



**DORSET & WILTSHIRE
FIRE AND RESCUE
AUTHORITY**

Item 11

MEETING	Fire and Rescue Authority
DATE OF MEETING	9 March 2017
SUBJECT OF THE REPORT	Possible change in the membership of the Fire and Rescue Authority
STATUS OF REPORT	For open publication
PURPOSE OF REPORT	For decision
EXECUTIVE SUMMARY	<p>At its meeting on 23 June 2016 the Fire and Rescue Authority resolved that a Governance Working Group be formed to complete a review of the Authority’s governance arrangements by May 2017. The terms of reference of the Group included:</p> <ul style="list-style-type: none"> • To consider and provide options in respect of the total number of elected Members on the Authority • To determine the appropriate process for any subsequent amendment to the Combination Order and the Authority’s standing Committees. <p>Following five meetings of the Governance Group and a Governance Seminar for all Members this paper sets out options for a possible reduction in the number of elected Members of DWFRA; potential consequential changes to the Authority’s governance arrangements and suggested next steps.</p>
RISK ASSESSMENT	<p>DWFRA is one of only two Fire and Rescue Authorities with a membership as high as 30. Commentary in the Adrian Thomas Review and changes likely to be introduced through the Policing and Crime Act are part of a context which may lead to criticism of our governance arrangements and imposed change if the Authority continues with a membership of 30.</p>

COMMUNITY IMPACT ASSESSMENT	None for the purposes of this report.
BUDGET IMPLICATIONS	A reduction in the number of elected Members forming DWFRA would result in a budget saving (Members allowances) although these savings would not be material in terms of the overall budget.
RECOMMENDATIONS	<p>a) It is recommended that Members approve a consultation with the constituent Councils on a proposed reduction in the size of DWFRA</p> <p>b) Receive the views of constituent Councils be reported to the DWFRA meeting on 8 September 2017.</p>
BACKGROUND PAPERS	None
APPENDICES	None
REPORT ORIGINATOR AND CONTACT	Jonathan Mair, Clerk & Monitoring Officer j.e.mair@dorsetcc.gov.uk 01305 224181

1 Background

- 1.1 A combined Fire and Rescue Authority (FRA) operates across the areas of two or more Local Authorities (LA) and the Membership of such a combined Authority is drawn from amongst the membership of the upper tier or unitary Local Authorities for the combined area.
- 1.2 The total membership of a combined FRA and the division of places amongst constituent LA's is prescribed in each combined FRA's statutory combination order. The division of places amongst the constituent Councils prescribed in the DWFRA Combination Order is as follows:

Borough of Poole	3 places
Bournemouth Borough Council	4 places
Dorset County Council	8 places
Swindon Borough Council	5 places
Wiltshire Council	10 places

- 1.3 In establishing DWFRA with a membership of 30 the Authority made an early commitment to review that membership and this is reflected in the terms of reference of the Governance Review.
- 1.4 The usual position in a Combination Order is, that places on the combined FRA are allocated in proportion to each constituent Council's share of the total electorate, for the combined FRA area.
- 1.5 The arrangements which established the DWFRA are unusual in that the Combination Order prescribes each Authority's specific entitlement to places on the FRA without reference to electorate size. These arrangements reflected, at the time, the need for the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority to come together on an equal basis, with each of the old Fire Authority areas having 15 places on the new DWFRA.
- 1.6 In addition to the Authority's own commitment to review its membership there are now two particular national factors driving the need for DWFRA to consider possible change.

- 1.7 In his independent review of conditions of service for Fire and Rescue staff in England and Wales Adrian Thomas referred to a number of Authority Chairmen and Chief Fire Officers having suggested that a smaller number of elected Members on Fire Authorities would be an improvement. He went on to question the value added benefit from an average of between 15 and 20 elected Councillors in any one Fire and Rescue service providing political oversight and local accountability and whether political decisions and the level of oversight might actually work against reform and efficiency.
- 1.8 The Policing and Crime Act makes provision for collaboration between the emergency services. Other provisions set out the circumstances in which a Police and Crime Commissioner may become the Fire and Rescue Authority for an area or where the Police and Crime Commissioner may become “involved” in a Fire and Rescue Authority.
- 1.9 DWFRA is one of only two Fire and Rescue Authorities (the other being Greater Manchester) with a membership as high as 30. The comments set out in the Thomas Review and the likely changes to be introduced through the Policing and Crime Act are part of a context which may lead to criticism of our governance arrangements if the Authority continues with a membership of 30.
- 1.10 There is a long history in Dorset and in Wiltshire of elected Members drawn from the constituent Councils adding real value and democratic accountability to the Fire and Rescue Service. Reducing the size of the Authority might be the price of retaining the value and accountability that comes through the role played by elected Members on the Authority.

