2020 No. 168

The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020

PART 2

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

Variation of the Cleveland Fire Services Combination Scheme

4. The Cleveland Fire Services Combination Scheme is varied in accordance with Schedule 2.

SCHEDULE 2

Article 4

Variation of the Cleveland Fire Services Combination Scheme

1. 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" means a police and crime commissioner—
>
> (a) whose area is the same as, or contains all of, the combined area, or
>
> (b) all or part of whose area falls within the combined area".

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. In paragraph 12 of that Scheme—

(a) the existing paragraph becomes sub-paragraph (1), and

(b) after that sub-paragraph, insert—

"(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 and 106".