

GREATER MANCHESTER POLICE AND CRIME PANEL

Date: 30 June 2020

Subject: Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020

Report of: Liz Treacy, GMCA Monitoring Officer

PURPOSE OF REPORT

The purpose of this report is to inform the Panel of the implications of the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020.

RECOMMENDATIONS:

1. The Panel is requested to note the report.

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BACKGROUND PAPERS:

- The Police Reform and Social Responsibility Act 2011
- The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017
- The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017
- Draft statutory instrument – the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020

1. INTRODUCTION AND BACKGROUND

- 1.1. The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (the Fire Order) came into force on 8 May 2017, it conferred fire and rescue functions on the GMCA which are exercisable by the Mayor.
- 1.2. The Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 (the Amendment Order) was laid before Parliament on 4 June 2020. The Amendment Order was scheduled for consideration in the House of Lords on 17 June 2020 and the motion passed; debate in the House of Commons has yet to be scheduled at the time of writing this report.
- 1.3. The Amendment Order will come into force the day after it is made.
- 1.4. The Amendment Order will allow the Mayor to make arrangements for fire and rescue functions to be exercised by the Deputy Mayor for Policing and Crime.
- 1.5. The Amendment Order also amends the remit of the Greater Manchester Police and Crime Panel to review or scrutinise decisions made, or other action taken in connection with the discharge of fire and rescue functions:-
 - 1.5.1. by the Greater Manchester Combined Authority
 - 1.5.2. the Mayor
 - 1.5.3. the deputy mayor for policing and crime
 - 1.5.4. any other person in the exercise of fire and rescue functions pursuant to arrangements made under section 107D(3) of the 2009 Act (officer delegations).

2. FIRE AND RESCUE FUNCTIONS

- 2.1. The principal fire and rescue service functions are contained in —
 - 2.1.1. section 6 of the Fire and Rescue Services Act 2004; (fire safety);
 - 2.1.2. section 7 of that Act (fire-fighting);
 - 2.1.3. section 8 of that Act (road traffic accidents);
 - 2.1.4. any order under section 9 of that Act (emergencies) which applies to the GMCA;
 - 2.1.5. section 2 of the Civil Contingencies Act 2004, and
 - 2.1.6. the Regulatory Reform (Fire Safety) Order 2005 (protection)
- 2.2. The “local risk plan” is a document which is prepared and published by the GMCA in accordance with the Fire and Rescue National Framework; and sets out (i) the GMCA’s priorities and objectives; and (ii) an assessment of all foreseeable fire and rescue related risks that could affect its community.

- 2.3. The “fire and rescue declaration” is a document which is prepared and published by the GMCA in accordance with the Fire and Rescue National Framework; and contains a statement of the way in which the GMCA has had regard to the Framework and to the local risk plan i.e. an annual assurance statement.
- 2.4. The Fire Order requires the Mayor to exercise certain functions personally which are –
- 2.4.1. The power to enter into arrangements under sections 13, 15 and 16 of the Fire and Rescue Services Act 2004 (reinforcement schemes etc)
 - 2.4.2. Appointing, suspending or dismissing the Chief Fire Officer; approving the terms of appointment of the Chief Fire Officer; and holding the Chief Fire Officer to account for managing the Fire and Rescue service
 - 2.4.3. Approving the local risk plan
 - 2.4.4. Approving the fire and rescue declaration
 - 2.4.5. Approving Business Continuity Management plans
 - 2.4.6. Approving any arrangements with Category 1 and Category 2 under the Civil Contingencies Act 2004.
- 2.5. In addition, the functions in relation to the setting of the GMCA budget for the Mayor’s general functions (including Fire), as provided for in the Combined Authorities (Finance) Order 2017 cannot be delegated.

3. GREATER MANCHESTER POLICE AND CRIME PANEL (GMPCP/the Panel)

- 3.1. GMPCP is a joint committee of the 10 districts. Membership of the GMPCP comprises of 10 elected backbench members of the 10 constituent councils and 2 mandatory co-opted members.
- 3.2. The arrangements have been reviewed in anticipation of the Amendment Order coming into force. No significant revisions are required as a result of the Amendment Order.
- 3.3. The Panel will be renamed the Greater Manchester Police Fire and Crime Panel.
- 3.4. The Police Reform and Social Responsibility Act 2011 imposes an objective on the districts and the Panel such that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions. A footnote is added to reference the need to include “fire and rescue expertise”.

