



**DORSET & WILTSHIRE  
FIRE AND RESCUE  
AUTHORITY**

Item 20/26

MEETING	Dorset & Wiltshire Fire and Rescue Authority
DATE OF MEETING	30 September 2020
SUBJECT OF THE REPORT	Request to join the Dorset and Wiltshire Fire and Rescue Authority
STATUS OF REPORT	For open publication
PURPOSE OF REPORT	For approval
EXECUTIVE SUMMARY	<p>The Policing and Crime Act 2017 makes provision for the involvement of police and crime commissioners in fire and rescue authorities by enabling commissioners to apply to become authority members.</p> <p>The Dorset Police and Crime Commissioner (PCC), Mr Martyn Underhill and the Wiltshire and Swindon PCC, Mr Angus Macpherson have applied together to join the Dorset and Wiltshire Fire and Rescue Authority (the Authority).</p> <p>In her response to the PCCs the Chair, Cllr Rebecca Knox, has explained that the Authority would be asked to discuss the request in principle, but to not come to a decision until the annual meeting of the Authority in June 2021.</p> <p>This report provides background information and a framework to assist the Authority in considering the request from the two PCCs.</p>
RISK ASSESSMENT	<p>The Authority has developed and implemented governance arrangements that are lawful and effective. These arrangements have underpinned effective and efficient service delivery and in July 2019 the Service’s graded judgements, awarded by Her Majesty’s Inspectorate of Constabulary and Fire &amp; Rescue Services (HMICFRS) against the three pillars of inspection were:</p>

	<ul style="list-style-type: none"> <li>• Effectiveness - Good</li> <li>• Efficiency - Good</li> <li>• People - Good</li> </ul> <p>In discussing the application from the two PCCs some of the potential opportunities and risks for Members to consider include the extent to which involvement of the PCCs in the Authority might:</p> <ul style="list-style-type: none"> <li>• add to the blend of experience and the range perspectives which have enabled the Fire and Rescue Authority to succeed</li> <li>• contribute towards greater collaboration across blue light services</li> <li>• detract from the benefits of our specific focus upon an effective and efficient fire and rescue service.</li> </ul> <p>Members might also wish to consider:</p> <ul style="list-style-type: none"> <li>• whether the PCCs have included sufficient information to demonstrate how in practice their involvement might improve the efficiency and effectiveness of the Service</li> <li>• timing and whether it is appropriate to decide what is in effect an application on behalf of successors who are yet to be elected and with whom there has been no opportunity for engagement.</li> </ul>
<p>COMMUNITY IMPACT ASSESSMENT</p>	<p>None for the purposes of this report.</p>
<p>BUDGET IMPLICATIONS</p>	<p>None for the purposes of this report.</p>
<p>RECOMMENDATIONS</p>	<ol style="list-style-type: none"> <li>1. Members are asked to give initial consideration to the principle of whether the Police and Crime Commissioners might be appointed (as full voting Members) to the Fire and Rescue Authority.</li> <li>2. That if a decision on any appointments is required, this should be made at the next annual meeting of the Fire and Rescue Authority.</li> </ol>

BACKGROUND PAPERS	<ol style="list-style-type: none"> <li>1. <a href="#">Strengthening our Fire and Rescue Services Public Consultation 2014</a></li> <li>2. <a href="#">The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015</a></li> <li>3. <a href="#">The Fire and Rescue Authority (Membership) Order 2017</a></li> <li>4. <a href="#">Policing and Crime Act 2017</a></li> <li>5. <a href="#">Enabling Police and Crime Commissioners to Sit and Vote on Combined Fire and Rescue Authorities</a></li> <li>6. <a href="#">October 2019 Her Majesty's Chief Inspector of Fire &amp; Rescue Services State of Fire and Rescue Report</a></li> <li>7. <a href="#">The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020</a></li> </ol>
APPENDICES	<p>Appendix A - Joint letter from PCCs (19 May 2020, joint letter from the Dorset Police and Crime Commissioner and the Wiltshire and Swindon Police and Crime Commissioner)</p> <p>Appendix B - Letter from the Authority Chair (28 May 2020, reply from the Chair of the Authority to the two Police and Crime Commissioners)</p>
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## Background

