

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 7TH APRIL 2021
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: REVIEW INTO THE WAY THAT SEATS ON
CHESHIRE FIRE AUTHORITY ARE ALLOCATED
TO THE CONSTITUENT AUTHORITIES

Purpose of Report

1. To allow Members to consider the outcome of the review into the way that seats on the Fire Authority are allocated to the constituent authorities.

Recommended: That Members

- [1] Consider the outcome of the review and decide whether to make a recommendation to the Fire Authority.

Background

2. This Committee received reports about this issue, on 29th July 2020 and 27th January 2021. At the meeting in July 2020 it was resolved that: the Director of Governance and Commissioning proceed with the review and report back in due course. An update was provided in January 2021.
3. The terms of reference of the review were:
 - The independent reviewer will consider the existing method for allocating seats on Cheshire Fire Authority taking into account the relevant paragraphs of the Combination Scheme.
 - The independent reviewer is encouraged to indicate if there is an alternative method which could deliver a better result, bearing in mind the representations made on behalf of the constituent authorities.
 - The independent reviewer is asked to provide guidance on the process.

The review was not concerned with a change to the Combination Scheme.

4. The independent review was carried out by Ms L Taylor, the Monitoring Officer for Derbyshire Fire and Rescue Service (the Independent Reviewer).

Information

5. The Independent Reviewer has now produced a report (the Review Report) and this is attached to this report as Annex 1 (together with the appendices referred to in the Review Report).
6. The Review Report includes a number of important statements. The following extracts from the Review Report are directly relevant to the questions posed in the terms of reference:

Paragraph 2.2: The method used by Cheshire Fire Authority is the same as used by other Combined Fire Authorities; the method clearly shows the proportions and is a rational and objective approach to the allocation of seats...

Paragraph 3.1: It is not possible to advise on a 'better' result as each constituent authority will have their own opinion on what 'better' means.

Paragraph 3.3: The method used to work out percentage and proportions is a rational and objective approach...

Paragraph 4.1: For some consistency from year to year, some Combined Fire Authorities have opted for as low as 10 seats because, with fewer seats, the allocation broadly reflects the local government elector figures and only a substantial change in the number of electors in an area would impact on the allocation of seats. This almost guarantees the same number of seats being allocated to each constituent authority each year.

7. The Review Report also includes Conclusions and Recommendations for consideration by Members.
8. Since the Review Report was finalised an identical statement has been made in the House of Commons and House of Lords, on 16th March 2021, about the Police and Crime Commissioner Review. The statement includes commentary about the future governance of fire and rescue services and (by implication) fire authorities. An extract from the statement appears below:

On fire, the Government is clear that further reform of fire and rescue is required in order to respond to the recommendations from Phase 1 of the Grenfell Tower Inquiry, the Kerslake Review and to build on the findings from Sir Thomas Winsor's State of Fire and Rescue Report. Our reform agenda will focus on three key areas: people; professionalism; and governance. Taken together, improvements in these areas will help deliver higher standards and greater consistency across fire and rescue services.

The Review kick-started our work on fire service governance and the findings signalled strong support for a directly elected individual taking on fire functions to help simplify and strengthen the governance of fire and rescue services across England. The Home Office will be launching a consultative White Paper on fire reform later this year. The White Paper will be used to set out our reform agenda in further detail and explore the Review proposals on fire governance which include:

- *Consulting on whether to mandate the transfer of fire and rescue functions to the Police, Fire and Crime Commissioner model across England where boundaries are coterminous, unless there is an option to transfer fire governance directly to an elected Mayor.*
- *Consulting on how to address coterminosity challenges, including in the South West.*
- *Legislating to create operational independence for Chief Fire Officers and to clearly separate and delineate strategic and operational planning for fire and rescue.*
- *Considering options to clarify the legal entities within the PFCC model.*

9. In the circumstances, it may be sensible to await the White Paper before making a decision about future Fire Authority governance. If Members are persuaded by this notion the appointments for 2021-22 will continue to be allocated in the same way that they have been since local government reorganisation. The only change will be to make the process more formal, with clear expectations about the timescales within which the constituent authorities will need to respond to communications about the numbers of local government electors and allocations of seats.

Financial Implications

10. There will be a financial impact if there is a change in the number of members of the Fire Authority.

Legal Implications

11. The Fire Authority's Combination Scheme describes the method for allocating seats on the Fire Authority. Paragraph 12 of the Scheme states:

Each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas.

12. The Scheme is the same as the schemes of other combined authorities. The Scheme could only be changed through secondary legislation.

Equality and Diversity Implications

13. There are no equality and diversity implications associated with this report.

Environmental Implications

14. There are no environmental implications associated with this report.

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BACKGROUND PAPERS:

The Cheshire Fire Services (Combination Scheme) Order 1997 [as amended on
Local Government Reorganisation]

Review Report