

2015 No. 435

FIRE AND RESCUE SERVICES, ENGLAND

**The Dorset and Wiltshire Fire and Rescue Authority
(Combination Scheme) Order 2015**

Made - - - - *2nd March 2015*

Laid before Parliament *4th March 2015*

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by sections 2, 3, 4 and 60(2) of the Fire and Rescue Services Act 2004(a).

It appears to the Secretary of State that in the interests of economy, efficiency and effectiveness there should be a single fire and rescue authority for the combined area of the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority.

This Order is made to give effect to a draft Scheme submitted to the Secretary of State by the existing authorities in question and includes modifications to the draft Scheme which seem appropriate to the Secretary of State after consulting the existing authorities in question.

This Order also revokes the Schemes (“the existing Schemes”) given effect by the Dorset Fire Services (Combination) Scheme Order 1996(b) and the Wiltshire and Swindon Fire Services (Combination Scheme) Order 1996(c).

In accordance with section 4(5) of the Fire and Rescue Services Act 2004, before making the Order the Secretary of State consulted—

- (a) the fire and rescue authorities which appear to him likely to be affected,
- (b) any other authority which would, apart from the Order be a fire and rescue authority under section 1 of that Act and which appears to him likely to be affected,
- (c) any local authority all or part of whose area forms part of the combined area, and
- (d) any other persons he considers appropriate.

(a) 2004 c. 21 (“the 2004 Act”). Section 4 of the 2004 Act applies to a scheme which was made under section 6 of the Fire Services Act 1947 (c. 41) which was in force immediately before the repeal of that section by the 2004 Act. By virtue of section 4(2) of the 2004 Act, a scheme to which section 4 applies continues to have effect despite that repeal. The power of the Secretary of State under section 2 and 4 is, in relation to Wales, exercisable by Welsh Ministers by virtue of section 62 of the 2004 Act and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(b) S.I. 1996/2920 amended by the Local Government Act 2003 (c. 26), Schedule 8.

(c) S.I. 1996/2916 amended by the Local Government Act 2003, Schedule 8.

The Dorset Fire Authority and the Wiltshire and Swindon Fire Authority and any other authority which would apart from the existing Schemes be a fire and rescue authority under section 1 of the Fire and Rescue Services Act 2004, and which would be affected by the revocation of those Schemes, have agreed to the revocation^(a).

Citation and commencement

1.—(1) This Order may be cited as the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 and shall come into force in accordance with paragraphs (2) and (3).

(2) This article, article 2 and the Schedule come into force on 1st April 2015.

(3) Article 3 comes into force on 1st April 2016.

Combination scheme

2. The Scheme set out in the Schedule to this Order has effect.

Revocations

3. The Dorset Fire Services (Combination Scheme) Order 1996 and the Wiltshire and Swindon Fire Services (Combination Scheme) Order 1996 are revoked.

Signed by authority of the Secretary of State for Communities and Local Government

2nd March 2015

Penny Mordaunt
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE

Article 2

The Dorset and Wiltshire Fire and Rescue Authority Combination Scheme

PART 1

Commencement and interpretation

Commencement

1. This Scheme comes into force—

(a) for the purposes of constituting the Dorset and Wiltshire Fire and Rescue Authority as the fire and rescue authority for the combined area constituted by the Scheme solely for the performance by that authority of any functions necessary for bringing the Scheme into full operation on 1st April 2016, on 1st April 2015;

(b) for all other purposes, on 1st April 2016.

Interpretation

2. In this Scheme—

(a) See section 4(7). The Secretary of State is, accordingly, not required to cause an inquiry to be held.

“the Authority” means the fire and rescue authority constituted for the combined area by paragraph 4;

“the combined area” means the fire and rescue authority area comprising the areas referred to in paragraph 3;

“constituent authorities” means Bournemouth Borough Council, Dorset County Council, the Borough of Poole, Swindon Borough Council and Wiltshire Council.

PART 2

General

The combined area

3. The areas of the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority shall be combined and shall become the combined area.

The combined fire and rescue authority

4.—(1) There shall be constituted as the fire and rescue authority for the combined area a body corporate to be known as the Dorset and Wiltshire Fire and Rescue Authority.

(2) The Authority shall be constituted in accordance with the provisions of Part 3 of this Scheme.

Financial provision

5.—(1) The Dorset Fire Authority and the Wiltshire and Swindon Fire Authority (“the existing authorities”) must meet the costs of the Authority incurred for the purposes of bringing the Scheme into full operation on 1st April 2016.

(2) The amount payable by the existing authorities is to be determined by apportioning the costs of the Authority equally between the existing authorities.

PART 3

Composition and proceedings of the combined fire and rescue authority

6.—(1) The Authority shall consist of not more than 30 members.

(2) Each member of the Authority shall be appointed by a constituent authority from its own members in accordance with this Part.

