

**2015 No.**

**FIRE AND RESCUE SERVICES, ENGLAND**

**The [Dorset and Wiltshire] Fire and Rescue Authority  
(Combination Scheme) Order 2015**

*Made* - - - - - \*\*\*

*Laid before Parliament* \*\*\*

*Coming into force in accordance with article 1*

The Secretary of State makes this Order in exercise of the powers conferred by sections 2, 3, 4 and 60(2) of the Fire and Rescue Services Act 2004(a).

It appears to the Secretary of State that in the interests of economy, efficiency and effectiveness, there should be a single fire and rescue authority for the combined area of the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority.

This Order is made to give effect to a draft scheme submitted to the Secretary of State by the existing authorities in question.

In accordance with section 4(5) of the Fire and Rescue Services Act 2004, before making the Order the Secretary of State consulted the fire and rescue authorities which appeared to him likely to be affected and any other authority which would, apart from the [Order] be a fire and rescue authority under section 1 of that Act and which appears to him likely to be affected.

The Dorset Fire Authority and the Wiltshire and Swindon Fire Authority and any other authority which would apart from the schemes [given effect] by the Dorset Fire Services (Combination Scheme) Order 1996(b) and the Wiltshire and Swindon Fire Services (Combination Scheme) Order 1996(c) and which are revoked by this Order, be a fire and rescue authority under section 1 and which would be affected by the revocation of those scheme have agreed to the revocation.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the [Dorset and Wiltshire] Fire and Rescue Authority (Combination Scheme) Order 2015.

(2) This Order comes into force—

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(a) 2004 c. 21 (“the 2004 Act”). Section 4 of the 2004 Act applies to a scheme which was made under section 6 of the Fire Services Act 1947 (c. 41) which was in force immediately before the repeal of that section by the 2004 Act. By virtue of section 4(2) of the 2004 Act, a scheme to which section 4 applies continues to have effect despite that repeal.

- (a) for the purposes of constituting the [Dorset and Wiltshire] Fire and Rescue Authority as the fire and rescue authority for the combined area constituted by the scheme set out in the Schedule to this Order and the performance by that authority of any functions necessary for bringing the scheme into full operation on 1st April 2016, on 1st April 2015;
- (b) for all other purposes, on 1st April 2016.

**Combination scheme**

2. The Scheme set out in the Schedule to this Order has effect.

**Revocation and transitional provision**

3.—(1) The Dorset Fire Services (Combination Scheme) Order 1996 and the Wiltshire and Swindon Fire Services (Combination Scheme) Order 1996 are revoked.

(2) The [Dorset and Wiltshire] Fire and Rescue Authority shall have power to do anything necessary for the purpose of winding up the affairs of the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority.

(3) For the purpose mentioned in paragraph (2) any function which would have been exercisable by the Dorset Fire Authority or the Wiltshire and Swindon Fire Authority on or after 1st April 2016 but for the revocation effected by paragraph (1) may be exercised by the [Dorset and Wiltshire] Fire and Rescue Authority.

Signed by authority of the Secretary of State for Communities and Local Government

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Department for Communities and Local Government

**SCHEDULE**

**The [Dorset and Wiltshire] Fire and Rescue Authority Combination Scheme**

**PART 1**

**Interpretation**

1. In this Scheme—

“the Authority” means the fire and rescue authority constituted for the combined area by paragraph 3;

“the combined area” means the fire and rescue authority area comprising the areas referred to in paragraph 2;

“constituent authorities” means Bournemouth Borough Council, Dorset County Council, the Borough of Poole, Swindon Borough Council and Wiltshire Council.

## PART 2

### General

#### **The combined area**

2. The areas of the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority shall be combined and shall become the combined area..

#### **The combined fire and rescue authority**

3.—(1) There shall be constituted as the fire and rescue authority for the combined area, a body corporate to be known as the [Dorset and Wiltshire] Fire and Rescue Authority.

(2) The Authority shall be constituted in accordance with the provisions of Part 3 of this scheme.

#### **Financial provisions**

4. The Authority shall have the power to pay compensation to persons employed by the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority who in consequence of this scheme, or anything done under it, suffer direct pecuniary loss including loss of pension rights by reason of the determination of their appointments or diminution of their emoluments.

## PART 3

### Composition and proceedings of the combined fire and rescue authority

5.—(1) The Authority shall consist of not more than 30 members.