2 The position in other Combined FRAs

- 2.1 Table 1 below lists the current total membership and electorate of each FRA in England. The only other Authority with as many as 30 Members is Greater Manchester which serves an electorate almost twice that of Dorset and Wiltshire. Beyond that there are a range of Authority sizes serving a range of populations and it is difficult to make any firm comparisons. Some combined FRAs serving large populations have a small membership whilst others have large memberships and serve small populations.
- 2.2 It is important to bear in mind that the Thomas Review is already causing FRAs with a smaller membership than DWFRA to review their membership. Comparison with the current position in other Authorities might not therefore be entirely helpful as others begin to review their membership with a view to moving to a leaner structure. The figures in the table below, prepared for the Governance Seminar on 15 December 2016, will soon become out of date as the Hampshire Fire and Rescue Authority has resolved with effect from its annual

meeting in 2017 to move from a membership of 25 to a membership of 10 plus the Police and Crime Commissioner. Nonetheless Table 1 below illustrates the current position, one in which DWFRA stands out as having a very large membership.

Combined FRA	Membership of combined FRA	Total electorate of FRA
Avon	25	807,697
Bedfordshire	12	461,666
Royal Berkshire	20	615,262
Buckinghamshire	17	555,118
Cambridgeshire	17	591,293
Cheshire	23	784,787
Cleveland	16	398,971
Durham & Darlington	25	456,201
Devon & Somerset	26	1,259,023
Dorset & Wiltshire	30	1,077,231
East Sussex	18	582,239
Essex	25	1,299,775
Greater Manchester	30	1,948,315
Hampshire	25	1,303,626
Hereford & Worcestershire	25	573,147
Humberside	22	676,367
Lancashire	25	1,066,343
Kent	25	1,254,652
Leicestershire	17	761,714

Merseyside	18	989,806
North Yorkshire	16	597,504
Nottinghamshire	18	790,674
Shropshire	17	353,837
South Yorkshire	12	969,435
Tyne & Wear	16	800,888
West Midlands	27	1,915,114
West Yorkshire	22	1,548,407

Table 1: Size of combined FRA's in England

3 Possible membership options for Dorset & Wiltshire Fire and Rescue Authority

- 3.1 Options for the membership of DWFRA were considered by the Governance Working Group at a meeting on 24 January 2017. Members considered a range of options illustrated in the table below. The table illustrates the current allocation of places based upon an Authority of 30 Members and how places would be allocated on a DWFRA ranging from 25 down to 10 Members.

Constituent Local Authority

Allocation of places	Dorset	Bournemouth	Poole	Swindon	Wiltshire
Current allocation of places based upon an Authority of 30	8	4	3	5	10
Allocation of places based upon an Authority of 25	7	3	3	4	8
Allocation of places based upon an Authority of 24	7	3	2	4	8
Allocation of places based upon an Authority of 23	7	3	2	3	6
Allocation of places based upon an Authority of 22	7	3	2	3	7

Allocation of places based upon an Authority of 21	6	3	2	3	7
Allocation of places based upon an Authority of 20	6	3	2	3	6
Allocation of places based upon an Authority of 19	6	2	2	3	6
Allocation of places based upon an Authority of 18	5	2	2	3	6
Allocation of places based upon an Authority of 17	5	2	2	3	5
Allocation of places based upon an Authority of 16	5	2	2	2	5
Allocation of places based upon an Authority of 15	4	2	2	2	5
Allocation of places based upon an Authority of 14	4	2	1	2	5
Allocation of places based upon an Authority of 13	4	2	1	2	4
Allocation of places based upon an Authority of 12	3	2	1	2	4
Allocation of places based upon an Authority of 11	3	1	1	2	4
Allocation of places based upon an Authority of 10	3	1	1	2	3

Table 2: Current allocation of DWFRA membership at 30 and potential allocation from 25 down to 10

3.2 In the light of views expressed by Members at the Governance Seminar held on 15 December discussion at the Governance Review Group has concentrated upon those options which would maintain equal numbers between the old Dorset Fire Authority and the old Wiltshire and Swindon Fire Authority. The Governance Working Group recognised that this equality of representation was still an important principle and one that was likely to be significant when consulting with the constituent Councils.

- 3.3 An Authority of 24 Members, 18 Members, 14 Members, 12 Members or 10 would satisfy the principle of equality. In each of the options Wiltshire Council, as the largest single constituent Council would appoint the most Members to the Authority.
- 3.4 There was general support amongst the Governance Working Group for an Authority of 24 Members. If the Authority is minded to go ahead and consult on a reduction, then my firm advice is that this should be on the basis of a range of options from amongst which constituent Councils can express a preference.
- 3.5 In any option involving fewer than 15 Authority Members, the Borough of Poole would be represented by one member only and at an Authority of 10, Bournemouth Borough Council as well as the Borough of Poole would each fall to one Member. The clear view of the review group was that any option which reduced a constituent Council's representation to only one Member was not acceptable and should not be consulted upon.
- 3.6 At the Governance Seminar some Members expressed concern that too significant a reduction would leave Members representing significant populations and large geographical areas. These are important points and an alternative approach to how elected Members from the constituent Councils might play a part on local Performance and Scrutiny committees is commented upon below. It is also important to recognise though that, unlike on local Authorities (where Councillors are elected to represent an individual ward or division), Members of the Fire and Rescue Authority are appointed by a constituent Council to represent that Council on the Fire and Rescue Authority. The role is one of overseeing the provision of Fire and Rescue services across the whole of the areas of all of the constituent Councils rather than that of a ward or divisional Councillor.

