APPENDIX 4

STATUTORY INSTRUMENTS

2019 No. xxxx

FIRE AND RESCUE SERVICES, ENGLAND

The Combined Fire and Rescue Authorities (Membership and Allowances) (Variation) Order 2019

Made - - - -	***
Laid before Parliament	***
Coming into force - -	*[...]*

The Secretary of State makes the following Order in exercise of the powers conferred by [sections 18 and 190(1) of the Local Government and Housing Act 1989(**a**), sections 100 and 105(3) of the Local Government Act 2000(**b**) ("the 2000 Act")] and sections 2(6), 3, 4(4) and 60(2) of the Fire and Rescue Services Act 2004(**c**) ("the 2004 Act").

[In accordance with section 100(5) of the 2000 Act, the Secretary of State has consulted such representatives of local government and such other persons as the Secretary of State considers appropriate about article 4 of this Order.]

In accordance with sections 2(6) and 4(5) of the 2004 Act, the Secretary of State has consulted the authorities which appear to the Secretary of State to be likely to be affected by article 3 of this Order and such other persons as the Secretary of State considered appropriate.

In accordance with sections 2(8)(b) and 4(6) of the 2004 Act, the Secretary of State has caused an inquiry to be held in relation to the variation of the scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015(**d**) and the variation of the Cleveland Fire Services Combination Scheme(**e**).

The other authorities which would be affected by a variation made by article 3 of this order have agreed to the relevant variation.

Citation and commencement

1. This Order may be cited as the Fire and Rescue Authorities (Membership and Allowances) (Variation) Order 2019 and comes into force on [***] [***] 2019.

(**a**) 1989 c. 42.
(**b**) 2000 c. 22.
(**c**) 2004 c. 21.
(**d**) S.I. 2015/435, as amended by S.I. 2017/1165.
(**e**) The Scheme is set out in the Schedule to the Cleveland Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3131).

Interpretation

2. In this Order—

"the Devon and Somerset Fire and Rescue Authority Combination Scheme" means the scheme set out in the Schedule to the Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006(**a**);

"the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme" means the scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015.

Appointment of police and crime commissioner to combined fire and rescue authority

3. The following schemes are varied in accordance with the Schedule—

(a) the Avon Fire Services Combination Scheme(**b**) (see Part 1 of the Schedule);

(b) the Cleveland Fire Services Combination Scheme (see Part 2 of the Schedule);

(c) the Humberside Fire Services Combination Scheme(**c**) (see Part 3 of the Schedule);

(d) the Leicestershire Fire Services Combination Scheme(**d**) (see Part 4 of the Schedule);

(e) the Bedfordshire Fire Services Combination Scheme(**e**) (see Part 5 of the Schedule);

(f) the Derbyshire Fire Services Combination Scheme(**f**) (see Part 6 of the Schedule);

(g) the Durham Fire Services Combination Scheme(**g**) (see Part 7 of the Schedule);

(h) the East Sussex Fire Services Combination Scheme(**h**) (see Part 8 of the Schedule);

(i) the Buckinghamshire Fire Services Combination Scheme(**i**) (see Part 9 of the Schedule);

(j) the Berkshire Fire Services Combination Scheme(**j**) (see Part 10 of the Schedule);

(k) the Cheshire Fire Services Combination Scheme(**k**) (see Part 11 of the Schedule);

(l) the Kent Fire Services Combination Scheme(**l**) (see Part 12 of the Schedule);

(m) the Lancashire Fire Services Combination Scheme(**m**) (see Part 13 of the Schedule);

(n) the Nottinghamshire Fire Services Combination Scheme(**n**) (see Part 14 of the Schedule);

(o) the Devon and Somerset Fire and Rescue Authority Combination Scheme (see Part 15 of the Schedule);

(**a**) S.I. 2006/2790.

(**b**) The Scheme is set out in the Schedule to the Avon Fire Services (Combination Scheme) Order 1995 (S.I.1995/3127) and has been amended by the Local Government Act 2003 (c. 26), Schedule 8.

