

**EXPLANATORY MEMORANDUM TO  
THE TYNE AND WEAR FIRE AND RESCUE AUTHORITY (INCREASE IN NUMBER  
OF MEMBERS) ORDER 2008**

**2008 No. 566**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 This Order increases from 2 to 3 the number of members which North Tyneside Council may appoint to the Tyne and Wear Fire and Rescue Authority (“the FRA”).
3. **Matters of special interest to the Joint Committee on Statutory Instruments.**
  - 3.1 None.
4. **Legislative Background**
  - 4.1 The FRA is a metropolitan county fire and civil defence authority which is constituted under section 26 of the Local Government Act 1985 (“the 1985 Act”), and is the fire and rescue authority for the metropolitan county of Tyne and Wear, by virtue of section 1(2)(d) of the Fire and Rescue Services Act 2004.
  - 4.2 The membership of the FRA is governed by section 29 of, and Part V of Schedule 10 to, the 1985 Act.
  - 4.3 Section 26(4) of the 1985 Act provides that the councils who are the “constituent councils” of the FRA are the councils of the metropolitan districts comprised in the county.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England only.
6. **European Convention on Human Rights**
  - 6.1 The Secretary of State for Communities and Local Government has made the following statement regarding Human Rights:  
  
In my view the provisions of the Tyne and Wear Fire and Rescue Authority (Increase in Number of Members) Order 2008 are compatible with the Convention rights.
7. **Policy background**

7.1 Population changes in the North Tyneside area have resulted in North Tyneside being under-represented on the FRA in terms of the number of local government electors represented by the Council. This Order, which increases the number of North Tyneside Council's appointees on the FRA from 2 to 3, redresses the balance.

7.2 A consequence of the Order is that the membership of the FRA increases from 15 to 16. The appointing councils and the number of their appointees are now:  
Gateshead, 3;  
Newcastle-upon-Tyne, 4;  
North Tyneside, 3;  
South Tyneside, 2;  
Sunderland, 4.

7.3 The increase in overall membership of the FRA to allow for an additional North Tyneside appointee is uncontroversial and is supported by all the constituent councils of the FRA, as demonstrated by the response to the consultation carried out by the Secretary of State with the constituent councils in October 2007 in accordance with section 29(4) of the Local Government Act 1985.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal, since North Tyneside appointed members to the FRA before this instrument came into force, and the only change is to the number of members appointed.

## **9. Contact**

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