4 Consequences of any reduction in the membership of the Fire and Rescue Authority

- 4.1 Beyond the numbers set out in Combination Order the law does not prescribe (a minimum) membership for a Fire and Rescue Authority. Provided all constituent Councils are represented on the Authority in proportion to each Council's share of the overall electorate there is no minimum.
- 4.2 There are though practical requirements for a minimum of number of Members necessary in order to be able to operate effectively as a Governing Board. The former Dorset Fire Authority was able to operate effectively with a membership of 15, the former Wiltshire and Swindon Fire Authority operated effectively with a membership of 13 and the Hampshire FRA believes that it will be able to operate effectively with a membership of 11.

- 4.3 When DWFRA was formed Members established two main standing committees (Policy and Resources and Finance and Audit) and four local Performance and Scrutiny committees. Neither the old Dorset Fire Authority nor the old Wiltshire and Swindon Fire Authority had a Policy and Resources committee and if Members were minded to reduce the size of the Authority then I would recommend changes which would remove the Policy and Resources committee, so that its terms of reference were brought within those of the full Authority. As a practical measure to ensure that business could be conducted in a timely manner Members might then wish to add two full DWFRA reserve dates to the calendar of meetings.
- 4.4 The size of DWFRA, operating across the areas of five constituent Councils makes it important to establish a means of retaining the local focus provided by local Performance and Scrutiny committees. If Members do decide to reduce the size of the Authority, then this local focus could still be achieved through co-option of Members drawn from the constituent Councils to work alongside Members of the DWFRA on local Performance and Scrutiny committees. Numbers can be tailored to suit local circumstances (in particular Bournemouth and Poole where two constituent Councils share one local Performance and Scrutiny committee). The important point is that there is a practical and a legal mechanism which would enable a smaller DWFRA to work with constituent Councils to maintain a local focus.
- 4.5 If Members do resolve to reduce the size of DWFRA then detailed recommendations about the removal of the Policy and Resources committee, changes to terms of reference and changes to local Performance and Scrutiny committees would be brought back to the Authority alongside the outcome of consultation on the proposed reduction in the size of the Authority.

5 Summary and key points

- 5.1 DWFRA was created under Section 2 of the Fire and Rescue Services Act 2004 by an Order made by the Secretary of State.
- 5.2 Under Section 2 (6) of the 2004 Act the Secretary of State may by Order vary or revoke a Combination Scheme but as originally enacted the section contained consultation obligations including with the constituent Authorities (which, if it were not for the Combination Scheme, would themselves be Fire and Rescue Authorities). It was this consultation requirement which made it necessary for the Secretary of State to seek the views of the five constituent Councils before making the Combination Order to form DWFRA.
- 5.3 Since the Combination Order was made in March 2015 the law has changed and the Deregulation Act 2015 has amended the duty to consult under the 2004 Act.

The effect of the change is that where a variation to a Combination Scheme is being proposed by a Combined FRA itself (as opposed to a variation being promoted by the Secretary of State) there is no requirement upon the Secretary of State to consult with constituent Councils.

- 5.4 My advice is that the next step, if Members agree in principle to a reduction in the size of the Authority, is for DWFRA itself to consult with its constituent Councils on the case for and options for change. However, I would caution Members very strongly against any consultation during the purdah period ahead of Dorset County Council and Wiltshire Council elections between late March and the start of May 2017. Instead I would advise deferring the start of any consultation until after the elections.
- 5.5 If, following consultation, DWFRA agree to make a submission to the Secretary of State seeking a variation in the Combination Order we would then be subject to a Ministerial decision making process; Order drafting and Parliamentary process. In line with the approach taken by Hampshire FRA it is suggested that any reduction in numbers should take effect from the date of an annual meeting. This would mean putting in place new governance structures and a smaller DWFRA with effect from the Authority's annual meeting in June 2018.
- 5.6 Members are invited to consider consulting the constituent Councils on a reduction in the size of DWFRA and in doing so are encouraged to adhere to the principle of equal numbers for the former Dorset and the former Wiltshire and Swindon Fire Authority areas as set out in paragraph 3.3 above.

Jonathan Mair

Clerk & Monitoring Officer
February 2017