Home Office

Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities (FRAs)

Government consultation

This consultation begins on 27 November 2017

This consultation ends on 15 January 2018

About this consultation

To:	All Combined Fire and Rescue Authorities Chairs and Chief Fire Officers in England, all affected Police and Crime Commissioners in England, Local Authorities who form all or part of a Combined FRA and the Local Government Association's (LGA) Fire Services Management Committee
Duration:	From 27/11/17 to 15/01/18
Enquiries (including requests for the paper in an alternative format) to:	Helen Quinn, Police Strategy & Reform Unit Home Office 6th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF Tel: +44 (0)20 7035 0561 Email: Helen.Quinn1@homeoffice.gsi.gov.uk
How to respond:	You can submit your responses to the consultation by using the online form: https://www.homeofficesurveys.homeoffice.gov.uk/s/PZZW5/ Please send your response by email by 15/01/18 to: Helen Quinn, Police Strategy & Reform Unit Home Office 6th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF Tel: +44 (0)20 7035 0561 Email: Helen.Quinn1@homeoffice.gsi.gov.uk
Response paper:	A response to this consultation exercise is due to be published shortly after at: https://www.gov.uk/government/consultations/enabling-police-and-crime-commissioners-to-sit-and-vote-on-combined-fire-and-rescue-authorities

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Foreword

Consultation to enable Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities (FRAs).

Building on our commitment to enable fire and rescue and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners (PCCs), the Policing and Crime Act 2017 (the 2017 Act), which received Royal Assent on 31 January, introduced a raft of measures to ensure that collaboration between the emergency services – including emergency ambulance services - can go further and faster. These are enabling provisions and recognise that local leaders are well placed to determine the sort of collaboration that is best locally.

Collaboration presents a real opportunity for emergency service partners to increase efficiency and effectiveness, and enhance the service delivered to the public. The 2017 Act introduces a new statutory duty on police, fire and rescue and emergency ambulance services to keep collaboration opportunities under review, and to enter these where it is in the interests of their efficiency or effectiveness. This sets a clear expectation that opportunities for closer working and cooperation should be fully explored and I expect the pace and ambition of collaboration to increase as a result.

The 2017 Act also includes a number of governance provisions, including the ‘representation model’, whereby PCCs can be represented on a Fire and Rescue Authority (FRA) and treated as a member of that authority with voting rights, where a FRA agrees. The representation model can help drive greater collaboration between these two emergency services.

As it currently stands, the representation model only applies to County and Metropolitan FRAs. In line with the requirements of the Fire and Rescue Services Act 2004 (2004 Act), and as part of the next stage of implementation of the 2017 Act, I would now like to take this opportunity to consult on varying the combination schemes of Combined Fire and Rescue Authorities established under section 2 or continued in existence under section 4

of the 2004 Act. This consultation focuses on applying the representation model provisions to Combined FRAs only.

I wish to be clear that these are enabling powers. I am not mandating a PCC to sit on a Combined FRA, nor am I requiring FRAs agree to a PCC request. Instead this is about ensuring that Combined FRAs can appoint a PCC with voting rights, and that the same level of transparency applies to Combined FRAs as it does to County or Metropolitan FRAs.

I know that many of you are already undertaking and exploring how to take full advantage of the provisions of the 2017 Act. I now welcome your views on these proposed enabling amendments and look forward to working with you all as we enhance service delivery through building stronger partnerships between emergency services.

Nick Hurd MP

Minister for Policing and the Fire Service

Executive summary

Topic of the Consultation:

This consultation seeks views on the proposal to vary the combination schemes of Fire and Rescue Authorities (FRAs) established under section 2 or continued in existence under section 4 of the Fire and Rescue Services Act 2004 (the 2004 Act) to implement the 'representation model' of the Policing and Crime Act 2017 (the 2017 Act).

The 2017 Act 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. PCCs have clear local accountability and a strong mandate to pursue ambitious reform and maximise the benefits of joint working between police and fire.

To encourage greater collaboration in areas where a PCC does not take on responsibility for local fire and rescue services, the 2017 Act also enables a PCC to be represented on the FRA (outside London) with voting rights, where the FRA agrees (the representation model). In addition, the provisions of the 2017 Act set out the procedure that must be followed where a PCC makes a request to sit on the FRA, that is: for the FRA to consider the request, give reasons for its decision to agree to or refuse the request and publish those reasons in such a manner it thinks appropriate.

While these provisions apply to County and Metropolitan FRAs as of 3 April 2017 on commencement of the primary legislation , Combined FRAs established (or continued in existence) under sections 2 and 4 of the Fire and Rescue Services Act 2004 must have their combination schemes amended for these provisions to apply. As expressed during the passage of the legislation through Parliament, the policy intention remains that the representation model applies to all types of FRAs in England.

These provisions will enable PCCs and Combined FRAs to consider the representation model as an option for promoting greater collaboration between the two services. As required by the 2004 Act, before such amendments are made to a Combined FRAs combination scheme, we are conducting this consultation to seek views of affected stakeholders.

