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**DORSET & WILTSHIRE  
FIRE AND RESCUE  
AUTHORITY**

Item

MEETING	Fire and Rescue Authority
DATE OF MEETING	9 March 2017
SUBJECT OF THE REPORT	Joint report of the Chairman of the Governance Working Group and the Monitoring Officer on possible changes to the membership of the Fire and Rescue Authority
STATUS OF REPORT	Open Publication
PURPOSE OF REPORT	For Decision
EXECUTIVE SUMMARY	<p>At its meeting on 23 June 2016 the Fire and Rescue Authority resolved that a Governance Working Group be formed to complete a review of the Authority's Governance arrangements by May 2017. This was in part to fulfil the Authority's own commitment to an early review of the size of its membership.</p> <p>Since then a new context has emerged for the governance of blue light services and this report also reflects a series of strong national drivers for change.</p> <p>Following five meetings of the Governance Group and a Governance Seminar for all members this paper sets out options for a possible reduction in the number of elected members of DWFRA, consequential changes to the Authority's governance arrangements and suggested next steps.</p>
RISK ASSESSMENT	<p>DWFRA is one of only two Fire and Rescue Authorities with a membership as high as 30. Commentary in the Thomas Review, changes introduced through the Policing and Crime Act 2017 and recent announcements by the Minister for Policing and the Fire Service are all factors driving the need for change. Following the introduction of a new inspection regime there may be criticism of our governance arrangements and the potential for imposed change if the Authority continues with a membership of 30.</p>
COMMUNITY IMPACT ASSESSMENT	None for the purposes of this report.

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BUDGET IMPLICATIONS	A reduction in the number of elected members forming DWFRA would result in a budget saving (members allowances) although these savings would not be material in terms of the overall budget. Far more significant than these small direct budget implications is the focus of government upon good governance and making the fire service more accountable, efficient and professional than ever before.
RECOMMENDATIONS	That members approve a consultation with the constituent Councils as described in section 7 of this report on a proposed reduction in the size of DWFRA and that the views of constituent Councils be reported to the DWFRA meeting on 8 September 2016.
BACKGROUND PAPERS	<ol style="list-style-type: none"><li>1. <a href="#">Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015</a></li><li>2. <a href="#">Policing and Crime Act 2017</a></li><li>3. <a href="#">Fire service reform must go further and faster: article published in the Times by Brandon Lewis, Minister of State for Policing and Fire</a></li><li>4. <a href="#">Text of a speech to Reform by Brandon Lewis, Minister of State for Policing and Fire setting out his vision for the fire sector</a></li></ol>
APPENDICES	Table setting out the current sizes of Combined Fire and Rescue Authorities in England.
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## 1. Background

- 1.1 A combined Fire and Rescue Authority (FRA) operates across the areas of two or more local authorities and the membership of such a combined authority is drawn from amongst the membership of the upper tier or unitary local authorities for the combined area.
- 1.2 The total membership of a combined FRA and the division of places amongst constituent local authorities is prescribed in each combined FRA's statutory combination order. The division of places amongst the constituent Councils prescribed in the DWFRA combination order is as follows:-

Borough of Poole	3 places
Bournemouth Borough Council	4 places
Dorset County Council	8 places
Swindon Borough Council	5 places
Wiltshire Council	10 places

- 1.3 In establishing DWFRA with a membership of 30 the Authority made an early commitment to review that membership and this is reflected in the terms of reference of the Governance Review.
- 1.4 In addition to its own commitment to review the membership of DWFRA there are now national drivers for change and these are outlined in the next section of this report.

## 2. National drivers for change

- 2.1 In addition to the Authority's own commitment to review its membership there are now a series of national factors driving the need for DWFRA to consider possible change.

### 2.2 The Thomas Review:

In his independent review of conditions of service for fire and rescue staff in England and Wales Adrian Thomas referred to a number of authority chairmen and chief fire officers having suggested that a smaller number of elected members on fire authorities would be an improvement. He went on to question the value added benefit from an average of between 15 and 20 elected councillors in any one fire and rescue service providing political oversight and local accountability and whether political decisions and the level of oversight might actually work against reform and efficiency.

### 2.3 The Policing and Crime Act 2017:

The 2017 Act includes three main changes relevant to the governance of fire and rescue authorities:

- Collaboration between the emergency services – As a “relevant emergency service” DWFRA is now required to keep under consideration whether entering into a collaboration agreement with one or more other emergency services could be in the interests of the efficiency or effectiveness.
- An inspection regime – the Act provides for the appointment of inspectors of fire and rescue authorities to undertake inspections and to report to the Secretary of State on the efficiency and effectiveness of fire and rescue authorities in England.
- Police and Crime Commissioners – the Act includes provisions setting out the circumstances in which a police and crime commissioner may become the fire and rescue authority for an area or where the police and crime commissioner may become “involved” in a fire and rescue authority.

