



Policing and Crime Act 2017

2017 CHAPTER 3

PART 1

EMERGENCY SERVICES COLLABORATION

CHAPTER 2

POLICE AND CRIME COMMISSIONERS ETC: FIRE AND RESCUE FUNCTIONS

7 Involvement of police and crime commissioner in fire and rescue authority

(1) The Local Government Act 1972 is amended in accordance with subsections (2) to (4).

(2) In section 102 (appointment of committees) after subsection (5) insert—

“(6) Subsection (7) applies in relation to—

- (a) a committee or sub-committee appointed by a local authority in England wholly or partly for the purposes of discharging functions of a fire and rescue authority,
- (b) a joint committee appointed by two or more local authorities in England wholly or partly for the purposes of discharging such functions, or
- (c) a sub-committee appointed by any such committee or joint committee wholly or partly for the purposes of discharging such functions.

(7) A relevant police and crime commissioner may only be appointed to a committee or sub-committee to which this subsection applies in response to a request made by the commissioner to the appointing authority or authorities or, in the case of a sub-committee, to the appointing committee.

(8) If a request under subsection (7) is made to an appointing authority or authorities or an appointing committee, they must—

- (a) consider the request,
- (b) give reasons for their decision to agree to or refuse the request, and

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- (c) publish those reasons in such manner as they think appropriate.
- (9) A relevant police and crime commissioner may attend, speak at and vote at a meeting of a committee to which the commissioner is appointed in accordance with this section only if and to the extent that the business of the meeting relates to the functions of a fire and rescue authority.
- (10) Subsection (11) defines “relevant police and crime commissioner” for the purposes of this section in relation to—
- (a) a committee or sub-committee appointed by a local authority,
 - (b) a joint committee appointed by two or more local authorities, or
 - (c) a sub-committee appointed by a committee of a local authority or a joint committee of two or more local authorities.
- (11) For those purposes “relevant police and crime commissioner” means a police and crime commissioner—
- (a) whose area is the same as, or contains all of, the area of that local authority or (as the case may be) one or more of those local authorities, or
 - (b) all or part of whose area falls within the area of that local authority or (as the case may be) one or more of those local authorities.”
- (3) In Part 1 of Schedule 12 (meetings and proceedings of principal councils) after paragraph 6 insert—
- “6ZA (1) A relevant police and crime commissioner may attend, speak at and vote at a meeting of a principal council in England which is a fire and rescue authority.
- (2) Sub-paragraph (1) applies—
- (a) only if and to the extent that the business of the meeting relates to the functions of the principal council as a fire and rescue authority, and
 - (b) only if the council have consented to the participation of the relevant police and crime commissioner in such meetings in response to a request by the commissioner to do so.
- (3) If a request under sub-paragraph (2)(b) is made to a principal council, the council must—
- (a) consider the request,
 - (b) give reasons for their decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as they think appropriate.
- (4) If the principal council agree to the request, the relevant police and crime commissioner is to be treated as a member of the council for the purposes of the following provisions of this Schedule in the case of a meeting which relates to the functions of the council as a fire and rescue authority—
- (a) paragraph 3(2);
 - (b) paragraph 4(1A);
 - (c) paragraph 5(3);
 - (d) paragraph 6;
 - (e) paragraph 39;

- (f) paragraph 40;
 - (g) paragraph 41(3);
 - (h) paragraph 43.
- (5) In this paragraph “relevant police and crime commissioner”, in relation to a principal council, means a police and crime commissioner—
- (a) whose area is the same as, or contains all of, the area of the principal council, or
 - (b) all or part of whose area falls within the area of the principal council.”
- (4) In Part 1A of Schedule 12 (joint authorities etc) in paragraph 6B (application of Part 1) after “this Schedule” insert “other than paragraph 6ZA”.
- (5) The Local Government Act 1985 is amended in accordance with subsections (6) and (7).
- (6) In section 26 (metropolitan county fire and rescue authorities)—
- (a) in subsection (3) for “Each” substitute “Subject to subsection (5), each”, and
 - (b) after subsection (4) insert—
- “(5) A metropolitan county fire and rescue authority may appoint a relevant police and crime commissioner to be a member of the authority.
- (6) An appointment under subsection (5) may only be made in response to a request by the relevant police and crime commissioner.
- (7) If a request under subsection (6) is made to a metropolitan county fire and rescue authority, the authority must—
- (a) consider the request,
 - (b) give reasons for their decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as they think appropriate.
- (8) In this section “relevant police and crime commissioner”, in relation to a metropolitan county fire and rescue authority, means a police and crime commissioner—
- (a) whose area is the same as, or contains all of, the area of the authority, or
 - (b) all or part of whose area falls within the area of the authority.”
- (7) In section 34 (chairman, vice-chairman and clerk of metropolitan county fire and rescue authority) in subsection (7) for the “and” at the end of paragraph (b) substitute—
- “(ba) if the chairman is a police and crime commissioner and the authority and the commissioner have agreed that the commissioner should cease to be a member of the authority, the date agreed by the authority and the commissioner as the date on which the commissioner’s membership should cease; and”.
- (8) In section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees) after subsection (5) insert—

