

CHESHIRE FIRE AUTHORITY

MEETING OF: CHESHIRE FIRE AUTHORITY
DATE: 14TH FEBRUARY 2017
REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES
AUTHOR: ANDREW LEADBETTER

SUBJECT: INVOLVEMENT OF THE POLICE AND CRIME
COMMISSIONER FOR CHESHIRE IN CHESHIRE FIRE
AUTHORITY

Purpose of Report

1. To allow Members to consider arrangements which would allow the Police and Crime Commissioner for Cheshire [Cheshire PCC] to be involved in the Fire Authority.

Recommended that Members

- [1] agree the addition to the Constitution set out in Appendix 1 to this report which would convey rights upon the Police and Crime Commissioner for Cheshire; and
- [2] authorise officers to make a formal approach to the Home Office to secure its assistance in changing the law to allow the Police and Crime Commissioner for Cheshire to become a member of Cheshire Fire Authority.

Background

Governance and Constitution Committee

2. The Committee met on 8th February 2017 and settled the content of this report.

Outline of current legal position

3. The Fire Authority was created by The Cheshire Fire Services (Combination Scheme) Order 1997 [the Order]. The Order states that, 'Each member of the Authority shall be appointed by a constituent authority from its own members...'
4. The Policing and Crime Bill [the Bill] contains provisions which allow a police and crime commissioner to take on the role of a fire and rescue authority. It also contains provisions aimed at providing a police and crime commissioner with the ability to become involved in fire and rescue authorities.
5. Currently, neither the Order, nor Bill appear to provide a mechanism to allow the Cheshire PCC to become a member of Cheshire Fire Authority.

Information

What the Cheshire PCC has indicated

6. The Chair invited the Cheshire PCC to become a member of the Fire Authority. The Cheshire PCC wishes to do so, but has stated that he does not require the right to vote, nor does he expect to receive an allowance.

Changes that can be made immediately

7. The Fire Authority is, subject to the constraints in the Order, able to determine how it operates. Therefore, it can grant rights to the Cheshire PCC that will put him in a similar position to the one that he seeks (albeit he will not be a member of the Authority).
8. It is suggested that the following rights could be afforded to the Cheshire PCC:
 - To be provided with papers for all Authority meetings (including reports to be considered in private)
 - To be briefed appropriately before Authority meetings
 - To attend Authority meetings (and remain during items being considered in private)
 - To speak at Authority meetings
9. The Authority could insert into the constitution provisions which grant the PCC the rights that he seeks.
10. The Authority could require the Cheshire PCC to exercise these rights reasonably and be required to declare any conflict of interest and withdraw as necessary.

What can be done at a later date?

11. As it stands it would appear that the Order will need to be changed to allow the Cheshire PCC to become a member of the Fire Authority. The Order is a piece of secondary legislation which would need to be changed by the Government.
12. It is recommended that a formal approach is made to the Home Office to establish the mechanism to secure a change to the order and an indication of the likely timescale.

Proposed additional section of the Constitution

13. Appendix 1 to this report contains a draft of a suggested addition to the Constitution.

Financial Implications

14. The Authority's Members' Allowances Scheme does not extend to the Cheshire PCC. If the Cheshire PCC become a member of the Authority this may need to be revisited.

Legal Implications

15. The report sets out the legal position and changes that need to be made to the Constitution.

Equality and Diversity Implications

16. None.

Environmental Implications

17. None.

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