(**c**) The Scheme is set out in the Schedule to the Humberside Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3132) and has been amended by the Local Government Act 2003, Schedule 8.

(**d**) The Scheme is set out in the Schedule to the Leicestershire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2912) and has been amended by the Local Government Act 2003, Schedule 8.

(**e**) The Scheme is set out in the Schedule to the Bedfordshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2918) and has been amended by the Local Government Act 2003, Schedule 8, and S.I. 2012/2879.

(**f**) The Scheme is set out in the Schedule to the Derbyshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2919) and has been amended by the Local Government Act 2003, Schedule 8.

(**g**) The Scheme is set out in the Schedule to the Durham Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2921) and has been amended by the Local Government Act 2003, Schedule 8.

(**h**) The Scheme is set out in the Schedule to the East Sussex Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2922) and has been amended by the Local Government Act 2003, Schedule 8.

(**i**) The Scheme is set out in the Schedule to the Buckinghamshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2924) and has been amended by the Local Government Act 2003, Schedule 8.

(**j**) The Scheme is set out in the Schedule to the Berkshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2695) and has been amended by the Local Government Act 2003, Schedule 8.

(**k**) The Scheme is set out in the Schedule to the Cheshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2697) and has been amended by the Local Government Act 2003, Schedule 8.

(**l**) The Scheme is set out in the Schedule to the Kent Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2701) and has been amended by the Local Government Act 2003, Schedule 8.

(**m**) The Scheme is set out in the Schedule to the Lancashire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2760) and has been amended by the Local Government Act 2003, Schedule 8.

(**n**) The Scheme is set out in the Schedule to the Nottinghamshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2761) and has been amended by the Local Government Act 2003, Schedule 8.

(p) the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme (see Part 16 of the Schedule).

Allowances payable to members of a combined fire and rescue authority

4. In regulation 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003(**a**), after paragraph (1), insert—

"(1A) But a fire and rescue authority may not make any provision in such a scheme for the payment of any allowance to a PCC member of the authority.

(1B) For the purposes of paragraph (1A)—

"fire and rescue authority" means an authority of a description in regulation 3(1)(e);

"PCC member", in relation to a fire and rescue authority, means a police and crime commissioner who is appointed, in that capacity, as a member of that authority."

Draft
Minister of State
Home Office

SCHEDULE

Article 3

Appointment of police and crime commissioner to combined fire and rescue authority

PART 1

Variation of the Avon Fire Services Combination Scheme

1. In paragraph 2 of the Avon Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

2. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

3. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local

(**a**) S.I. 2003/1021, to which there are amendments not relevant to this Order.

government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

4. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

5. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

6. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

7. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

8. In paragraph 20(1) of that Scheme for "to 106" substitute ", 102(1) to (5), 103, 104, 106".

PART 2

Variation of the Cleveland Fire Services Combination Scheme

9. In paragraph 2 of the Cleveland Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

10. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

11. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, so far as 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 electors in each of the other constituent authorities' areas.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

12. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

13. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

14. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

15. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority";

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

16. In paragraph 20(1) of that Scheme for "to 106" substitute ", 102(1) to (5), 103, 104 and 106".

PART 3

Variation of the Humberside Fire Services Combination Scheme

17. In paragraph 2 of the Humberside Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

18. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

19. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

20. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

21. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

22. After paragraph 13 of that Scheme, as varied, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

23. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

24. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 4

Variation of the Leicestershire Fire Services Combination Scheme

25. In paragraph 2 of the Leicestershire Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

26. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

27. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

28. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

29. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

30. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be

a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). ”

31. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and

(b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

32. In paragraph 20(1) of that Scheme for “to 106” substitute “102(1) to (5), 103, 104, 106”.

PART 5

Variation of the Bedfordshire Fire Services Combination Scheme

33. In paragraph 2 of the Bedfordshire Fire Services Combination Scheme—

(a) omit “and” at the end of the definition of “constituent authority”, and

(b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner”, in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority”.

34. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”

35. For paragraph 12 of that Scheme substitute—

“**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”

36. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

37. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

38. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

39. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

40. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 6

Variation of the Derbyshire Fire Services Combination Scheme

41. In paragraph 2 of the Derbyshire Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

42. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

43. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

44. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

45. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

46. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

47. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

48. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 7

Variation of the Durham Fire Services Combination Scheme

49. In paragraph 2 of the Durham Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

50. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

51. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

52. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

53. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

54. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

55. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

56. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 8

Variation of the East Sussex Fire Services Combination Scheme

57. In paragraph 2 of the East Sussex Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

58. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

59. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

60. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

61. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

62. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

63. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

64. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 9

Variation of the Buckinghamshire Fire Services Combination Scheme

65. In paragraph 2 of the Buckinghamshire Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

66. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

67. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

68. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

69. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

70. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be

a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). ”

71. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and

(b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

72. In paragraph 20(1) of that Scheme for “to 106” substitute “102(1) to (5), 103, 104, 106”.

PART 10

Variation of the Berkshire Fire Services Combination Scheme

73. In paragraph 2 of the Berkshire Fire Services Combination Scheme—

(a) omit “and” at the end of the definition of “constituent authority”, and

(b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner”, in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority”.

74. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”

75. For paragraph 12 of that Scheme substitute—

“**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”

76. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

77. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

78. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

79. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

80. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 11

Variation of the Cheshire Fire Services Combination Scheme

81. In paragraph 2 of the Cheshire Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

82. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

83. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

84. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

85. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

86. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

87. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

88. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 12

Variation of the Kent Fire Services Combination Scheme

89. In paragraph 2 of the Kent Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

90. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

91. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

92. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

93. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

94. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

95. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

96. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 13

Variation of the Lancashire Fire Services Combination Scheme

97. In paragraph 2 of the Lancashire Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

98. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

99. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

100. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

101. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

102. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). "

103. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (2), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

104. In paragraph 20(1) of that Scheme for "to 106" substitute "102(1) to (5), 103, 104, 106".

PART 14

Variation of the Nottinghamshire Fire Services Combination Scheme

105. In paragraph 2 of the Nottinghamshire Fire Services Combination Scheme—

(a) omit "and" at the end of the definition of "constituent authority", and

(b) at the end of the definition of "the fire brigade", insert "; and" and as follows—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

106. For paragraph 11 of that Scheme substitute—

"**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part."

107. For paragraph 12 of that Scheme substitute—

"**12.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

108. After that paragraph, insert—

"**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

109. In paragraph 13 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

110. After that paragraph, insert—

"**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be

a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). ”

111. In paragraph 16 of that Scheme—

(a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and

(b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

112. In paragraph 20(1) of that Scheme for “to 106” substitute “102(1) to (5), 103, 104, 106”.

PART 15

Variation of the Devon and Somerset Fire and Rescue Authority Combination Scheme

113. In paragraph 2 of the Devon and Somerset Fire and Rescue Authority Combination Scheme, after the definition of “constituent authority”, insert—

““relevant police and crime commissioner”, in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority”.

114. In paragraph 6 of that Scheme—

(a) in sub-paragraph (2) for “paragraph 7” substitute “paragraphs 7 and 7A”, and

(b) omit sub-paragraph (3).

115. For paragraph 7 of that Scheme substitute—

“**7.**—(1) Each constituent authority must, 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.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”

116. After that paragraph, insert—

“**7A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

7B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

117. In paragraph 8 of that Scheme, after "the Authority", insert "appointed by a constituent authority".

118. After that paragraph, insert—

"**8A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 7A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 9 and 10(2). "

119. In paragraph 11 of that Scheme—

(a) in sub-paragraph (1), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority", and

(b) in sub-paragraph (3), after "member of the Authority", in the first place it appears, insert "appointed by a constituent authority".