Taken together these provisions mark a significant shift in the governance of fire and rescue authorities. We now have a duty to keep under consideration collaboration with others with a view to ensuring greater efficiency and effectiveness. We are also subject to an inspection regime enquiring into our efficiency and effectiveness. It is not a great leap to see that those who cannot demonstrate how their governance arrangements contribute to greater efficiency and effectiveness are vulnerable to intervention and the introduction of alternative governance arrangements through the PCC.

#### 2.4 Announcements by the Minister of State:

In an article in the Times and in a speech to Reform the Minister of State for Policing and Fire has set out his vision and expectations for the fire sector. The Minister has referred to an ambitious reform program begun by the Prime Minister whilst she was Home Secretary and to 2017 being the year in which real change to efficiency and effectiveness will be driven through the introduction of the new independent inspection arrangements.

### 3. What this means for DWFRA

- 3.1 DWFRA is one of only two fire and rescue authorities (the other being Greater Manchester) with a membership as high as 30. The terms of reference and key lines of enquiry for the new inspection arrangements are not yet known but it is anticipated that there will be a focus upon how well fire and rescue authorities operate as effective governing boards and the contribution made to the delivery of an efficient and effective service.
- 3.2 The comments set out in the Thomas review, the changes introduced through the Policing and Crime Act to drive greater efficiency and effectiveness and the recent announcements by the Minister are all part of a context which may lead to criticism of our governance arrangements if DWFRA continues with a membership out of line with that of most other authorities.
- 3.3 There is a long history in Dorset and in Wiltshire of elected members drawn from the constituent councils adding real value and democratic accountability to the Fire and Rescue Service. Reducing the size of the Authority significantly might be the price of retaining the value and accountability that comes through the role played by elected members on the Authority.

### 4. The position in other combined FRAs

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- 4.1 The table in appendix 1 lists the current total membership and electorate of each FRA in England. The only other authority with as many as 30 members is Greater Manchester which serves an electorate almost twice that of Dorset and Wiltshire.
- 4.2 Comparison with the current position in other authorities and consideration of a reduction to the current average elsewhere might not be helpful as others also begin to review their membership with a view to moving to a leaner structure.
- 4.3 The figures in the table at appendix 1, prepared for the Working Group and for the Governance Seminar on 15 December 2016, will soon become out of date as the Hampshire Fire and Rescue Authority has already resolved with effect from its annual meeting in 2017 to move from a membership of 25 to a membership of 10 plus the Police and Crime Commissioner.

## 5. Possible membership options for Dorset and Wiltshire Fire & Rescue Authority

- 5.1 Options for the membership of DWFRA were considered by the Governance Working Group at a meeting on 24 January 2017. Members considered a range of options illustrated in the table below. The table illustrates how places would be allocated amongst the constituent councils on a DWFRA ranging from a large authority of 24 down to a small authority 0 members.

Constituent Local Authority	Allocation of places based upon an authority of 24	Allocation of places based upon an authority of 22 – Does not deliver equal numbers north and south	Allocation of places based upon an authority of 20 - Does not deliver equal numbers north and south	Allocation of places based upon an authority of 18 -	Allocation of places based upon an authority of 16 - Does not deliver equal numbers north and south	Allocation of places based upon an authority of 14	Allocation of places based upon an authority of 12	Allocation of places based upon an authority of 10
Dorset	7	7	6	5	5	4	3	3
Bournemouth	3	3	3	2	2	2	2	1
Poole	2	2	2	2	2	1	1	1
Swindon	4	3	3	3	2	2	2	2
Wiltshire	8	7	6	6	5	5	4	3

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- 5.2 In the light of views expressed by members at the Governance Seminar held on 15 December discussion at the Governance Review Group concentrated upon those options where electoral proportionality would maintain equal numbers between the old Dorset Authority and the old Wiltshire and Swindon Authority.
- 5.3 The Governance Working Group agreed that equality of representation between north and south was still an important principle and one that was likely to be significant when consulting with the constituent Councils. Those options which would deliver this equality of representation are shaded in the table.
- 5.4 An Authority of 24 members, 18 members, 14 members, 12 members or 10 would satisfy the principle of equality. In each of these options Wiltshire Council, as the largest single constituent Council would appoint the most members to the Authority.
- 5.5 At the meeting on 24 January there was general support amongst the Governance Working Group for an Authority of either 24 or 18 members, with the majority at the time favouring 24. Since then the national drivers for more significant change have become very much clearer and following discussion with other members the Chairman of the Working Group has a clear preference for an Authority of 18.
- 5.6 In any option involving fewer than 14 Authority members the Borough of Poole would be represented by 1 member only and at an Authority of 10 Bournemouth Borough Council as well as the Borough of Poole would each fall to 1 member. The clear view of the Working Group was that any option which reduced a constituent council's representation to only one member was not acceptable and should not be consulted upon.
- 5.7 At the Governance Seminar some members expressed concern that too significant a reduction would leave members representing significant populations and large geographical areas. These are important points and an alternative approach to how elected members from the constituent Councils might play a part on local performance and scrutiny Committees is commented upon below. It is also important to recognise though that unlike on local authorities (where Councillors are elected to represent an individual ward or division) members are appointed to DWFR by a constituent Council to represent that Council on the Fire and Rescue Authority. The role is one of overseeing the provision of Fire and Rescue Services across the whole of the areas of all of the constituent Councils rather than that of an individual ward or divisional Councillor.
6. Consequences of any reduction in the membership of the Fire and Rescue Authority
- 6.1 Beyond the numbers set out in combination orders the law does not prescribe (a minimum) membership for a Fire and Rescue Authority. Provided all constituent Councils are represented on the Authority in proportion to each Council's share of the overall electorate there is no minimum.

