

LANCASHIRE COMBINED FIRE AUTHORITY

Meeting to be held on Monday 18 December 2017

CONSULTATION ON PROPOSED AMENDMENTS TO THE FIRE AND RESCUE AUTHORITY ('FRA') COMBINATION SCHEME ORDER (Appendix 1 refers)

Contact for further information: Mark Nolan, Clerk and Monitoring Officer
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Executive Summary

This report is to bring to the Authority's attention to the commencement of a consultation process, initiated by the Minister for Policing and Fire on 27 November, regarding greater representation on FRAs by the Police and Crime Commissioner ('PCC'), where a PCC has **not** taken on responsibility for fire services but wishes to enhance the opportunities for collaboration, in accordance with the requirements of the Policing and Crime Act 2017 ('PAC 2017'.) (see Appendix 1 attached).

The consultation is due to end on 15 January 2018, before the next Combined Fire Authority Meeting and therefore the report has been included as an item of urgent business.

The substantive question is does the Fire Authority agree with the proposal to amend the combination schemes to implement the representation model.

The consultation seeks to vary the combination schemes of FRAs in order to implement the 'representation model' referred to in the PAC 2017. This model enables PCCs to be represented on FRAs, with voting rights, where the Authority agrees.

The PCC would only be appointed to the Authority with voting rights in response to a request by the Commissioner.

If such a request is made the Authority must:

- (a) Consider the request
- (b) Give reasons for its decision to agree or refuse the request, and
- (c) Publish those reasons in such a manner as it considers appropriate.

Where the PCC has made a request which has then been accepted by the Authority then the PCC will be able to attend as a member and will be given voting rights. Where the PCC makes arrangements to delegate his or her attendance at the meeting to a third party on his or her behalf then that person may be able to speak at the meeting but would not be allowed to vote and would not be treated as a member of the Authority.

Legislation requires the Home office to consult with the Authority on such changes, along with local authorities of the combined area and any other interested persons the Secretary of State considers appropriate. The consultation asks for a yes/no answer in respect of the enabling proposal.

It was a clear intent of the Government as contained in the PAC 2017 to make provisions to allow a PCC to become a member of Fire Authorities and this is seen as a consultation process to enable changes to the combination schemes to enact that outcome, as such it is considered unlikely that the consultation process will change the proposals.

The proposal does not represent a mandate or requirement to transfer powers to the PCC from the Authority and in view of the Authority's legal obligation to promote greater collaboration between the two services, it is recommended that the Clerk is authorised to respond on behalf of the Authority to confirm that it agrees with the proposal.

Recommendation

The Authority is asked to consider whether the Authority wishes to respond to the consultation and if so whether the CFA wants to elaborate on a simple "yes". If the authority wishes to respond negatively to the proposal then a narrative response is also requested.

Having determined the nature of a response then the Authority is asked to authorise the Clerk to respond on the Authority's behalf.

Information

The consultation exercise is seen to be an enabling mechanism to allow the inclusion of the PCC as a member of the Combined Authority when the PCC so desires as an alternative to the PCC wishing to take responsibility for fire matters.

Any representation about the appropriateness of any change in governance would occur once a proposal is received from the PCC.

These provisions already apply to County and Metropolitan FRAs as of 3 April 2017.

Combined FRAs established under sections 2 and 4 of the Fire and Rescue Services Act 2004, as is the case with this Authority, must have their combination schemes amended for these provisions to apply. The consultation seeks the Authority's view on the proposal as to whether the Authority agrees with this amendment and if it does not it is asked to provide an explanation why it does not.

The PAC 2017 also enables PCCs to become a fire and rescue authority where a local case is made and it appears to the Home Secretary to be in the interests of economy, efficiency and effectiveness, or public safety. This is an additional option that would be considered by the CFA on application by the PCC.

This is an enabling provision rather than an outcome and it is not envisaged likely that the consultation process will result in any changes to the proposal

Business Risk

None

Environmental Impact

None.

Equality and Diversity Implications

None.

HR Implications

In the event the PCC becomes a member of the Authority then the PCC would be a member for the purposes of the Local Authorities (Members Allowances) (England) Regulations 2003 and therefore references to members' allowances within the Scheme of Allowances would include such entitlements for the PCC, under that scheme.

The PCC would also be counted as a member in accordance with the Local Government (Committees and Political Groups) Regulations 1990. The PCC would therefore be entitled to be counted as a member of a political group on the Authority. The Authority would be required to take this political membership in to account when assessing and calculating its proportionality, pursuant to section 15 of the Local Government and Housing Act 1989, when considering the division of seats among groups on the relevant committees.

Financial Implications

In the event the Authority agrees with the recommendation and the PCC subsequently makes a request for the consent of the Authority to become a member a more detailed financial appraisal will be submitted along with a further report, when the Authority comes to consider whether to agree to the PCC's formal request.

Paper	Date	Contact
Reason for inclusion in Part II, if appropriate:		