

## **AVON FIRE AUTHORITY**

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 14 December 2022</b>
<b>REPORT OF:</b>	<b>The Clerk</b>
<b>SUBJECT:</b>	<b>Request from the Avon &amp; Somerset Police &amp; Crime Commissioner to join Avon Fire Authority</b>

### **1. SUMMARY**

Soon after his appointment as the Police and Crime Commissioner (PCC) for Avon and Somerset, Mark Shelford, made a request in writing to the Chair of Avon Fire Authority on 20 May 2021, seeking to join the Fire Authority. That request was considered at Avon Fire Authority's meeting on 30 June 2021 and Members decided to defer a decision on the application until their next meeting in October 2021 and invited the PCC to attend the next meeting to give his reasons for wanting to join the Fire Authority and to clarify what he would bring to the role.

Since June 2021 the PCC has been invited to every Fire Authority meeting to pursue his request to join Avon Fire Authority but, due to other commitments, he has not been able to attend until now. The Fire Authority is therefore provided with an opportunity to ask questions of the PCC at their December 2022 meeting and determine this request.

### **2. RECOMMENDATIONS**

Avon Fire Authority is asked to:

- a) Agree or refuse the application of the Police and Crime Commissioner for Avon and Somerset to join Avon Fire Authority.
- b) If Avon Fire Authority should decide to refuse the application, Members are required to give detailed reasons for their decision so that the Clerk may publish those reasons.

### **3. BACKGROUND**

- 3.1 The Policing and Crime Act 2017 introduced provisions to enable greater collaboration between the police, fire and rescue and emergency ambulance services and enabled relevant Police and Crime Commissioner's (PCC's) to be appointed to a committee which discharges the functions of a fire and rescue authority.
- 3.2 The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020 (the 'Regulations') came into effect on the 18 March 2020. These Regulations (available at a link in the 'Background Papers') enable a Fire Authority to appoint a PCC to be a full Member of the Authority following a request from a relevant PCC. However, it is also open to the Fire Authority to agree or refuse a request as it sees fit. A PCC will not receive additional remuneration as a Member of a Fire Authority and can appoint another person to attend on their behalf as a representative. That person may speak, but cannot vote, and is not to be treated as a Member of the Authority for any purposes.
- 3.3 At its meeting on 16 December 2020, the Fire Authority approved the application of the previous PCC for Avon and Somerset (Sue Mountstevens) to join the Fire Authority. The PCC's representation on the Fire Authority related only to their term of office. Members subsequently approved consequential changes to the Fire Authority's Constitution, in order to facilitate the appointment of a PCC to the Fire Authority and to reflect the changes brought about by the new legislation.
- 3.4 Ms Mountstevens completed two terms as Avon and Somerset's PCC and decided not to stand for re-election in May 2021. At the May 2021 elections, Mark Shelford was elected as new PCC for Avon and Somerset. Any newly elected PCC would need to seek permission from the Fire and Rescue Authority (FRA) to join.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 This report has no financial implications. If the application to join the Fire Authority is approved the PCC would not be entitled to an allowance from the Fire Authority and must claim expenses from the office of the PCC.

### **5. KEY CONSIDERATIONS**

- 5.1 Following his election, the PCC wrote to the Chair of the Fire Authority on 20 May 2021 seeking to join the Fire Authority. His letter is at **Appendix 1**. The letter states '*Collaboration between police and fire has never been more important in these challenging times and this seems a good opportunity and I hope you will invite me to join*'.

- 5.2 Members need to consider the application by the PCC for Avon and Somerset, and determine whether to agree the request, and take into consideration the skills, attributes and the likely contribution of the PCC to the Fire Authority, together with any possible detrimental impact. The potential benefits could include exploration and optimisation of collaboration between the local Fire and Police services. Detriment may include possible conflict and disagreement on issues.
- 5.3 The new legislation (link provided at ‘Background Papers’) requires Members to give reasons for their decision, and publish those reasons, although it is advised that this will only be appropriate if the application is refused.
- 5.4 In response to previous questions raised by the Fire Authority about Ms Mountstevens’ application, Lord Greenhalgh, the Minister for State for Building Safety, Fire and Communities, stated in his letter dated 24 September 2020:

*‘The Government wants to see greater ambition in emergency services collaboration, and I welcome your further consideration of the PCC’s application to join the FRA.’*

Further, in Lord Greenhalgh’s letter to the Fire Authority dated 27 October 2020, he stated:

*‘In the spirit of collaboration between the two services, I would strongly encourage you to support the PCC for Avon and Somerset’s application to be represented on the Avon FRA for their remaining term of office.’*

- 5.5 The PCC, if appointed, will have full rights and obligations as a Member of the Fire Authority, and will serve until the end of their term of office. The Home Office would expect the PCC to be bound by the FRA Code of Conduct, which applies to all FRA members. The usual term of office for a PCC is 4 years; however, as the 2020 elections were delayed, the current PCC’s term is only for 3 years, until the next election in May 2024. There is no limit on the number of terms a PCC can serve.
- 5.6 If agreed, the appointment of the PCC would not affect the total number of Fire Authority Members from the Constituent Local Authorities on the Fire Authority.

## **6. RISKS**

- 6.1 Avon Fire Authority needs to ensure effective oversight and governance of Avon Fire & Rescue Service. The Fire Sector is the subject of a Home Office white paper and consultation on proposals for the reform of the fire and rescue services in England, dated May 2022. The consultation ran until 26 July 2022 and the outcome of that consultation is awaited. In relation to governance, the Government is considering ‘Executive Oversight’ in the form of a Combined Authority Mayor, Police, Fire and Crime Commissioner or Executive Councillor,

each with a formal scrutiny panel. There is therefore the risk that a new governance structure will be imposed on Avon Fire Authority once the results of the consultation are published and the Government presents its reform plans for the sector.

## **7. LEGAL/POLICY IMPLICATIONS**

- 7.1 The impact of The Policing and Crime Act 2017 and The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020 are set out in the body of this paper.

## **8. BACKGROUND PAPERS**

- a) Paper to Avon Fire Authority dated 30 June 2021 entitled 'The application of the Police and Crime Commissioner for Avon and Somerset to join Avon Fire Authority', at the following link:

[Browse meetings - Avon Fire Authority - Modern Council \(moderngov.co.uk\)](https://www.moderngov.co.uk/browse-meetings/avon-fire-authority-modern-council)

- b) The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020, at the following link:

[www.legislation.gov.uk/ukxi/2020/168/contents/made](https://www.legislation.gov.uk/ukxi/2020/168/contents/made)

## **9. APPENDICES**

1. Appendix 1 - Letter from the Police and Crime Commissioner for Avon and Somerset dated 20 May 2021.

## **10. REPORT CONTACT**

Amanda Brown, Clerk to Avon Fire Authority, Ext. 347.