

**EXPLANATORY MEMORANDUM TO**  
**THE HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY**  
**(COMBINATION SCHEME) ORDER 2020**

**2020 No. 186**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by The Home Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This order establishes a scheme for a combined fire and rescue authority for the joint areas of the Hampshire Fire and Rescue Authority (HFRA) and the Isle of Wight Fire and Rescue Authority (IWFRA) and revokes the existing combination scheme orders. The new combined authority is to be known as Hampshire and Isle of Wight Fire and Rescue Authority ('the Authority').

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.  
4.2 The territorial application of this instrument is England.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

- 6.1 Section 1(1) and (2) of the Fire and Rescue Services Act 2004 ('the 2004 Act') sets out which authority is to be the fire and rescue authority for an area in England.  
6.2 Section 2 of the 2004 Act gives the Secretary of State power by order to make a scheme constituting a fire and rescue authority for the combined area of two or more existing fire and rescue authorities. A scheme under section 2 may be made only if it appears to the Secretary of State that, in the interests of economy, efficiency and effectiveness or public safety there should be a single fire and rescue authority for the combined area. A scheme may be made to give effect to a draft scheme submitted by the existing authorities in question or on the Secretary of State's own initiative.

Section 2 includes requirements for consultation and the holding of a public inquiry into the proposals in certain circumstances. The provisions of section 2 are supplemented by section 3.

- 6.3 Section 4(4) of the 2004 Act gives the Secretary of State power to vary or revoke any combination scheme made under similar powers in the Fire Services Act 1947 (which was repealed by the 2004 Act). The power in section 4(4) is being used to revoke the Hampshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2923).

## **7. Policy background**

### *What is being done and why?*

- 7.1 In July 2019 HFRA and the Cabinet of the Isle of Wight Council submitted a business case to the Home Office which contained a formal proposal to create a new single combined fire and rescue authority for the areas of Hampshire, Isle of Wight, Portsmouth and Southampton.
- 7.2 The fire and rescue authorities had completed an options appraisal, following an extensive 12 week public consultation exercise in their respective communities. The three options for the future which were considered were to:
- Return to a separate governance model.
  - Review their existing agreement, Delivering Differently in Partnership (DDiP).
  - Creating a combined fire and rescue authority for the areas of Hampshire, Isle of Wight, Portsmouth and Southampton.
- 7.3 The business case concluded that the best option for both fire and rescue authorities was to pursue the creation of a new combined fire and rescue authority. The reasons given for this were that:
- Without merger and the continued separation of the two authorities there was a significant risk that public safety for the Isle of Wight community could be jeopardised given its financial and operational challenges.
  - Duplication of functions would be removed, a single point for decision making would aid strategic planning and the combined service would benefit from increased shared learning and the use of existing expertise.
  - It would enable a single plan and a single view of risk information and intelligence across the area. Resilience would be enhanced in both services and particularly on the Island.
- 7.4 The business case also concluded that the combination scheme could achieve operational savings of £400,000 per annum (this figure is compared to the current savings it generates under an existing strategic partnership); and that there was clear political will to take the merger forward in both HFRA and IWFRA. y.
- 7.5 Following the merger, and as a result of it, the new authority would need to charge the same amount of money to all residents for fire and rescue services. The original business case approved by each authority assumed for speed and simplicity that council tax would be harmonised at the slightly higher level of the HFRA council tax in year one of the new combined fire authority (CFA).
- 7.6 In simple terms this would mean that residents of the Isle of Wight would be asked to pay an extra 80 pence for their fire and rescue service following the creation of the

Authority. The increase of 80 pence represents a 1.20% increase on the notional council tax for the Isle of Wight Fire and Rescue Service in 2019/20 and an increase of only 0.05% on the current total Band D council tax for the Isle of Wight Council.

