined Fire Authorities which are established under section 2 or continued in existence under section 4 of the Fire and Rescue Services Act 2004.
5. In order to vary the combination order of fire and rescue authorities covered by either section 2 or 4 of the Fire and Rescue Services Act 2004 the Home Office is required to consult with:
 - a) any fire and rescue authority which appears to the Secretary of State likely to be affected;
 - b) any other authority which would, apart from the scheme, be a fire and rescue authority under section 1 (of the 2004 Act) and which appears to the Secretary of State likely to be affected;

- c) any local authority, all or part of whose area forms part of the combined area, or would, under the scheme as varied, form part of the combined area;
- d) any other interested persons the Secretary of State considers appropriate.

6. The consultation closes on 15 January 2018.

CONSULTATION PROPOSALS

- 7. The proposed changes will apply to all combined fire authorities in England and will enable those authorities to appoint a PCC to be a member of that authority with voting rights. The appointment will only be considered following a request from the PCC.
- 8. On receiving such a request from the PCC the authority must:
 - a) consider the request;
 - b) give reasons for its decision to agree or refuse the request;
 - c) publish those reasons in such a manner as it thinks appropriate.
- 9. Where a PCC becomes a member of the combined fire authority in an area they can delegate attendance at a meeting of the authority, however, the person who attends the meeting on behalf of the PCC may speak but not vote on any matter. The individual is not to be treated as a member of the Authority for any purpose, for example being part of the meeting quorum.

IMPLICATIONS FOR THE AUTHORITY

- 10. The proposed changes should not have significant implications for the Authority. The power to approve or reject any request from the PCC to become a member of the fire authority will be vested with the Authority. It is reasonable to consider any such request from the PCC and publish the outcome from any such considerations.
- 11. The ability to delegate attendance at meetings to an officer should also not cause significant issues given if this occurs the officer cannot vote on any issue and is not classed as a member of the authority.
- 12. A suggested draft response to the consultation on behalf of the Authority is attached as Appendix B.
- 13. Locally the Police, Crime and Victims Commissioner (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 should this consultation result in the facility for him to do so.

RECOMMENDATIONS

- 14. The Authority is requested to:
 - (a) **note** the contents of the report and the consultation document attached as Appendix A;

- (b) **consider** the draft consultation response attached as Appendix B and suggest any amendments;
- (c) **delegate** responsibility to amend and submit the final consultation response to the Chief Fire Officer, following discussion with the Chair and Vice Chair, before the consultation closes on 15 January 2018.

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