- 1.1 In July 2014, the former Dorset Fire Authority and former Wiltshire and Swindon Fire Authority launched a public consultation “Strengthening our Fire and Rescue Services”. The two authorities then presented a locally led case for a “fire to fire” combination to Government. Alongside the greater resilience of a combined service, the supporting business case identified efficiency savings of at least £4M.
- 1.2 Work leading to the formation of the Dorset & Wiltshire Fire and Rescue Authority (DWFRA) completed in the early stages of the last government and on 1 April 2016 the newly combined Authority came into existence.
- 1.3 On 11 September 2015, the Government released a consultation document “Enabling closer working between the Emergency Services”. This consultation originated from earlier manifesto commitments for the 2015 General Election to develop the role of Police and Crime Commissioners (PCCs) and to enable closer working between police and fire and rescue services.
- 1.4 In 2017 the Policing and Crime Act included provisions to enable a PCC:
  - to become a Fire Authority (the PCC governance led model) or
  - to become involved in a fire and rescue authority (the representation model).

However, at that time the Government did not make changes to combination schemes to enable PCCs to join combined fire and rescue authorities as voting members.
- 1.5 As part of DWFRA’s commitment to efficiency and effectiveness, in 2017 the Authority obtained the agreement of the Secretary of State to a reduction in its membership from 30 to 18. In seeking this change, Members took into account the potential at some future time for the two PCCs to apply join DWFRA.
- 1.6 In October 2019, Her Majesty’s Chief Inspector of Fire & Rescue Services, Sir Tom Winsor, published his report “State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2019” including sector wide recommendations.
- 1.7 Most recently the Government consulted upon changes to combination schemes to enable PCCs to sit and vote on combined fire and rescue authorities. Following the consultation, the Government made the Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020, commented upon in section 2, below.

- 1.8 PCC elections were to have taken place in May 2020 and both PCCs had signalled their intention not to stand. In April 2020, in the light of the coronavirus pandemic, the terms of office of PCCs were extended and elections are to be held in May 2021.
- 1.9 In a statement made on 22 July 2020, the Minister of State for Crime Policing and the Fire Service announced a review into the role of PCCs. The first part of that review is due to report in October 2020.
- 1.10 It is in the above context that DWFRA is being asked to consider a request by the two PCCs to become members of the Authority.

## **2. The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020**

- 2.1 The effect of the 2020 regulations is to vary the combination schemes of combined fire and rescue authorities to enable PCCs to become authority members without the need for further variation of individual combination schemes.
- 2.2 Under the regulations, the Authority may appoint a “relevant PCC” to be a member of the Authority but the Authority may only make such an appointment in response to a request from the PCC.
- 2.3 A relevant PCC is one whose area is the same as or contains all of the combined fire and rescue authority area, or all or part of whose area falls within the combined area. Both the Dorset PCC and the Wiltshire and Swindon PCC are relevant PCCs under the regulations.
- 2.4 The 2020 regulations require that if the FRA receives a request from a relevant PCC 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.
- 2.5 Under Section 18 of the Police Reform and Social Responsibility Act 2011 a PCC may appoint a deputy and arrange for the deputy to undertake functions of the PCC. In the case of a deputy appointed to represent the PCC at a Fire and Rescue Authority, meeting the 2020 regulations provide that the person attending the meeting on behalf of the PCC 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.

- 2.6 At the time of the consultation on the changes proposed to enable PCCs to sit on combined FRAs the DWFRA objected to an aspect of the proposals. This was because of concern about a PCC being able to be substituted by an unelected deputy in circumstances where a councillor appointed as a member of the authority cannot be substituted by anyone, whether elected or not.
- 2.7 Following an inquiry, the Government did not accept the DWFRA objection, but it did *“accept that the authority may come to a local agreement with the PCC not to delegate any PCC functions in respect of the FRA”*.
- 2.8 Whether any appointment of the PCCs to DWFRA should be subject to an agreement that they should not delegate PCC functions in respect of DWFRA to deputies is a matter that Members may wish to address in principle now so that this can be covered in discussions with the newly elected PCCs from May 2021.