3.5. A report on revisions to the Panel Arrangements is to be considered by AGMA Executive on 26 June 2020 and will be referred to the constituent councils for approval.

3.6. The new panel arrangements will be reported to the Panel at its next meeting.

4. FIRE AND RESCUE OVERVIEW FUNCTIONS OF THE PANEL

4.1. In addition to the general review and scrutiny of decisions referred to in paragraph 1.5 above, the Panel has the following specific functions.

4.2. Scrutiny of the local risk plan

4.2.1. The Panel is a statutory consultee on the development of the priorities and objectives of the local risk plan, or a variation of them. The Panel must be given a reasonable amount of time to consider the draft priorities and objectives, or draft variation, and to produce its report or recommendations.

4.2.2. The Mayor must have regard to any report or recommendations made by the Panel in relation to the draft priorities and objectives, or the draft variation of them.

4.2.3. The Mayor must give the Panel a response to any such report or recommendations, and publish the response.

4.3. Scrutiny of the Fire and Rescue Declaration

4.3.1. The Mayor must produce annually the fire and rescue declaration, about the exercise of fire and rescue functions and the progress made in meeting the priorities and objectives in the local risk plan.

4.3.2. The declaration must be sent to the Panel for consideration. The Panel must arrange a public meeting of the Panel and require the Mayor to attend the meeting to present the fire and rescue declaration and answer questions about it. The Panel must review the declaration and make a report or recommendations to the Mayor.

4.4. Scrutiny of the Proposed Allocation of Budget

4.4.1. The Mayor must, in each financial year, notify the Panel of the Mayor's proposed allocation of the draft budget for fire and rescue functions for the following financial year. The Panel must be notified before the GMCA determines whether to approve the Mayor's annual budget for that year, and the Panel must have a reasonable amount of time to complete its review before the GMCA makes its determination.

4.4.2. The Panel must review any proposed allocation of budget and must make a report to the Mayor. The Mayor must have regard to the report and to any recommendations made in it; and provide the Police, Fire and Crime Panel with a response to the report and any recommendations.

4.5. Scrutiny of the Appointment of the Chief Fire Officer

- 4.5.1. The Mayor must notify the Panel of any proposed appointment of a chief fire officer.
- 4.5.2. The Mayor must also notify the Panel of –
 - 4.5.2.1. the name of the person whom the Mayor is proposing to appoint (“the candidate”);
 - 4.5.2.2. the criteria used to assess the suitability of the candidate for the appointment;
 - 4.5.2.3. why the candidate satisfies those criteria; and
 - 4.5.2.4. the terms and conditions on which the candidate is to be appointed.
- 4.5.3. The panel must review the proposed appointment and make a report to the Mayor on the proposed appointment. The panel must hold a confirmation hearing before making a report to the Mayor in relation to a proposed appointment, before making a recommendation or before vetoing an appointment.
- 4.5.4. A decision to veto an appointment requires the vote in support of at least two-thirds of the members of the Panel.
- 4.5.5. In the event of the veto of an appointment of a Chief Fire Officer, the Mayor must propose a reserve candidate. A similar process is to be followed save that the Panel cannot exercise a right of veto for a second time.

4.6. Scrutiny of Suspension and Dismissal of the Chief Fire Officer

- 4.6.1. The Mayor must notify the Panel of the suspension of a Chief Fire Officer.
 - 4.6.2. The Mayor must not dismiss a Chief Fire Officer until the end of a statutory scrutiny process has been reached.
 - 4.6.3. The end of the scrutiny process is reached when either –
 - 4.6.3.1. a period of six weeks has ended without the Panel having given the Mayor any recommendation as to whether or not the Mayor should dismiss the chief fire officer; or
 - 4.6.3.2. the Mayor notifies the Panel whether or not the Mayor accepts the Panel's recommendation in relation to the proposed dismissal.
- 4.7. The Panel must be provided with –
- 4.7.1. the views of the chief fire and rescue inspector for England in writing;
 - 4.7.2. a copy of the reasons given to the Chief Fire Officer by the Mayor; and
 - 4.7.3. a copy of any representations from the Chief Fire Officer

5. THE PANEL'S PROCEDURE RULES

- 5.1. The Panel's procedure rules will require revision once the Amendment Order comes into force. New procedure rules will be presented to the Panel for consideration and approval at its next meeting.

6. RECOMMENDATIONS

- 6.1. Recommendations appear at the front of this report.