



Home Office

Rt Hon Nick Hurd MP
Minister of State for Policing and the Fire
Service
2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

26 November 2018

Dear Jim,

Government response to representation model Inquiry.

I am writing on behalf of the Secretary of State to thank you for undertaking an independent inquiry into the objections of the two combined fire and rescue authorities (FRA), Cleveland and Dorset & Wiltshire FRA, who disagreed with the Government's proposal to amend their combination schemes to enable a PCC to request to sit on the FRA with voting rights. The purpose of the Inquiry, held under the provisions of the Fire and Rescue Services Act 2004, was to better understand their concerns to help me reach a view on whether to make the proposed amendments.

In your inquiry, you concluded that the objections presented did not carry sufficient strength to prevent the provisions from being made. As such, you were of the view that each of the objecting FRA's combination scheme should be amended to enable the PCCs to sit on the authorities as a member with voting rights, where the FRA agrees to such a request. The Government has carefully considered the outcome of your inquiry and has decided to give effect to these enabling provisions by making amendments to both Cleveland and Dorset & Wiltshire FRA's combination schemes.

It was encouraging to hear that Cleveland and Dorset & Wiltshire FRA were fully engaged in the inquiry, and that in reaching your judgment, you took into account the views of the FRA, the relevant PCC, other consultation responses within each FRA's area, such as those from the local authority, as well as the Government's position in implementing these provisions.

The Government accepts the two recommendations in your report that we should offer further clarification on the issues raised by the authorities. I have now written to Cleveland FRA to clarify our position on political balance where we remain clear that it is up to individual FRAs to consider the impact of a PCC's membership locally and to determine how to proceed. Subject to the

rules of the relevant combination scheme, local arrangements could be made to allow each constituent authority to appoint extra members if considered appropriate for reasons of proportionality.

Likewise, the letters reiterate our policy position with regards to deputy PCCs. A PCC should be able to appoint a deputy to attend and speak at FRA meetings, but that deputy cannot vote or be treated as an authority member. We further accept that an FRA may come to a local agreement with the PCC not to delegate any PCC functions in respect of the FRA. I have also written to Dorset & Wiltshire FRA regarding this matter (at Appendix 1 and 2).

As you are aware, in the Government response to the consultation published in June 2018, we invited views on the issue of membership allowances for PCCs and FRAs. The responses received to this consultation, and the findings from your inquiry demonstrate support for our intention that PCCs should be restricted from claiming membership allowances as a result of being represented on a FRA. The rationale behind this intention is that a PCC would be represented on the FRA in their capacity as a PCC and would therefore be exercising their functions in that capacity. As they are already remunerated for their role and functions, we would not want the PCC's representation to increase the cost of governance to the FRA. We intend to amend existing legislation to this effect.

Applying the 'representation model' to Combined FRAs will enable PCCs to sit on these FRAs with voting rights, where the FRA agrees, and will ensure that the same level of transparency over the decision of the FRA to accept or reject the PCC's proposal applies to Combined FRAs as it does to County or Metropolitan FRAs. The Government is currently in the process of drafting a statutory instrument to amend the combination schemes of FRAs who are supportive of the amendments. Our intention is now to incorporate amendments to the combination schemes of Cleveland and Dorset & Wiltshire FRAs within the SI, which is expected to be laid before Parliament in Spring next year.

In the interests of transparency and maintaining standards of good practice, the result of this inquiry, and this letter indicating the Government response to the inquiry will be published on Gov.uk.

Yours sincerely,

A handwritten signature in blue ink that reads "Nick Hurd". The signature is written in a cursive, slightly slanted style.

RT HON NICK HURD MP
Minister of State for Policing and the Fire Service