

# CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 8<sup>TH</sup> NOVEMBER 2017  
**REPORT OF:** DIRECTOR OF GOVERNANCE AND COMMISSIONING  
**AUTHOR:** ANDREW LEADBETTER

---

**SUBJECT:** GOVERNANCE ARRANGEMENTS – NORTH WEST FIRE CONTROL

---

## Purpose of Report

1. To provide further reassurance to Members about the governance arrangements associated with North West Fire Control.

## Recommended: That Members

- [1] Consider the report and highlight any matters where they require further information.

## Background

2. Governance and Constitution Committee considered the governance arrangements for North West Fire Control in April 2015. An extract from the report appears as Appendix 1 to this report.
3. Earlier this year responsibility for fire and rescue services in Greater Manchester passed from Greater Manchester Fire and Rescue Authority (GMFRA) to the Mayor of Greater Manchester Combined Authority (GMCA). There have been discussions about a similar change taking place for the Liverpool City Region Combined Authority, potentially taking in Halton Borough.
4. Officers were asked to report on the change in Greater Manchester and any actual or potential impact on the governance arrangements relating to North West Fire Control.

## Information

### From GMFRA to GMCA

5. On the 8th May 2017 the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (the Order) came into force. In accordance with this Order GMFRA was abolished and GMCA became responsible for the functions of GMFRA and became the fire and rescue authority for the Greater Manchester area.
6. The Mayor of GMCA is ultimately responsible for fire and rescue functions. However, he has appointed a Fire Committee made up of elected members from the councils in Greater Manchester. Cllr David Acton has been appointed as

Chair of the Fire Committee. More recently, Cllr Acton has also been appointed as Chair of the Board of Directors of NW Fire Control Limited. Cllr Acton has a considerable history in North West Fire Control.

7. The transition from GMFRA to GMCA has not been the easiest to follow with a great deal happening close to the date that GMCA came into being. However, contacts made during the North West Fire Control project provided some helpful context about the new fire and rescue arrangements. The Order provides the legal framework for the transfer.

#### The Order

8. It is important to understand the key aspects of the Order:
  - All property, rights and liabilities of GMFRA transferred to GMCA.
  - The abolition of GMFRA and transfer of its functions to GMCA did not affect the validity of anything done before the abolition of GMFRA.
  - GMCA is substituted for the GMFRA in any instrument, contract or legal proceedings.
9. These will be referred to as 'continuity provisions' below.

#### Analysis of Governance Arrangements following creation of GMCA

10. For ease of reference the following paragraphs are arranged under the headings contained in the report from April 2015.

#### Company Documentation

11. As noted above the Order provides a number of continuity provisions aimed at ensuring a smooth transition from GMFRA to GMCA. Unfortunately, the interaction with company law brings some added complexity. As stated in the 2015 report the **Articles of Association** restrict the ability to change the Articles and to admit any other fire and rescue authority as an owner of the company. Whilst it is possible that the continuity provisions may override the Articles, a General Meeting of the company took place recently at which the company passed resolutions allowing GMCA to be an owner of the company in place of GMFRA and making fairly minor changes to the Articles to reflect GMCA's ownership and membership of the board of directors.
12. A redrafted **Members Agreement** has also been prepared which the individual authorities will need to consider and approve in due course. The existing Agreement provides adequate protection against unilateral changes to the company and it is highly likely to be preserved by the continuity provisions. However, the creation of GMCA has encouraged officers to deal with the housekeeping associated with updating the Agreement (a great deal of it is no longer relevant).

## Project Documentation

13. This is no longer relevant. North West Fire Control has been in operation since May 2014.

## Business Documentation

14. Each authority entered into an identical **Agreement for Services** with NW Fire Control Limited. This will have been preserved by the continuity provisions. Although it might be argued that Cheshire and the other authorities have no direct interest in the Agreement covering Greater Manchester it is very helpful that all authorities have the same relationship with NW Fire Control Limited. This will continue to be the case unless the Agreement is changed.
15. A **Co-Operation Agreement** between the four authorities was eventually concluded. Again, this will have been preserved by the continuity provisions. This helps to define the ongoing relationship and govern how that relationship might be developed/changed.

## Conclusion

16. As can be seen, the continuity provisions and a little work with NW Fire Control Limited owners and directors has essentially preserved the position that existed prior to the abolition of GMFRA/creation of GMCA.
17. Should changes take place in the Liverpool City Region which impact upon Halton the situation will be somewhat more complex. However, at this stage it is difficult to speculate about this.

## **Financial Implications**

18. There are no financial implications.

## **Legal Implications**

19. The legal implications are covered in the report.

## **Equality and Diversity Implications**

20. There are no known equality and diversity implications.

## **Environmental Implications**

21. There are no known environmental implications.

**CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD  
TEL [01606] 868804  
BACKGROUND PAPERS: NONE**