

REPORT REFERENCE NO.	DSFRA/17/16
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (ORDINARY MEETING)
DATE OF MEETING	12 JUNE 2017
SUBJECT OF REPORT	POLICING & CRIME ACT – APPOINTMENT OF POLICE & CRIME COMMISSIONERS TO THE AUTHORITY
LEAD OFFICER	Director of Corporate Services (Clerk to the Authority)
RECOMMENDATIONS	<i>That the Authority approves appointment to the Authority of the Police & Crime Commissioners for both Devon & Cornwall and Avon & Somerset, with full speaking and voting rights, to take effect immediately upon the relevant amending Regulations coming into force.</i>
EXECUTIVE SUMMARY	<p>At its meeting in December 2016, the Authority was advised of the contents of the [then] Policing and Crime Bill – specifically the provision for a Police and Crime Commissioner to request appointment to a fire and rescue authority with full speaking and voting rights. The Authority resolved at that time to extend an invitation to both Police & Crime Commissioners to attend future meetings on a speaking, but not voting, basis.</p> <p>The Bill received the Royal Assent on 31 January 2017 and by virtue of commencement regulations the above provisions came into force on 3 April 2017. To give effect to this, however, amendments are required to the Combination Scheme Orders establishing combined fire and rescue authorities such as this Authority. The government had initially intended to consult on the required Regulations in May but the consultation was subsequently deferred pending the outcome of the General Election announced for 8 June 2017.</p> <p>In the meantime, the Police and Crime Commissioners for both Devon & Cornwall and Avon & Somerset have requested, formally, representation on this Authority.</p>
RESOURCE IMPLICATIONS	Nil
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	The contents of this report are considered compatible with existing equalities and diversity legislation.
APPENDICES	A. Letter received from Police & Crime Commissioners
LIST OF BACKGROUND PAPERS	The Policing and Crime Bill

1. BACKGROUND

- 1.1. At its meeting on 19 December 2016, the Authority considered a report advising of the content and implications for this Authority of the [then] Policing and Crime Bill. In particular, the Authority was advised that the Bill contained provisions to:
- a. introduce a new statutory duty for collaboration by the emergency services (Sections 1 – 5);
 - b. enable a Police and Crime Commissioner to assume responsibility for fire and rescue functions where, in the view of the Secretary of State and following submission of an appropriate business case, it is considered to be in the interests of economy, efficiency and effectiveness and public safety (Section 6 and Schedule 1);
 - c. enable a Police and Crime Commissioner did not wish to assume responsibility for fire and rescue functions in an area to nonetheless request appointment to the fire and rescue authority concerned. On receipt of such a request, the authority was required either to approve or reject it, giving and publishing reasons for doing so. Where the request was approved, then the Police and Crime Commissioner would be duly appointed to the authority with speaking and voting rights (Section 7).
- 1.2. The Authority has already been instrumental in establishing the South West Emergency Services Collaboration Forum, bringing together leaders and senior officers of the emergency services in the South West to identify and progress collaborative opportunities to enhance public safety and deliver efficiencies in service provision.
- 1.3. Being mindful of the provisions in the Bill, however, and in the spirit of further promoting closer working relationships the Authority resolved to extend an invitation for the Police and Crime Commissioners for both Devon & Cornwall and Avon & Somerset to attend and speak at future Authority meetings (Minute DSFRA/38 refers).

2. CURRENT POSITION

- 2.1 The Bill received the Royal Assent on 31 January 2017, with Sections 1 to 7 (the duty to collaborate and provisions relating to Police and Crime Commissioner and fire and rescue authorities) coming into force, by virtue of commencement Regulations, on 3 April 2017.
- 2.2 In response to its invitation to attend meetings on speaking but not voting basis, the Authority has received a letter signed by both Police & Crime indicating that, in their experience, membership of this Authority in a speaking and voting capacity would be most beneficial. A copy of this letter is attached at Appendix A.
- 2.3 Clarification has also been received (by way of a letter from the Minister of State for Policing and the Fire Service [the Rt Hon Brandon Lewis MP], dated 7 April 2017) that, while the relevant provisions of the Act are now in force, amendments are required to the combination scheme orders for combined fire and rescue authorities such as this one to enable them to appoint, on approval of a request, a Police and Crime Commissioner. The government had anticipated commencing consultation in May on Regulations to so amend the combination scheme orders. This consultation has now been deferred, however, pending the outcome of the general election called for 8 June 2017.

- 2.4 Given these circumstances Authority is invited to consider the requests received from the Police & Crime Commissioners for representation on the Authority with a view to approving them in principle at this stage, to take full effect once the relevant amending Regulations come into force.
- 2.5 In the meantime, in line with the decision taken in December of last year, both Police & Crime Commissioners can attend, should they wish, Authority meetings in a speaking but not voting capacity.

MIKE PEARSON
Director of Corporate Services
(Clerk to the Authority)