Dear Ian,

Re: Cleveland combined fire and rescue authority's (FRA) response to the consultation on enabling Police & Crime Commissioners (PCCs) to become members of combined FRAs.

Thank you for your response to our recent consultation on enabling PCCs to become members of combined FRAs.

We note that the Authority has expressed disagreement with the proposed amendments to the combination schemes of FRAs established or continued in existence under sections 2 and 4 of the 2004 Fire and Rescue Services Act.

We would like to provide further clarification in response to the concerns raised by the Authority with regard to the retention of political balance, remuneration and how the arrangements for deputyship would operate, should a PCC request to become a member of the FRA with voting rights.

Membership and political balance

The Authority is required to take membership into account when calculating proportionality in accordance with section 15 of the Local Government and Housing Act 1989. The requirements under section 15 would apply to each constituent authority and the FRA separately. However, it will be up to the FRA to consider the impact locally. This means that each of the councils appointing members to the FRA will need to consider the political balance of their own cohort of appointees and the FRA has to consider the political balance of its appointees, though in this case there would only be the PCC as a direct appointee of the FRA.

Membership numbers are also subject to each constituent authority, so far as is practicable, appointing the number of representatives that is proportionate to the size of the electorate in its area in relation to the size of the electorate in each of the other constituent authorities' areas. As a result, to achieve a level of proportionality it is possible to go above the upper limit with the new number being the maximum number of members of the FRA.

Remuneration

Where a combined FRA is obliged to have an allowance scheme and makes provision for allowances to members, which would include the PCC as a member, it is possible for the PCC to elect to forgo their allowance. This may be something that the FRA wishes to discuss with the PCC and agree locally. Although in our view, it could not be a condition of the PCC's membership.

Deputy PCCs

The Home Office view is that a PCC's functions in relation to membership of a combined FRA are functions for the purposes of section 18 of the Police Reform and Social Responsibility Act 2011. Therefore a PCC may appoint a DPCC or arrange for any person not the DPCC to exercise these functions . We are, however, clear that the provisions are locally enabling, and PCC membership and deputyship is not mandated on account of an FRA agreeing with the proposed amendments to the combination schemes of FRAs. A PCC will be required to make a request to the FRA. When a PCC does request to become a member of an FRA, we expect that such requests will given timely and appropriate consideration but it is entirely a decision for individual FRAs to take and agree locally.

Our policy approach to Combined FRAs is to 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 FRAs comprising of elected individuals, who do not themselves have similar rights to delegate to an unelected official as exists for PCCs. We have sought to carefully balance the two legislative frameworks and believe this to be an appropriate position to take.

We hope that the clarifications provide a clearer understanding on the arrangements for political balance, remuneration and arrangements for deputyship, should a PCC become a member of an FRA with voting rights. If the Authority wishes to re-consider their objections in light of the clarifications provided, we are happy to accommodate an extended period to consider the proposal. A response no later than **Wednesday 28 February** would be appreciated.

If the Authority's decision remains unchanged, I would be most grateful if you could confirm this position in writing as soon as you are able to.

Many thanks.

Kind regards,

Nur Begum

Police Strategy and Reform Unit | Policing Directorate
6th Floor Fry, 2 Marsham Street, SW1P 4DF
Phone 020 7035 3874
Email Nurjahan.Begum5@homeoffice.gsi.gov.uk