

SCHEDULE

The Hampshire and Isle of Wight Fire and Rescue Authority Combination Scheme

PART 3

Composition and proceedings of the Authority

Duty to appoint members and number of members

6.—(1) Each constituent authority must appoint as members of the Authority such number of members of the constituent authority as determined by the Authority.

(2) In determining the number of members to be appointed by each constituent authority, the Authority must, so far as practicable, ensure that the number of members is proportionate to the number of local government electors in their area in relation to the number of such electors in the areas of each of the other constituent authorities.

(3) On 1st April 2021 there must be 11 members of the Authority.

(4) Thereafter the number of members may be determined by the Authority but must not exceed 25.

(5) Each member of the Authority is appointed in accordance with this Part.

Appointment of a relevant police and crime commissioner as a member of the authority

7.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the authority.

(2) But the Authority may only make such an appointment in response to a request from the relevant police and crime commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

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

Arrangement for another person to attend meetings on behalf of the relevant police and crime commissioner

8.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the 2011 Act, for another person to attend a meeting of the Authority on the relevant police and crime commissioner's behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the relevant police and crime commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Office of Authority members

9. A member of the Authority appointed under paragraph 7 comes into office on the date of their appointment and, subject to paragraphs 11 to 13, holds office for such period or periods as determined by the constituent authority which appoints them.

Appointment of relevant police and crime commissioner as Authority member

10.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 8—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the relevant police and crime commissioner's term of office comes to an end in accordance with section 50(7)(b) of the 2011 Act.

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the relevant police and crime commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

Resignation from the Authority membership

11. A member of the Authority may resign their membership of the Authority by giving notice in writing to the officer of the Authority whose function it is to receive such notice.

Cessation of membership of the Authority

12.—(1) A member of the Authority who ceases to be a member of the constituent authority which appointed that person ceases to be a member of the Authority.

(2) A person is disqualified from being a member of the Authority if they hold any paid office or employment to which sub-paragraph (3) applies.

(3) This sub-paragraph applies to any paid office or employment (other than the office of chair or vice chair of the Authority), appointments to which are or may be made or confirmed by—

- (a) the Authority;
- (b) any committee or sub-committee of the Authority, or
- (c) a joint committee or board on which the Authority are represented.

(4) For the avoidance of doubt any agreed allowance received for the purpose of being a member of the Authority will not cause a member to be disqualified.

Appointment of a replacement member

13. If a member of the Authority appointed by a constituent authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within the last six months of the member's intended term of office, the constituent authority which appointed them is not required to appoint a replacement member for the remainder of the intended term unless—

- (a) on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 6, or
- (b) without such an appointment a meeting of the Authority would not be quorate as a result of the quorum requirements imposed by paragraph 16.

Election of chair or vice-chair

14.—(1) The Authority must elect a chair, and may elect a vice-chair, from among its members.

(2) Subject to paragraphs 11 to 13, the chair and (if elected) the vice-chair hold office for such period or periods, not exceeding one year, as the Authority determines.

(3) Sub-paragraph (2) does not prevent a person who holds or has held office as chair or vice-chair from being elected or re-elected to either of those offices.

(4) On a casual vacancy occurring in the office of chair or, if a vice-chair has been elected, the vice-chair, the Authority must elect from its members a person to replace the chair, and may elect a person to replace the vice-chair.

(5) The election to replace the chair under sub-paragraph (4) must take place not later than the next ordinary meeting of the Authority.

First meeting of the Authority

15. The first meeting of the Authority must be—

- (a) held as soon as is practicable, and
- (b) convened by the clerk to the Hampshire Fire and Rescue Authority.

Quorum requirement of meetings

16. At a meeting of the Authority the quorum is one half of the total number of members of the Authority, or such greater number of members as the Authority may determine, including at least one member by any two of the constituent authorities.

Application of general provisions of the Local Government Act 1972

17. Sections 85(1), (2) and (3), 99 (in so far as it relates to Part 6 of Schedule 12), 101 to 103, 106, 120, 121 and 123 of, and Part 6 of Schedule 12 to, the Local Government Act 1972⁽¹⁾ apply to the Authority and its members as if references in those provisions to a principal council or a local authority were references to the Authority.

(1) 1972 c. 70; section 85 was amended by S.I.2001/2327, S.I.2002/808, S.I.2002/808, S.I. 2008/172, S.I. 2012/1714, S.I. 2012/2913; there are other amending instruments but none is relevant. Section 99 was amended by S.I. 2009/3318; there are other amending instruments but none is relevant. Section 101 was amended by 2001/1517, S.I. 2002/803, S.I.2008/917, S.I.2009/400, S.I.2009/3318, S.I. 2012/1008. Section 102 was amended by S.I.2001/1517, S.I. 2002/803, S.I. 2012/1008; there are other instruments but none are relevant. Section 103 was amended by S.I. 1996/396; there are other amending instruments, but none is relevant, Section 120 was amended by S.I. 2011/3019; there are other amending instruments but none is relevant, Part 6 of Schedule 12 was amended by S.I. 1992/760, S.I. 2011/3019.