



Home Office

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19 JAN 2017

Thank you for your letter dated 20 December 2016 seeking membership of Exeter City Council on Devon and Somerset Fire and Rescue Authority. In the first instance I recommend that you raise this with Devon and Somerset Fire and Rescue Authority for consideration.

Devon and Somerset Fire and Rescue Authority is a combined authority constituted by an order made under section 2 of the Fire and Rescue Services Act 2004. The determination of a fire and rescue authority of an area by section 1 of 2004 Act is subject to schemes constituting fire and rescue authorities under section 2 and section 4 of that Act. Accordingly, for the area of the Devon and Somerset Fire and Rescue Authority, the combined authority is the fire and rescue authority not the county of Devon or the county of Somerset for their respective areas.

The Order under section 2 (Devon Fire Services (Combination Scheme) Order 1997/2698 set out a scheme. Under the scheme a body corporate was constituted (i.e. a body with separate legal identity) for the combined area for the purposes of discharging fire and rescue functions for that area.

Each member of that corporate body was to be appointed by a constituent authority from its own members, with as you know, the constituent authorities being: Devon County Council, Plymouth City Council, Torbay Borough Council and Somerset County Council.

An order under section 2 of the 2004 Act may be varied and so it is possible to include Exeter City Council as a constituent authority. Our preference would be for this variation to be proposed by Devon and Somerset Fire and Rescue Authority as, if a variation is proposed by them, no consultation would be needed for the Secretary of State to vary the order. While the Secretary of State is also able to propose a variation, if she does, under section 2(5) of the 2004 Act, she is under a duty to consult interested parties who of course could object to the order being varied. If any objection is received, the Secretary of State is required to constitute an inquiry into the matter with no certainty as to its outcome.

I hope my reply is helpful. At this stage the department will take no further action until we hear further from either you or Devon and Somerset Fire and Rescue Authority on how you wish to proceed.



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