Introduction

This paper seeks views on the proposals to apply the 'representation model' to Combined Fire and Rescue Authorities (FRAs) established under section 2 or continued in existence and 4 of the 2004 Act through varying their combination schemes.

For County Council and Metropolitan FRAs, the representation model is provided for by the amendments made to the Local Government Act 1972, the Local Government Act 1985, the Local Government and Housing Act 1989, the Local Government Act 2000 and the Localism Act 2011 by the Policing and Crime Act 2017; to ensure these enabling powers apply to all FRAs in England, the Government now invites comments on the proposed amendments to the combination schemes of those FRAs established under section 2 or continued in existence under section 4 of the 2004 Act, in order to apply the same enabling powers to a Combined FRA.

A negative statutory instrument will be drafted to make amendments to the combination scheme of those FRAs who are supportive of the amendments. The intention is that the necessary provisions will be laid early next year (2018) and come in to force shortly thereafter.

The legislation requires us to consult with the following stakeholders:

a. any fire and rescue authority which appears to the Secretary of State likely to be affected

b. any other authority which would, apart from the scheme, be a fire and rescue authority under section 1 (of the 2004 Act) and which appears to the Secretary of State likely to be affected

c. any local authority, all or part of whose area forms part of the combined area, or would, under the scheme as varied, form part of the combined area, and

d. any other interested persons the Secretary of State considers appropriate.

Refer to Annex D: List of affected FRAs and constituent local authorities.

The consultation period will be open for 7 calendar weeks commencing from today (27 November 2017) closing on 15 January 2018 and a response paper will be published shortly thereafter.

The proposals

The proposed changes will be to each Combined FRA combination scheme to ensure that the representation model applies to all types of FRAs in England.

Please find below the proposed amendments for you to comment on;

A. Subject to paragraphs B and C, the Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

B. A relevant police and crime commissioner may only be appointed as a member of the Authority in response to a request by the commissioner.

C. If a relevant police and crime commissioner makes such a request the Authority must—

(a) consider the request,

(b) give reasons for its decision to agree to or refuse the request, and

(c) publish those reasons in such a manner as it thinks appropriate.

D. Paragraph E applies where the Authority appoints a relevant police and crime commissioner to be a member of the Authority and the police and crime commissioner makes arrangements under section 18 of the Police Reform and Social Responsibility Act 2011([1]) to delegate their attendance at a meeting of the Authority.

E. A person who attends a meeting of the Authority on behalf of a relevant police and crime commissioner—

(a) may speak at the meeting but not vote, and

(b) is not to be treated as a member of the Authority for any purpose.

The above amendments will;

A – Enable a PCC to be appointed with voting rights;

B – Set out this provision can only take place after a request has been made by a PCC;

C – Set out the process for making such a request;

D and E – Enable a PCC to delegate to a deputy to attend and speak at FRA meetings, but that this deputy does not have any voting rights and will not be treated as a member of the Authority for any purpose, for example being part of the meeting quorate. This is owing to Fire and Rescue Authorities comprising of elected individuals, who do not themselves have similar rights to delegate to an unelected official as exists for PCCs.

([1]) 2011 c. 13; section 18 was amended by paragraphs 52 and 53 of Schedule 7 to the Localism Act 2011 (c. 20) and paragraphs 115 and 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

These amendments will enable a PCC to have representation on their local FRA and/or its committees, with voting rights; this will be subject to PCCs making clear reasons for seeking membership and the FRA agreeing. The FRA will be required to publish their response to ensure transparency. The provisions will enable a PCC to be a member of the FRA until there is either a vacancy in the OPCC or if there were to be no vacancy in the office before then, the day on which their term of office as PCC would end.

To note, there will be some minor consequential amendments as necessary to ensure these provisions apply as intended in the context of the rest of the combined FRAs combination scheme.

Questionnaire

This is your opportunity to provide comments on the proposal.

Q1 Do you agree with the proposed amendments to the combination schemes of Fire and Rescue Authorities (FRAs) established or continued in existence under sections 2 and 4 of the 2004 Fire and Rescue Services Act as stated in the proposal above to implement the 'representation model' of the 2017 Act?' *(Please tick the relevant box)*

☐ **Yes** ☐ **No**

Q2 If you disagree with proposal at Q1, please give your reasons:

Q3 Please state below if you have any other comments:

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public or Chair of a FRA)	
Date	
Company name/organisation (if applicable)	
Address **Postcode**	
If you would like us to acknowledge receipt of your response, please tick this box	☐ (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please send your response by **15 January 2018** to:

Helen Quinn, Police Strategy & Reform Unit
Home Office
6th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF

Tel: +44 (0)20 7035 0561

Email: Helen.Quinn1@homeoffice.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at https://www.gov.uk/government/consultations/enabling-police-and-crime-commissioners-to-sit-and-vote-on-combined-fire-and-rescue-authorities

Publication of response

A paper summarising the responses to this consultation will be published shortly after. The response paper will be available online at https://www.gov.uk/government/consultations/enabling-police-and-crime-commissioners-to-sit-and-vote-on-combined-fire-and-rescue-authorities

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that

confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

Impact Assessment

A full impact assessment has not been produced for this as no significant impact on the private, voluntary or a public sector is foreseen.

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