

CHESHIRE FIRE AUTHORITY

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

SUBJECT: APPOINTMENT OF FIRE AUTHORITY MEMBERS
BY CONSTITUENT AUTHORITIES

Purpose of Report

1. To provide Members with information in response to a question raised at the meeting of the Fire Authority on the 20th June 2018 about the ability of constituent authorities to appoint additional Members to act as reserves.

Recommended That:

[1] the contents of the Report be noted.

Background

2. The Fire Authority was created by The Cheshire Fire Services (Combination Scheme) Order 1997 (the Combination Scheme). Part III of the Combination Scheme contains the provisions concerned with how the Fire Authority is constituted. Appendix 1 to this report contains the relevant provisions from the Combination Scheme.

Information

3. At the Fire Authority meeting on 20th June 2018 a Member asked whether it was possible for constituent authorities to appoint additional members to take the place of Fire Authority Members if they were unable to fulfil their role: reserve Members.
4. The Combination Scheme does not contain an explicit provision that enables a constituent authority to appoint reserve Members. Therefore, it is necessary to consider the provisions in the Combination Scheme to establish whether such a power might be implied.
5. Paragraphs 11(2), 13, 14, 15 and 16 of the Combination Scheme are pertinent to the question. Members will see that these provisions are quite precise in the way that they describe the appointment and tenure of a Member of the Fire Authority. Paragraph 13 is probably the key provision: it requires

the constituent authorities to appoint 'for such period or periods as shall be determined' by them. Other paragraphs deal with reasons why a Member might be unable to fulfil the role.

6. Officers believe that the provisions in the Combination Scheme do not suggest an implied power to appoint reserve Members.

Financial Implications

7. None.

Legal Implications

8. The report summarises the governance arrangements that are applicable to the question raised.

Equality and Diversity Implications

9. None.

Environmental Implications

10. None.

BACKGROUND PAPERS: NONE