7. Members shall be appointed by the constituent authorities as follows—

<i>Name of constituent authority</i>	<i>Number of members of the Authority</i>
Bournemouth Borough Council	4 members
Dorset County Council	8 members
Borough of Poole	3 members
Swindon Borough Council	5 members
Wiltshire Council	10 members

8. A member of the Authority shall come into office on the date of appointment by their constituent authority and shall, subject to paragraphs 9 to 11, hold office for such period or periods as shall be determined by the constituent authority which appoints the member.

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

resignation shall take effect on the date specified in the notice or, where no date is specified, the date on which the notice is received by that officer.

10. A member of the Authority who ceases to be a member of the constituent authority which appointed that person shall cease to be a member of the Authority.

11. A person shall be disqualified from being a member of the Authority if that person holds any paid office or employment (other than the office of chairman or vice-chairman of the Authority), appointments to which are or may be made or confirmed by the Authority, by any committee or sub-committee of the Authority, or by a joint committee or board on which the Authority are represented.

12.—(1) Subject to sub-paragraph (3), if a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of the period of office for which that member was appointed, the constituent authority which appointed that person shall appoint another one of its members as a replacement member.

(2) A replacement member—

(a) shall come into office on the date of appointment; and

(b) unless the replacement member person resigns, becomes disqualified or otherwise ceases to be a member of the Authority, shall hold office for the remainder of the period for which the replacement member's predecessor would have held office had that person not resigned, become disqualified or otherwise ceased to be a member of the Authority.

(3) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of the person's period of office, the constituent authority which appointed that person shall not be required to appoint a replacement member for the remainder of such period unless sub-paragraph (4) applies.

(4) This sub-paragraph applies where, 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.

13.—(1) The Authority shall elect a chairman, and may elect a vice-chairman, from among the members of the Authority.

(2) If a vice-chairman is elected, that vice-chairman must not be from the same constituent authority as the chairman.

(3) The chairman, and vice-chairman if elected, shall, subject to paragraphs 8 to 11, hold office for such period not exceeding one year as the Authority shall determine and shall remain in office until a successor becomes entitled to act as chairman or vice-chairman, as the case may be.

(4) Sub-paragraph (3) shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.

(5) On a casual vacancy occurring in the office of chairman or vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may elect a person to replace the vice-chairman.

(6) The election of a chairman under sub-paragraph (5) shall take place not later than the next ordinary meeting of the Authority following the occurrence of the casual vacancy.

14. The first meeting of the Authority shall be held as soon as is practicable to do so and shall be convened by the monitoring officer^(a) of Dorset County Council and subsequent meetings shall be convened in such manner as the Authority shall determine.

15. At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine.

(a) See section 5(1)(a) of the Local Government and Housing Act 1989 (c. 42) for provisions on the appointment of monitoring officers.

16. The acts and proceedings of any person appointed as a member of the Authority and acting in that office shall, notwithstanding that person's disqualification or want of qualification, be as valid and effectual as if that person had been qualified.

17. Sections 85(1), (2) and (3), 99 (insofar 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(a) shall 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.

PART 4

Officers and employees of the Authority

18. There shall be transferred to employment by the Authority on 1st April 2016 all of those employees who immediately before that date were employed by the Dorset Fire Authority or by the Wiltshire and Swindon Fire Authority.

19. Sections 114, 115, 116, 117(1) and (2) and 119(1) and (2) of the Local Government Act 1972 shall apply to the officers and employees of the Authority as if references in those provisions to a local authority were references to the Authority.

PART 5

Property, rights and liabilities

20. There shall, on 1st April 2016, be transferred to the Authority from the Dorset Fire Authority and from the Wiltshire and Swindon Fire Authority all property, rights and liabilities held or incurred by them.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a scheme which combines the areas of the Dorset Fire Authority and the Wiltshire and Swindon Fire Authority into a combined fire and rescue area. The Scheme comes into force on 1st April 2015 for the purpose of doing anything which is necessary to bring the Scheme fully into operation on 1st April 2016. The Scheme establishes a fire and rescue authority for the combined area, to be known as the Dorset and Wiltshire Fire and Rescue Authority, and provides for the appointment and terms of office of its members, and for meetings of the Authority. The Scheme also provides for the transfer of staff, and certain property, rights and liabilities, directly from the existing authorities to the new combined authority.

This Order also revokes the Dorset Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2920) and the Wiltshire and Swindon Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2916).

An impact assessment has not been produced for this instrument as no additional cost on the private, public or voluntary sectors is foreseen.

(a) 1972 c. 70. Relevant amendments to section 101 were made by the Local Government Act 1985 (c. 51) section 102 and Schedule 17; the Local Government and Housing Act 1989 (c. 42) sections 45(5) and 194 and Schedule 12; the Planning Act 2008 (c. 29) section 244(1); the Marine and Coastal Access Act 2009 (c. 23) section 321 and Schedule 22; the Localism Act 2011 (c. 20) section 22 and Schedule 3; S.I. 2001/1517 and 2009/1375. Relevant amendments to section 102 were made by the Local Government and Housing Act 1989, section 194(1) and Schedule 11.

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