### **3. The request from the two PCCs**

- 3.1 A joint letter from the two PCCs seeking appointment to DWFRA is included as an appendix A to this report. The Chair’s reply to the PCC is included as appendix B.
- 3.2 The PCCs refer in their letter to the pressures on the wider public sector and to the inherent efficiency, resilience and improved service delivery that increased collaboration can bring. They also reference the professional links between the police and fire and rescue service and how close partnership working in response to the pandemic has demonstrated how effective and efficient public services can be if they work together.
- 3.3 In support of their application, the PCCs have quoted the views of the Policing and Fire Minister in his foreword to “Enabling Police and Crime Commissioners to sit and vote on Combined Fire and Rescue Authorities”. Whilst the Minister has recognised that it is for an Authority to decide for itself whether to grant membership to a PCC, he has also said that he sees no substantive barriers to the appointment of PCCs as members of FRAs.
- 3.4 Unlike in the PCC led governance model, there is no requirement for a PCC who wishes to become a member of an existing FRA to submit a business case. Members might though think it reasonable to expect the PCCs to have indicated how in practice their involvement might improve the efficiency and effectiveness of the Service, the relevance of and what particular experience they would bring to DWFRA and what priorities they would help the Authority to address. There is an absence of any reference to the sector wide recommendations made by Sir Tom Winsor in his State of Fire and Rescue Report and what experience the PCCs would bring to the effective governance of the implementation of change within the Service.

- 3.5 The PCCs do also comment that neither of them recognise that a model of PCC led governance would be more effective here. This appears to reflect a misunderstanding on the part of the PCCs as, irrespective of their views on the effectiveness of the PCC led governance model, that model is not available to them for the reasons set out in paragraph 4.2, below.

#### **4. The position in other combined Fire and Rescue Authorities**

- 4.1 There are 23 combined fire and rescue authorities in England, and all were approached for information about the extent of the involvement of their PCCs.
- 4.2 In combined FRA areas a PCC may follow the PCC governance led model by applying to the Secretary of State to become the FRA or may follow the representation model by applying to an existing FRA to become an authority member. However, in practice a PCC might not have this choice of approach. This is because a PCC may only become the FRA where the policing area is coterminous with that of the combined FRA. For an area such as DWFRA where the FRA area extends over two separate policing areas it is not an option for the PCCs to become the FRA. They may only apply to become members of the existing FRA.
- 4.3 Of the 18 combined authorities that responded to our approach three confirmed that the PCC had become the Fire Authority, replacing altogether the previous position in which the authority comprised members nominated by constituent local authorities.
- 4.4 A further two combined fire and rescue authorities confirmed that the PCC or PCCs for their area had applied and become full members alongside members nominated by constituent authorities.
- 4.5 In seven combined fire and rescue authorities, the PCC or PCCs invited to participate in authority meetings but they have no vote. These appear to be voluntary arrangements pre-dating the 2020 regulations described in section 2, above. Formal appointment under the legislation as a member of a FRA (of the type sought by the Dorset PCC and the Wiltshire and Swindon PCC) would give them voting rights in line with members appointed by constituent authorities.
- 4.6 In the remaining six combined fire and rescue authorities, including DWFRA, the PCC has no involvement at present. However, the changes in the 2020 regulations are recent and with the election of PCCs scheduled to take place in May 2021, we may see an increased appetite amongst PCCs to become the Fire Authority for their area or to become formally involved.

## **5. Next steps**

- 5.1 Members are asked to consider in principle the application letter but not at this stage to decide whether to appoint the PCCs (as full voting members) to the Fire and Rescue Authority.
- 5.2 The 2020 regulations require DWFRA to give reasons for its decision. The paper before the Authority today provides an opportunity to give initial consideration so that reasons can be formulated to support a formal decision at the annual meeting, should the incoming PCCs decide to continue with their predecessors' application.
- 5.3 It would make sense for any appointment of the PCCs to DWFRA to take effect from the annual meeting. This would enable the involvement of the PCCs to be taken into account when appointments are made, and political balance calculated. It would also enable changes to be made to standing orders to reflect any involvement of the PCCs.
- 5.4 This report has already referred, in paragraph 3.4 above, to a lack of supporting information from the current PCCs to support their request to become members of DWFRA. Making any decision at the annual meeting, following PCC elections, would enable the successor PCCs to decide for themselves whether to pursue an application and if so, what supporting information to provide.
- 5.5 In line with the outcome of the inquiry referred to in paragraph 2.7, Members may wish to consider inviting the successor PCCs to agree that any acceptance of an application is dependent upon agreement that the PCCs do not delegate to a deputy any PCC functions in respect of DWFRA.

September 2020