- 6.2 There are though practical requirements for a minimum of number of members necessary in order to be able to operate effectively as a Governing Board. The former Dorset Authority was able to operate effectively with a membership of 15, the former Wiltshire and Swindon Authority operated effectively with a membership of 13 and the Hampshire FRA believes that it will be able to operate effectively with a membership of 11.
- 6.3 When DWFRA was formed members established 2 main standing Committees (Policy and Resources and Finance and Audit) and 4 Local Performance and Scrutiny Committees. Neither the old Dorset Authority nor the old Wiltshire and Swindon Authority had a Policy and Resources Committee. If members were minded to reduce the size of DWFRA then I would recommend changes to remove the Policy and Resources Committee so that its terms of reference were brought within those of the full Authority. As a practical measure to ensure that business could be conducted in a timely manner members might then wish to add two full DWFRA reserve dates to the calendar of meetings.
- 6.4 The size of DWFRA, operating across the areas of 5 constituent Councils makes it important to establish a means of retaining the local focus provided by Local Performance and Scrutiny Committees. If members do decide to reduce the size of the Authority then this local focus could still be achieved through co-option of members drawn from the constituent Councils to work alongside members of the DWFRA on Local Performance and Scrutiny Committees. Numbers can be tailored to suit local circumstances (in particular Bournemouth and Poole where 2 constituent Councils share 1 Local Performance and Scrutiny Committee). The important point is that there is a practical and a legal mechanism which would enable a smaller DWFRA to work with constituent Councils to maintain a local focus.
- 6.5 At this stage members are being asked to consider consulting constituent councils on a possible reduction in the size of the Authority. If members do later resolve to reduce the size of DWFRA then detailed recommendations about the removal of the Policy and Resources Committee, changes to terms of reference and changes to Local Performance and Scrutiny Committees would be brought back to the Authority alongside the outcome of consultation on the proposed reduction in the size of the Authority.

## 7. Next steps

- 7.1 DWFRA was created under Section 2 of the Fire and Rescue Services Act 2004 by an Order made by the Secretary of State.
- 7.2 Under Section 2 (6) of the 2004 Act the Secretary of State may by Order vary or revoke a Combination Scheme but as originally enacted the section contained consultation obligations including for the Secretary of State to consult with the constituent Authorities (which if it were not for the Combination Scheme would themselves be Fire and Rescue Authorities). It was this consultation requirement which made it necessary for the Secretary of State to seek the views of the 5 constituent Councils before making the Combination Order to form DWFRA.

- 7.3 Since the Combination Order was made in March 2015 the law has changed and the De-regulation Act 2015 has amended the duty to consult under the 2004 Act. The effect of the change is that where a variation to a Combination Scheme is being proposed by a Combined Fire and Rescue Authority itself (as opposed to a variation being promoted by the Secretary of State) there is no requirement upon the Secretary of State to consult with constituent Councils.
- 7.4 If members agree in principle to a reduction in the size of the Authority, the next step is for DWFRA itself to consult with its constituent Councils before submitting any proposal to the Home Office. Any such consultation with the constituent councils should be proportionate and by letter only - setting out the drivers for change, the options considered and this Authority's preferred option.
- 7.5 Consultation should be avoided during the purdah period ahead of Dorset County Council and Wiltshire Council elections between late March and the start of May 2017. Instead it is suggested that the start of any consultation should be deferred until after the elections and the responses reported back to the Authority in September when a final decision could be made on any request to the Home Office for a variation of the Combination Order.
- 7.6 In line with the approach taken by Hampshire FRA it is suggested that any reduction in numbers should take effect from the date of an annual meeting. This would mean putting in place new governance structures and a smaller DWFRA with effect from the Authority's annual meeting in June 2018.
- 7.7 Members are invited to consider consulting the constituent councils on a reduction in the size of DWFRA and in doing so to express a preference for an Authority of 18 members. Reducing the size of the Authority in this way would:
- demonstrate commitment to radical reform
  - and at the same time retain the democratic accountability and the value added by elected members drawn from the constituent local authorities whose communities are served by the Fire and Rescue Service.

This option would also retain equality between north and south.

Jonathan Mair  
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