120. In paragraph 15 of that Scheme for "to 104" substitute "102(1) to (5), 103, 104,"

PART 16

Variation of the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme

121. In paragraph 2 of the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme, after the definition of "constituent authorities", insert—

""relevant police and crime commissioner", in relation to the Authority, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the combined area of the Authority, or

(b) all or part of whose area falls within the combined area of the Authority".

122. In paragraph 6 of that Scheme—

(a) in sub-paragraph (1), for "paragraph 7" substitute "paragraphs 7 and 7A";

(b) for sub-paragraph (2) substitute—

"(2) The members of the Authority are to be appointed in accordance with this Part."

123. In paragraph 7, after sub-paragraph (2), insert—

"(3) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members."

124. After that paragraph, insert—

"**7A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it 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 manner as it thinks appropriate.

7B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

(a) is appointed as a member of the Authority, and

(b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

(a) may not vote, and

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

125. In paragraph 8 of that Scheme, after "the Authority" insert "appointed by a constituent authority".

126. After that paragraph, insert—

"**8A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 7A—

(a) comes into office on the date of that appointment, and

(b) continues to be a member of the Authority until the commissioner's term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 9 and 11. "

127. In paragraph 12 of that Scheme—

(a) in sub-paragraph (1), after "the Authority", in the first place it appears, insert "appointed by a constituent authority";

(b) in sub-paragraph (3), after "the Authority", in the first place it appears, insert "appointed by a constituent authority".

128. In paragraph 15 of that Scheme for "to 103" substitute "102(1) to (5), 103".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under sections […] of the Local Government and Housing Act 1989 (c. 42), sections […] of the Local Government Act 2000 (c. 22) and sections 2 and 4 of the Fire and Rescue Act 2004 (c. 21).

Appointment of police and crime commissioners as members of a fire and rescue authority

Article 3 of (together with the Schedule to) this Order amends various fire and rescue authority combination schemes to enable the combined fire and rescue authorities created by those schemes to appoint a police and crime commissioner as one of their members. This follows the provision made in section 7 of the Policing and Crime act 2017 (c. 3) which enables police and crime commissioners to be represented on all types of fire and rescue authorities.

The following combined fire and rescue authorities will be able to appoint police and crime commissioners as members as a result of the provisions made by this Order:

(a) the Avon Fire Authority (see Part 1 of the Schedule to the Order ("the Schedule"),

(b) the Cleveland Fire Authority (see Part 2 of the Schedule)

(c) the Humberside Fire Authority (see Part 3 of the Schedule),

(d) the Leicestershire and Rutland Combined Fire Authority (see Part 4 of the Schedule),

(e) the Bedfordshire Fire and Rescue Authority (see Part 5 of the Schedule)

(f) the Derbyshire Fire Authority (see Part 6 of the Schedule),

(g) the County Durham and Darlington Fire and Rescue Authority (see Part 7 of the Schedule),

(h) the East Sussex Fire Authority (see Part 8 of the Schedule),

(i) the Buckinghamshire and Milton Keynes Fire Authority (see Part 9 of the Schedule),

(j) the Royal Berkshire Fire Authority (see Part 10 of the Schedule),

(k) the Cheshire Fire Authority (see Part 11 of the Schedule),

(l) the Kent and Medway Towns Fire Authority (see Part 12 of the Schedule),

(m) the Lancashire Combined Fire Authority (see Part 13 of the Schedule),

(n) the Nottinghamshire and City of Nottingham Fire Authority (see Part 14 of the Schedule),

(o) the Devon and Somerset Fire and Rescue Authority (see Part 15 of the Schedule), and

(p) the Dorset and Wiltshire Fire and Rescue Authority (see Part 16 of the Schedule).

This Order also makes various changes to those schemes in consequence of the provision enabling the appointment of police and crime commissioners as members.

Payment of allowances

Article 4 of this Order amends the 2003 Regulations so that there is no requirement for a combined authority to pay any allowances to a police and crime commissioner who is, in that capacity, appointed as a member of the authority.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.