



Home Office

Rt Hon Nick Hurd MP
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Councillor Janice Brunton
Chair, Cleveland FRA
By Email: chairman@clevelandfire.gov.uk

26 November 2018

Dear Councillor Brunton,

Government response to representation model Inquiry.

I would like to thank you for taking part in the independent inquiry into your authority's objection to the Government's proposal to amend your combination scheme.

The inquiry has concluded that the objection did not carry sufficient strength to successfully object to, and as a result prevent, the relevant amendments being made to your authority's combination scheme. As such, the independent inquirer was of the view that the scheme should be amended to enable the PCC to sit on the authority as a member with voting rights, if the FRA agrees to such a request. I have carefully considered the outcome of the inquiry and the objection from the authority and have decided to give effect to these enabling provisions by making amendments to Cleveland FRA's combination scheme.

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 decision to grant membership rests with the FRA, and these amendments do not mandate the granting of membership. I hope the authority recognises the opportunities for closer working and cooperation these provisions enable and will carefully consider the relevant PCC's membership request, should it be made.

The Government accepts the recommendation from the inquiry to offer further clarification on the issues raised by the authority which I have set out below.

Political balance

I am clear that it is up to individual FRAs to consider the impact of a PCC's membership locally and to determine how they wish to proceed.

The issue of proportional representation is distinct to the issue of ensuring political balance, the principles of which are set out in section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups). Where applicable this requires the constituent authorities appointing members to the FRA to consider the political balance of their own cohort of appointees. There is no duty on the FRA to consider its political balance in the round.

Currently, and subject to the rules of the relevant combination scheme, if an authority is operating below the maximum number of members permitted by the scheme, local arrangements could be made to allow each constituent authority to appoint extra members if considered appropriate for reasons of proportionality.

In response to the findings from the inquiry we intend to include a provision in each combination scheme so that an FRA can go above the maximum number of members provided for by their combination scheme for the purposes of appointing the PCC and/or proportionality. This will ensure that FRAs can, if required, retain the status quo of members.

Deputy PCCs (DPCC)

Section 18 of the Police Reform and Social Responsibility Act 2011 enables a PCC to delegate certain functions to a Deputy PCC (DPCC) or arrange for any person who is not the DPCC, to exercise these functions (a deputy). I am clear that a PCC should be able to appoint a deputy to attend and speak at FRA meetings on their behalf, but that the deputy cannot vote or be treated as an authority member. However, I accept that the authority may come to a local agreement with the PCC not to delegate any PCC functions in respect of the FRA.

I understand from the inquiry that the PCC for Cleveland was also willing to give assurances that he will seek to attend all meetings of the FRA and not delegate this function to a deputy.

We are currently in the process of drafting a negative statutory instrument to amend the combination schemes of FRAs who were supportive of the amendments. Our intention now is to also incorporate amendments to both the combination schemes of Cleveland and Dorset & Wiltshire FRAs as part of that statutory instrument, which is expected to be laid before Parliament in Spring next year.

I am copying this letter to Barry Coppinger, the PCC for Cleveland.



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