

## Report of Head of Legal Services

### 6. Attendance of Police & Crime Commissioner at Meetings

#### Purpose of report

1. To make proposals to enable the Police & Crime Commissioner for West Mercia to attend, speak but not vote at meetings of the Fire Authority.
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#### Recommendations

***It is RECOMMENDED that the Authority's Constitution be amended by the inclusion of the additions set out in the appendix to this report.***

#### Introduction and Background

2. The Police and Crime Bill is currently being considered by Parliament and is intended to give effect to the former Home Secretary's proposals, set out in the fire and rescue reform programme, to enable Police & Crime Commissioners in England & Wales to take over responsibility for Fire & Rescue Services where a local case is made or to sit as voting members of a fire & rescue authority where the PCC and the Fire Authority agree.
3. As the law stands at the moment, before the bill is passed, it would be possible to co-opt a PCC to become a non-voting member of any of the Fire Authority's committees. The Bill, as currently drafted, would extend that so that the PCC could be co-opted as a voting member of committees.
4. There is no provision at the moment that would allow the PCC to be co-opted as a member of the Fire Authority (as opposed to a committee of the Fire Authority) but there is no reason in principle why the PCC could not be 'invited to attend' Fire Authority meetings and be invited to speak at the Chairman's discretion. The PCC would not be entitled to vote.
5. The Police & Crime Bill contains provision for PCCs to become voting members of fire & rescue authorities in future. The route to achieve this in the case of a combined fire authority such as Hereford & Worcester is somewhat complex and would involve the Authority having to seek a new Combination Order from the Secretary of State if it wished to go down that path.
6. Following discussions between the Chairman of the Authority and the PCC for West Mercia, the PCC has expressed a wish to have an involvement in the deliberations of the Fire Authority but on a non-voting basis. The matter has been considered by Group Leaders who agreed that this would be beneficial in terms of the relationship between fire and police and the level of joint

working between the two organisations. It is therefore proposed that the PCC or his deputy be invited to attend and speak (but not vote) at meetings of the full Authority but would not be co-opted as a member of either of the Committees. Group Leaders have asked that this be reflected in the Authority's constitution.

## Conclusion/Summary

7. The proposed amendments to the Constitution set out in the appendix to this report will enable the Police & Crime Commissioner to be an 'invited attendee' at meetings of the Authority and to speak but not vote on the business of the Authority. If approved, these amendments would take effect immediately and apply regardless of the future enactment of the Police and Crime Bill.

## Corporate Considerations

<b>Resource Implications</b> (identify any financial, legal, property or human resources issues)	None
<b>Strategic Policy Links</b> (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	This proposal supports the principle of closer working between fire authorities and Police & Crime Commissioners as set out in the Governments reform programme for fire & rescue.
<b>Risk Management / Health &amp; Safety</b> (identify any risks, the proposed control measures and risk evaluation scores).	None
<b>Consultation</b> (identify any public or other consultation that has been carried out on this matter)	The matter has previously been considered by Group Leaders and the draft proposal has been shared with the Police & Crime Commissioner's office.
<b>Equalities</b> (has an Equalities Impact Assessment been completed? If not, why not?)	Not applicable

## Supporting Information

Appendix 1 – Draft additions to the Authority's constitution

Background papers - None

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## Standing Orders for the Conduct of Business

Add

### **6A Police & Crime Commissioner**

- 6A.1 Copies of the agenda, reports and minutes of the meetings of the Authority shall be sent to the Police & Crime Commissioner for West Mercia at the same time as they are sent to Members of the Authority
- 6A.2 The Police & Crime Commissioner for West Mercia (or in their absence the Deputy Police & Crime Commissioner) is not a member of the Authority but may:
- (a) attend any meeting of the Authority
  - (b) participate in the discussion and debate on any matter under consideration by the Authority in accordance with Standing Order 21 but shall not vote nor move or second any motion or amendment
  - (c) ask a question in accordance with Standing Order 20.1
  - (d) ask for an item of business to be included:
    - (i) on the agenda for the Authority; or
    - (ii) on the agenda for any committee (subject to the provisions of Standing Order 31.1)
  - (e) attend the meeting of any Committee in accordance with Standing Order 30.1 but subject to the provisions of Standing Order 30.2
- 6A.3 Standing Order 22 (improper conduct) and Standing Order 25 (interests of members) shall apply to the Police & Crime Commissioner (or Deputy Police & Crime Commissioner) if present as they apply to Members
- 6A.4 The Police & Crime Commissioner (or Deputy) shall not be excluded from any part of a meeting that is not open to the public (and shall receive copies of any papers marked 'Not for Publication') unless in the opinion of the Chairman this would prejudice the proper conduct of the business
- 6A.5 The Police & Crime Commissioner (and their Deputy) shall comply with the Authority's code of conduct except paragraph 10 (registration of disclosable pecuniary interests) which is not applicable.