



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority

# **POLICE AND CRIME COMMISSIONER REPRESENTATION**

Report of the Clerk to the Fire Authority

**Date:** 05 June 2017

**Purpose of Report:**

To inform Members of the request from the Police and Crime Commissioner to become a Member of the Fire and Rescue Authority.

## **CONTACT OFFICER**

**Name :** John Buckley  
Chief Fire Officer

**Tel :** 0115 967 0880

**Email :** john.buckley@notts-fire.gov.uk

**Media Enquiries  
Contact :** Therese Easom  
(0115) 967 0880 therese.easom@notts-fire.gov.uk

## **1. BACKGROUND**

- 1.1 At the meeting of the Fire Authority in February 2017, the Chief Fire Officer presented a report on the implications of the Policing and Crime Act 2017 (the Act).
- 1.2 The Act received Royal Assent on 31 January 2017 and the functions came into force on 3 April 2017. The primary elements affecting the Authority are the duty to collaborate with other emergency services, and the enabling legislation to allow the Police and Crime Commissioner (PCC) to be represented on fire authorities with their agreement or take over the functions of fire authorities where a local case is made.

## **2. REPORT**

- 2.1 On 10 April the Nottinghamshire PCC wrote to the then Chair requesting membership of the Authority, and suggesting that the request should be discussed at the Annual General Meeting.
- 2.2 The Chair responded positively and agreed to bring the proposal to the Authority for discussion with a view to supporting the request.
- 2.3 The Chair also pointed out that there had been a minor oversight in the creation of the Act which requires statutory changes to Combination Scheme Orders before a PCC can be legally appointed to a Combined Fire Authority with voting rights.
- 2.4 The Policing and Fire Minister is aware of this statutory oversight and recently wrote to authorities to propose that consultation on the amendments will commence soon. This was issued prior to the announcement of the General Election, and it is envisaged that this consultation will now take place in the autumn.
- 2.5 In recognition of the legal issue preventing the PCC formally joining the Authority with voting rights, it is proposed that the PCC is invited to attend meetings of the Authority and allowed to contribute to the discussions and debates to inform decisions. This attendance would also include items where exempt business is to be discussed on the basis that the PCC is to be viewed for all intent as a co-opted non-voting member of the Authority.
- 2.6 This interim solution will help develop understanding of how the two organisations may be able to work together in the future and increase the potential for greater collaboration.
- 2.7 The issue of formal representation of the PCC with voting rights can be reconsidered by the Authority once the required legislation has been put in place and the implications fully understood.

### **3. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS**

There are no human resources or learning and development implications arising from this report.

### **5. EQUALITIES IMPLICATIONS**

An equality impact assessment has not been undertaken because this report does not seek to change policy or service delivery provisions.

### **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications arising from this report.

### **7. LEGAL IMPLICATIONS**

- 7.1 The Policing and Crime Act 2017 places a statutory duty on fire and rescue authorities to keep under review the ability to collaborate with Police Services and Ambulance Services. By engaging in continual dialogue with the Nottinghamshire Police and Crime Commissioner it is envisaged that opportunities for greater collaboration will be identified.
- 7.2 The Policing and Crime Act makes provision for PCCs to be represented on fire authorities, however, further legislation regarding the Combination Scheme Orders in respect of combined fire authorities is required before that can take place in Nottinghamshire.

### **8. RISK MANAGEMENT IMPLICATIONS**

It is clear that Government expects authorities to support engagement with Police and Crime Commissioners, and local refusal could lead to scrutiny and questioning regarding the duty to collaborate.

### **9. COLLABORATION IMPLICATIONS**

Much work already takes place through collaboration, however, it is envisaged that greater engagement with the Police and Crime Commissioner will both identify and quicken the pace of work in that area.

## **10. RECOMMENDATIONS**

It is recommended that Members:

- 10.1 Invite the Nottinghamshire Police and Crime Commissioner to attend Combined Fire Authority and all Committee meetings; and,
- 10.2 Allow the PCC to contribute to the debates and discussions that take place at those meetings, although recognising that they do not have the power to vote.
- 10.3 Ask the Clerk to provide a future report to the Authority to consider the request of the PCC to be fully represented on the Fire Authority, when the required amendments to legislation make this possible.

## **11. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None.

Malcolm R. Townroe  
**CLERK TO THE FIRE AUTHORITY**