- 7.7 This is a marginal increase, compared to the benefits of the Authority, particularly on the Island which will see greater investment in buildings, vehicles and equipment as a result of the combination. In council tax harmonisation terms there would be no financial impact on the residents of Hampshire as a result of this option.
- 7.8 The current robust financial position of the HFRA means that the new Authority is not reliant on additional council tax income in order to remain financially stable in the future. More significant financial risks around pensions and future pay awards are more relevant, but these would be issues that both services would need to deal with in any event.
- 7.9 HFRA and the Cabinet for the Isle of Wight Council presented the Secretary of State with a draft scheme and business case for combination together with a link to the summary of the responses to a public consultation run by the authorities over a 12 week period between August to October 2018.
- 7.10 The majority (53%) of those who responded were in favour of the proposal, with strong support from across Hampshire, Portsmouth and Southampton, and from professionals across the emergency services sector. Most of the responding staff from within the affected fire and rescue services also offered their approval.
- 7.11 In contrast to the view from the mainland, three quarters of Island-based respondents and two thirds of Island-based town and parish councils raised concerns about combining the two fire authorities – with older residents in particular opposing the proposal. Those who disagreed with the proposal raised concerns about local impacts. These included a perceived loss of local representation, accountability and focus on the Island’s needs, as well as paying more tax to support services in other areas. The fire and rescue authorities responded by committing to reassure respondents who were not in favour of the proposed merger – and in particular the residents of the Isle of Wight. Both authorities have confirmed that they are now content for the merger to proceed.
- 7.12 Having carefully reviewed the proposed draft scheme and fire and rescue authority consultation material, the Secretary of State found the authorities proposal to be in the interests of economy, efficiency and effectiveness. The Secretary of State’s decision to approve the proposal was announced on 25 June 2019. Being satisfied that the proposal meets the statutory test in section 2(2) of the 2004 Act the Secretary of State makes an Order creating Hampshire and Isle of Wight Fire and Rescue Authority and abolishing Hampshire Fire and Rescue Authority.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 This order establishes a scheme for a new combined fire and rescue authority for Hampshire and the Isle of Wight, revoking the existing schemes; consequently there is nothing to consolidate.

## **10. Consultation outcome**

- 10.1 A 12 week consultation exercise was undertaken, with oversight by an independent third-party organisation to provide expertise and support. The consultation content was certified by the Consultation Institute.
- 10.2 A total of 311 responses were received with the vast majority being from individuals. A majority (53%) of these were supportive, including a high level of support from those in the emergency services sector.
- 10.3 There were 46 responses from staff within Hampshire Fire and Rescue Service and Isle of Wight Fire and Rescue Service with a majority of these (73%) being supportive.
- 10.4 41% of the total respondents were not in support of the proposal, including a large proportion of those from the Isle of Wight. Concerns included:
- The perceived loss of control;
  - Adverse effects on frontline services;
  - The potential for a loss of local knowledge
- 10.5 Based on the areas highlighted above as concerns, officials at the fire and rescue authorities worked to alleviate any issues through a series of ongoing engagement sessions and regular online media communications with staff and the general public respectively.
- 10.6 They were able to give assurances that the perceived loss of control would in fact become an opportunity for the cabinet member for Community Safety and Public Protection within Isle of Wight Council, to sit as a member of the Authority that had fire specific issues as its only priority, and which was focussed across the whole of its geographical area.

## **11. Guidance**

- 11.1 No guidance will be issued.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 The impact on the public sector is that the combination of the HFRA and the IWFRAs will establish a single combined fire and rescue authority for the areas covering the councils of Hampshire County Council, Isle of Wight Council, Portsmouth City Council and Southampton City Council, with appropriate political representation. The authority will have no more than 25 members.
- 12.3 The Hampshire and Isle of Wight Fire and Rescue Authority will have budget responsibility and be funded through precept and government grant in accordance with the Local Government Finance Act 1992. Council tax will be levied in both Hampshire and the Isle of Wight for the purpose of funding the combined authority. The combined authority will discharge in the combined area the statutory functions set out in the 2004 Act.
- 12.4 Hampshire and the Isle of Wight fire and rescue authority will come into effect for certain purposes on 1 April 2020. This includes creating a shadow authority for the purposes of performing any functions necessary for bringing the scheme into full operation on 1 April 2021.

12.5 An Impact Assessment has not been prepared for this instrument because of the low level of impact on businesses.

**13. Regulating small business**

13.1 The legislation does not apply to activities that are undertaken by small businesses.

**14. Monitoring & review**

14.1 As a locally led merger, it will be for the new fire and rescue authority to monitor and review the delivery of the outcomes identified in the business case. The Home Office will not be directly monitoring or reviewing the combination scheme.

**15. Contact**

15.1 Stuart Harwood at the Home Office Telephone: 02070353356 or email: [stuart.harwood@homeoffice.gov.uk](mailto:stuart.harwood@homeoffice.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Jonny Bugg, Deputy Director for Fire Strategy and Reform, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 James Brokenshire, Minister of State for Security at the Home Office can confirm that this Explanatory Memorandum meets the required standard.