(2) Each member of the Authority shall be appointed by a constituent council from its own members in accordance with this Part.

6. Members shall be appointed by the constituent councils as follows—

Bournemouth Borough Council— 4 members

Dorset County Council— 8 members

Borough of Poole— 3 members

Swindon Borough Council— 5 members

Wiltshire Council— 10 members

7. A member of the Authority shall come into office on the date of their appointment by their constituent council and shall, subject to paragraphs 9 to 11, hold office for such period or periods as shall be determined by the constituent council which appoints the member.

8. A member of the Authority may resign membership of the Authority by giving notice in writing to the proper officer.

9.—(1) A member of the Authority who ceases to be a member of the constituent council which appointed that person shall cease to be a member of the Authority.

(2) A person shall be disqualified from being a member of the Authority if that person holds any paid office or employment (other than the office of chairman or vice-chairman of the Authority), appointments to which are or may be made or confirmed by the Authority, by any committee or sub-committee of the Authority, or by a joint committee or board on which the Authority are represented.

10.—(1) Subject to paragraphs (3) and (4), if a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of the period of office for which that member was appointed, the constituent Authority which appointed that person shall appoint another one of its members as a replacement member.

(2) A replacement member shall—

- (a) come into office on the date of appointment and,
- (b) unless the replacement member person resigns, becomes disqualified or otherwise ceases to be a member of the Authority, hold office for the remainder of the period for which the replacement member's predecessor would have held office had that person not resigned, become disqualified or otherwise ceased to be a member of the Authority.

(3) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of the person's period of office, the constituent council which appointed that person shall not be required to appoint a replacement member for the remainder of such period unless sub-paragraph (4) applies.

(4) This sub-paragraph applies where, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 5.

**11.—**(1) The Authority shall elect a chairman, and may elect a vice-chairman, from among the members of the Authority.

(2) The chairman and vice-chairman shall not be members of the same constituent council.

(3) The chairman, or vice-chairman if elected, shall, subject to paragraphs [9 to 11] hold office for such period not exceeding one year as the Authority shall determine and shall remain in office until a successor becomes entitled to act as chairman or vice-chairman, as the case may be.

(4) Sub-paragraph (3) shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.

(5) On a casual vacancy occurring in the office of chairman or vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.

(6) The election of a chairman under sub-paragraph (5) shall take place not later than the next ordinary meeting of the Authority following the occurrence of the casual vacancy.

**12.** The first meeting of the Authority shall be held as soon as is practicable to do so and shall be convened by the Monitoring Officer of Dorset County Council and subsequent meetings shall be convened in such manner as the Authority shall determine.

**13.** At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine, including at least one representative from each constituent council

**14.** Sections 82(1), 85, 99 to 100, 101 to 104, 106, 120, 121 and 123 of, and Part 6 of Schedule 12 to, the Local Government Act 1972 shall apply to the Authority and its members as if references in those provisions to a principal council or a local authority, other than references to a parish council, were references to the Authority.

## PART 4

### Officers and employees of the Authority

**15.** There shall be transferred to employment by the Authority on 1st April 2016 all of those officers and employees who immediately before that date were employed by the Dorset Fire Authority and by the Wiltshire and Swindon Fire Authority.

**16.** The Authority may appoint such officers and employees as it considers necessary for the efficient discharge of its functions.

**17.** The Authority may make arrangements with any constituent council for the use by the Authority of the services of officers and employees of the constituent council and for making of contracts and payments on behalf of the Authority by the constituent council.

18. Sections 114, 115, 116, 117 (1), (2) and (3) and 119 of the Local Government Act 1972 shall apply to the officers and employees of the Authority as if references in those provisions to a local authority, other than references to a parish council, were references to the Authority.

## PART 5

### Property, rights and liabilities

19. There shall be transferred to the Authority from the Dorset Fire Authority and from the Wiltshire and Swindon Fire Authority all property, rights and liabilities held or incurred by them.

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes a scheme which combines the areas of the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority into a combined fire and rescue area. The scheme comes into force on 1<sup>st</sup> April 2015 for the purpose of doing anything which is necessary to bring the scheme fully into operation on 1st April 2016. The scheme establishes a fire and rescue authority for the combined area, to be known as the Dorset and Wiltshire Fire and Rescue Authority, and provides for the appointment and terms of office of its members, and for meetings of the Authority. The scheme also provides for the transfer of staff, and certain property, rights and liabilities, directly from the existing authorities to the new combined authority.

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