

REPORT REFERENCE NO.	DSFRA/18/22
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	31 OCTOBER 2018
SUBJECT OF REPORT	PROPOSED REVISION TO STANDING ORDERS ON ELECTION OF AUTHORITY CHAIR AND VICE-CHAIR
LEAD OFFICER	Director of Corporate Services
RECOMMENDATIONS	<i>That the Authority considers the contents of this report.</i>
EXECUTIVE SUMMARY	In accordance with Standing Order 20, Councillor Healey MBE has asked that this item be placed on the agenda for this meeting to enable the Authority to consider revising its Standing Orders to provide for the positions of Authority Chair and Vice-Chair to be rotated amongst constituent authorities on a four-year cyclical basis. Councillor Healey considers that this change will promote cohesiveness for the Authority and reduce/remove any actual or perceived dominance by any one or more of the constituent authorities.
RESOURCE IMPLICATIONS	None.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	The contents of this report are considered compatible with existing equalities and human rights legislation.
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006) (SI 2006 No. 2790) Authority Standing Orders.

1. **ISSUE**

1.1. In accordance with Standing Order 20, Councillor Healey MBE has asked that this item be placed on the agenda for this meeting to enable the Authority to consider a change in Standing Orders to allow, with effect from the next Authority Annual Meeting (June 2019):

- (a). for the posts of Authority Chair and Vice-Chair to be rotated annually, on a four-year cyclical basis, between each constituent authority, for example:

Year	Chair	Vice-Chair
1	Plymouth	Torbay
2	Torbay	Somerset
3	Somerset	Devon
4	Devon	Plymouth

- (b). that a previous holder of either position may be re-elected to that position but only in the relevant year of the cycle in which they would become eligible for election/re-election;
- (c). that, in the event of casual vacancy occurring (i.e. between Annual Meetings) for either position, only Members of the relevant constituent authority (as per the relevant year in the cycle) would be eligible for election to that vacancy.

1.2. Councillor Healey considers that this change will promote cohesiveness for the Authority and reduce/remove any actual or perceived dominance by any one or more of the constituent authorities.

2. **PROPOSED MOTION**

2.1. In accordance with the above, Councillor Healey has indicated that he would wish to move the following Motion at the meeting:

“That, following the final full Authority meeting in the current (2018-19) Municipal Year and immediately prior to the 2019 Authority Annual Meeting, the Clerk to the Authority be authorised to amend Standing Order 2 (Chair and Vice-Chair) as follows:

- (a). Deletion of the existing Standing Order 2(1) to (6) inclusive and their replacement with the following:
- (1). At its Annual Meeting each year, the Authority will elect a Chair and may elect a Vice-Chair from among its Members. Eligibility for election as Chair or Vice-Chair will be restricted each year to Members from specified constituent authorities in accordance with the following four-yearly cycle:

Year	Chair	Vice-Chair
1	Plymouth City Council	Torbay Council
2	Torbay Council	Somerset County Council
3	Somerset County Council	Devon County Council
4	Devon County Council	Plymouth City Council

- (2). In the event that, at the Authority's Annual Meeting, no eligible Members are willing to be elected as Chair, eligibility for election will pass to Members from the next constituent Authority as set out in the four-yearly cycle in paragraph (1) above of this Standing Order.
 - (3). In the event that, at the Authority's Annual Meeting, no eligible Members are willing to be elected as Vice-Chair, eligibility for election will be any Member of the Authority from a different constituent authority to the person elected as Chair.
 - (4). The Chair and, if elected, Vice-Chair will remain in office until his/her successor becomes entitled to act as Chair or Vice-Chair.
 - (5). That previous holders of either position may be re-elected to that position but only in the relevant year of the cycle in which they would become eligible for election/re-election (as the case may be);
 - (6). That, in the event of a casual vacancy occurring (i.e. between Annual Meetings) for either position and subject to the provisions of paragraphs (2) and (3) of this Standing Order, only Members of the relevant constituent authority (as per the relevant year in the cycle) will be eligible for election to that vacancy;
 - (7). That the election to replace either the Chair or the Vice-Chair (as the case may be) in accordance with paragraph (6) above of this Standing Order will take place not later than the next ordinary meeting of the Authority following occurrence of the casual vacancy.
- (b). Consequential renumbering of existing Standing Order 2 (7) and (8) to 2 (8) and (9) respectively."

3. CONSTITUTIONAL CONSIDERATIONS

- 3.1. The current provisions in Standing Orders relating to the election of Authority Chair and Vice Chair are as follows – the ***bold, italics*** indicate that the provisions are taken from the Combination Scheme Order establishing the Authority:
- (1). ***The Authority will elect a Chair and may elect a Vice-Chair from among its Members.***
 - (2). Any person elected as Vice-Chair must be from representatives on the Authority of a different appointing constituent body to the person elected as Chair.
 - (3). ***The Chair and, if elected, Vice-Chair will (subject to the conditions in Standing Order 1) hold office for such periods not exceeding one year as the Authority may determine and will remain in office until his/her successor becomes entitled to act as Chair or Vice-Chair.***
 - (4). ***Paragraph (3) above of this Standing Order will not prevent any person who holds or has held office as Chair or Vice-Chair, as the case may be, from being elected or re-elected to those offices.***
 - (5). ***On a casual vacancy occurring in the office of Chair (and/or Vice-Chair if so elected) the Authority will elect from among its members a person to replace the Chair and may so elect a person to replace the Vice-Chair as the case may be.***

- (6). ***The election to replace the Chair under Paragraph 5 above of this Standing Order will take place not later than the next ordinary meeting of the Authority following occurrence of the casual vacancy.***
- (7). If the Chair is absent from any meeting of the Authority then the Vice-Chair (if present) will preside.
- (8). If both the Chair and the Vice-Chair are absent from any meeting of the Authority, then those Members present and voting will elect from amongst themselves a person to preside at the meeting who may subsequently exercise any power or duty of the Chair in relation to the conduct of the meeting.

3.2. The Authority has already approved, in principle, for the Police & Crime Commissioners (PCCs) of Devon & Cornwall and Avon & Somerset to become members of this Authority, with voting rights once the required enabling legislation is in place. Consequently, it has been identified that the proposed revision to Standing Orders would not, as currently set out in the preceding paragraphs, be consistent with the provisions contained in the Combination Scheme Order in that the model as proposed would not allow for a Police & Crime Commissioner (PCC) to be either Chair or Vice-Chair of the Authority.

3.3. As a member of the Authority, however, a PCC would be eligible (by virtue of the Combination Scheme) to be either Authority Chair or Vice Chair. While the model proposed in the preceding paragraphs would preclude this, it could be adapted to allow for it. This would, however, require a longer cycle as indicated in the table below:

Year	Chair	Vice-Chair
1	Plymouth City Council	Torbay Council
2	Torbay Council	Somerset County Council
3	Somerset County Council	Devon County Council
4	Devon County Council	PCC
5	PCC	Plymouth City Council

3.4. This issue has been raised with Councillor Healey but, at the time of drafting, it has not been possible to confirm his view on any alternative approach.

3.5. Subject to the modification above providing for a five-year cycle, the model would be consistent with the Combination Scheme provisions in that all Members of the Authority would be eligible for election as Chair of the Authority (albeit that, under the proposed new arrangements, such eligibility would be restricted to the relevant year in the proposed cycle) and it would limit the term of office for both Chair and Vice-Chair to no more than one year but would not prevent previous post holders from re-election to those positions.

4. CONCLUSION

4.1. The Authority is invited to consider the contents of this report.

MIKE PEARSON
Director of Corporate Services