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“(5ZA) Nothing in this section shall prevent the appointment of a police and crime commissioner as a voting member of—

- (a) any committee or sub-committee appointed by a local authority in England wholly or partly for the purposes of discharging functions of a fire and rescue authority,
- (b) any joint committee appointed by two or more local authorities in England wholly or partly for the purposes of discharging such functions, or
- (c) any sub-committee appointed by any such committee or joint committee wholly or partly for the purposes of discharging such functions.

(5ZB) In subsection (5ZA) “local authority” does not include—

- (a) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (b) a joint authority which is a metropolitan county fire and rescue authority, or
- (c) the London Fire Commissioner.”

(9) In Schedule A1 to the Local Government Act 2000 (executive arrangements in England: further provisions) after paragraph 4 insert—

“Attendance of police and crime commissioner at meetings

4A (1) A relevant police and crime commissioner may attend, speak at and vote at—

- (a) a meeting of an executive of a local authority which is a fire and rescue authority, or
- (b) a meeting of a committee of such an executive.

(2) Sub-paragraph (1) applies—

- (a) only if and to the extent that the business of the meeting relates to the functions of the authority as a fire and rescue authority, and
- (b) only if the executive has consented to the participation of the relevant police and crime commissioner in such meetings in response to a request by the commissioner to do so.

(3) If a request under sub-paragraph (2)(b) is made to an executive of a local authority, the executive must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

(4) In this paragraph “relevant police and crime commissioner” means a police and crime commissioner—

- (a) whose area is the same as, or contains all of, the area of the local authority, or
- (b) all or part of whose area falls within the area of the local authority.”

- (10) Section 3 of the Fire and Rescue Services Act 2004 (creation of combined fire and rescue authority: supplementary) is amended in accordance with subsections (11) and (12).
- (11) In subsection (3)(a) for “or by the Secretary of State” substitute “, by the Secretary of State or, in the case of a combined authority for an area which is wholly within England, by the combined authority”.
- (12) After subsection (5) insert—
- “(6) The following provisions apply if a scheme under section 2 provides for members of a combined authority to be appointed by the authority.
 - (7) The scheme must provide that a relevant police and crime commissioner may only be appointed as a member of the authority in response to a request by the commissioner.
 - (8) The scheme must provide that, if such a request is made to the authority, the authority must—
 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.
 - (9) In this section “relevant police and crime commissioner”, in relation to a combined authority, means a police and crime commissioner—
 - (a) whose area is the same as, or contains all of, the area of the authority, or
 - (b) all or part of whose area falls within the area of the authority.”
- (13) The Localism Act 2011 is amended in accordance with subsections (14) and (15).
- (14) In section 27 (duty to promote and maintain high standards of conduct) after subsection (4) insert—
- “(4A) In this Chapter “co-opted member” includes a police and crime commissioner who—
 - (a) is entitled to participate in meetings of a county or district council by virtue of paragraph 6ZA of Part 1 of Schedule 12 to the Local Government Act 1972, or
 - (b) is entitled to participate in meetings of an executive of a county or district council by virtue of paragraph 4A of Schedule A1 to the Local Government Act 2000.”
- (15) In section 28 (codes of conduct) after subsection (11) insert—
- “(11A) Subsections (11B) to (11D) apply if a police and crime commissioner is a member or co-opted member of a relevant authority in the commissioner’s capacity as such.
 - (11B) Arrangements put in place under subsection (6)(b) by the relevant authority must include provision for an allegation against the commissioner to be referred to the police and crime panel for the commissioner’s police area.
 - (11C) If, in response to an allegation referred to it by virtue of subsection (11B), the police and crime panel makes a report or recommendation to the police

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and crime commissioner under section 28(6) of the Police Reform and Social Responsibility Act 2011, the panel may also make a report or recommendation on the allegation to the relevant authority.

- (11D) The relevant authority must take any such report or recommendation into account in determining—
- (a) whether the police and crime commissioner has failed to comply with the authority's code of conduct,
 - (b) whether to take action in relation to the commissioner, and
 - (c) what action to take.”