

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 4TH JULY 2018
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

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

Purpose of Report

1. To inform Members about forthcoming changes to legislation which will enable the Police and Crime Commissioner for Cheshire (Cheshire PCC) to be appointed as a member of the Fire Authority.

Recommended That:

- [1] the contents of the Report be noted.

Background

Outline of current legal position

2. The Policing and Crime Act 2017 enables PCCs to be represented on their local Fire and Rescue Authority, with voting rights, subject to the consent of the FRA. The Act only applies to county and metropolitan FRAs.
3. The Fire Authority is a combined fire authority, created by The Cheshire Fire Services (Combination Scheme) Order 1997 (the Combination Order) and the Cheshire PCC cannot currently be appointed as a member of the Fire Authority.
4. In February 2017 the Fire Authority approved a change to the Constitution which allowed the PCC to become involved in the Fire Authority by granting him the following rights:
 - 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

Outline of future legislation

5. Many of the 23 combined authorities across England, including this Authority, made a formal approach to the Home Office to seek a change to the legislation to place combined fire authorities on the same footing as county and metropolitan FRAs. Following a consultation exercise the Home Office has announced that it will bring forward legislation in the autumn which will extend this right to all PCCs.
6. This will enable the Fire Authority to appoint the Cheshire PCC as a member with voting rights if the PCC makes a formal request to do so and if the Fire Authority chooses to agree to the request.
7. It will be for the Fire Authority to decide whether to grant membership and in the interests of transparency it will be required to publish its decision.

Consultation Outcome

8. The document entitled 'Summary of consultation and next steps' is attached to this report as Appendix 1. The following matter is worthy of comment:
 - Political balance – the document states that this is an issue to be resolved locally. A PCC will be able to join a political group on an authority. A PCC will only have a single vote and be significantly outnumbered by Members appointed by the constituent authorities. However, the act of joining a political group could have a significant impact on an authority. For Cheshire the addition of the Cheshire PCC will mean that there is an even number of Members of the Fire Authority – which is usually avoided.

Next Steps

9. The Combination Order will need to be amended and this will be done by way of a statutory instrument. A draft statutory instrument will be sent to all fire authorities to amend their Combination Orders over the next few months and then laid before Parliament in the autumn. When the new Combination Order comes into force a further report will be presented to this committee once the intentions of the Cheshire PCC are known.

Financial Implications

10. The Authority's Members' Allowances Scheme does not extend to the Cheshire PCC. The Government is seeking views on the issue of members' allowances being available to PCCs. Currently, the expectation is that PCCs will not be entitled to claim allowances.

Legal Implications

11. The report sets out the legal position and proposed changes.

Equality & Diversity Implications

12. None.

Environmental Implications

13. None.

BACKGROUND PAPERS: NONE