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STATUTORY INSTRUMENTS

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**2017 No. 863**

**The Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017**

**PART 2**

**Appointment, Suspension and Dismissal of the Chief Fire Officer**

**CHAPTER 3**

**Dismissal**

**Dismissal of the chief fire officer**

**16.** An Authority must comply with articles 17 to 23 in relation to the dismissal of the chief fire officer<sup>(1)</sup>.

**No dismissal until the end of the scrutiny process**

**17.—(1)** An Authority must not dismiss the chief fire officer until the end of the scrutiny process has been reached.

(2) The end of the scrutiny process is reached when the first of the following events occurs—

- (a) the period of six weeks mentioned in article 22(2) has ended without the relevant police and crime panel having given the Authority any recommendation as to whether or not the Authority should dismiss the chief fire officer;
- (b) the Authority notifies the relevant police and crime panel under article 23(2) of the decision whether or not the Authority accepts the panel's recommendation in relation to the proposed dismissal.

**Authority's duty to consult chief fire and rescue inspector for England**

**18.** If an Authority is proposing to dismiss the chief fire officer the Authority must—

- (a) obtain the views of the chief fire and rescue inspector for England<sup>(2)</sup> in writing; and
- (b) have regard to those written views.

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(1) The provisions in Chapter 3 of Part 2 correspond or make similar provision to paragraphs 12 to 19 of Schedule 8 to the Police Reform and Social Responsibility Act 2011 and regulation 11A of [S.I. 2003/527](#).

(2) See section 28(A2) of the Fire and Rescue Services Act 2004.

### **Notification and explanation of proposal to dismiss**

**19.** If, having complied with article 18, the Authority proposes to dismiss the chief fire officer the Authority must —

- (a) give the chief fire officer—
  - (i) a written explanation of the reasons why the Authority is proposing dismissal; and
  - (ii) a copy of the written views of the chief fire and rescue inspector for England obtained by the Authority under article 18;
- (b) give the relevant police and crime panel—
  - (i) written notification that the Authority is proposing to dismiss the chief fire officer;
  - (ii) a copy of the reasons given to the chief fire officer in accordance with subparagraph (a)(i); and
  - (iii) a copy of the written views of the chief fire and rescue inspector for England obtained by the Authority under article 18.

### **Representations from the chief fire officer**

**20.**—(1) The Authority must give the chief fire officer the opportunity to make written representations in response to the Authority’s proposal to dismiss the chief fire officer.

- (2) The Authority must—
  - (a) consider any such written representations; and
  - (b) give the relevant police and crime panel a copy of any such representations as soon as practicable after the Authority is given them.

### **Authority’s response to representations**

**21.**—(1) An Authority must comply with this article if, after complying with article 20, the Authority is still proposing to dismiss the chief fire officer.

- (2) The Authority must notify —
  - (a) the chief fire officer; and
  - (b) the relevant police and crime panel

that it is still proposing to dismiss the chief fire officer.

(3) The Authority must at the time of giving the chief fire officer and the police and crime panel notification of the Authority’s intention under paragraph (2)—

- (a) give the chief fire officer and the panel a written explanation of the reasons why the Authority still proposes to dismiss the chief fire officer;
- (b) give the chief fire and rescue inspector for England a copy of the notification and explanation; and
- (c) unless the person who is for the time being designated as the head of the Authority’s paid service under section 4 of the Local Government and Housing Act 1989<sup>(3)</sup> is also the chief fire officer, give the head of the Authority’s paid service a copy of the notification, the explanation and the written views of the chief fire and rescue inspector for England obtained in accordance with article 18.

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(3) 1989 c. 42. Relevant amendments to section 4 were made by section 6 of, and paragraphs 60, 62(1) and (3) of Schedule 1 to, the Policing and Crime Act 2017.

### **Role of panel**

**22.**—(1) Where the Authority notifies the relevant police and crime panel under article 21 that it is still proposing to dismiss the chief fire officer the panel must make a recommendation to the Authority as to whether or not the Authority should dismiss the chief fire officer.

(2) The recommendation must be given to the Authority in writing before the end of the period of six weeks beginning on the day on which the panel receives the notification under article 21.

(3) In calculating the period of six weeks for the purposes of paragraph (2), any relevant post-election period is to be ignored.

(4) Before making the recommendation the panel—

(a) may consult the chief fire and rescue inspector for England; and

(b) must hold a scrutiny hearing.

(5) In this article “scrutiny hearing” means a meeting of the panel held in private which the Authority and the chief fire officer are both entitled to attend for the purpose of making representations relating to the Authority’s proposal to dismiss the chief fire officer.

(6) The reference in paragraph (5) to attending a meeting of the panel includes participating in the proceedings at the meeting by any means that enable the person to hear, and to be heard in, those proceedings as they happen.

(7) The panel must publish the recommendation made to the Authority under this article.

### **Authority’s response to panel’s recommendation**

**23.**—(1) The Authority must—

(a) consider the relevant police and crime panel’s recommendation under article 22; and

(b) having considered that recommendation may accept or reject it.

(2) The Authority must notify the panel of the decision whether or not to accept the recommendation.