

Greater Manchester Police and Crime Panel

Date: 31st January 2019

Subject: Fire scrutiny responsibilities – Statutory order progress update

Report of: Beverley Hughes, Deputy Mayor, Policing and Crime

PURPOSE OF REPORT:

The purpose of the report is to update the Panel on current progress regarding the Fire Order, which will enable statutory responsibilities relating to Fire, to be included within the responsibilities of the Greater Manchester Police and Crime Panel.

RECOMMENDATIONS:

The Police and Crime Panel is asked:

- To note the progress made in relation to the Statutory order

To agree to receive a further report outlining reporting arrangements as further information becomes available

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BACKGROUND

- 1.1. On 9 May 2017, the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (the Fire Order) came into force. It was made under the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) and its effect was to transfer the functions for fire and rescue for the Greater Manchester area to the GMCA; the functions are exercisable by the Mayor.
- 1.2. On the same day, the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (the PCC Order) came into force. A police and crime commissioner has statutory power to appoint a deputy police and crime commissioner. Under combined authority arrangements, the role is known as “deputy mayor for policing and crime”. The Mayor appointed the deputy mayor for policing and crime and conferred police and crime functions.
- 1.3. The Fire Order requires the Mayor to exercise certain functions personally. These functions are:
 - 1.3.1. The power to enter into arrangements under sections 13, 15 and 16 of the Fire and Rescue Services Act 2004 (reinforcement schemes etc)
 - 1.3.2. Appointing, or dismissing, the person responsible for managing the Fire and Rescue service ie 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.
 - 1.3.3. Approving the local risk plan – IRMP
 - 1.3.4. Approving the fire and rescue declaration – Annual Assurance Statement
 - 1.3.5. Approving Business Continuity Management plans
 - 1.3.6. Approving any arrangements with Category 1 and Category 2 under the Civil Contingencies Act 2004
- 1.4. 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.
- 1.5. Save for those non-delegable functions, the 2009 Act allows the Mayor to delegate functions to the GMCA Deputy Mayor, any other member of the GMCA i.e. leaders or any officer of the GMCA. The Act also enables the Secretary of State to provide in a Fire Order for the Mayor to delegate functions to the Deputy Mayor for policing and crime, or to a committee (the Fire Committee).
- 1.6. The Fire Order, as agreed by the CA and Districts, enabled the Mayor to delegate functions to a Fire Committee of up to 15 local authority members. In

2017/18 the Mayor appointed a Fire Committee of 15 members, which had, terms of reference that were advisory in nature. The terms of the Fire Order do not provide for delegation of fire and rescue functions to the Deputy Mayor for policing and crime. The Mayor determined that the Fire Committee should have no delegated functions but simply an advisory role.

2.0. AGREED APPROACH

- 2.1. It was agreed at the Combined Authority meeting in April 2018, that steps be taken to allow the Fire functions of the Mayor be delegated to the Deputy Mayor for police and crime. This would also involve extending the remit and renaming the police and crime panel to include fire.
- 2.2. It was agreed that the most appropriate route would be to request the Secretary of State to amend the Fire Order to enable the Mayor to delegate fire and rescue functions to the deputy mayor for policing and crime and that the Secretary of State also provide for the police and crime panel to have oversight of all of those functions.

3.0. PROGRESS ON AMENDMENTS TO THE STATUTORY INSTRUMENT (SI)

- 3.1. Following the GMCA's governance review in April 2018 referred to paragraph 2.1 above, the Monitoring Officer has been in discussions with Ministry for Housing Communities and Local Government (MHCLG) and the Home Office about the amendments required to the statutory orders to give effect to both the fire elements and the transport elements of the governance review.
- 3.2. The timelines that Ministry for Housing Communities and Local Government (MHCLG) have been working to for the amendments to the statutory instrument have not been sufficient for the fire provisions to be included. Due to other competing priorities, the earliest that MHCLG can lay an SI would likely be at least Spring 2019, although discussions are continually taking place to see if any earlier opportunities arise.
- 3.3. In terms of the scrutiny elements of the SI, there will be several areas that will need further discussion and clarification, these are set out below:
 - 3.3.1. Scrutiny of the operational Integrated Risk Management Plan, contained locally within the 'local risk plan'
 - 3.3.2. The panel's scrutiny role regarding complaints against a PCC (or in this case Mayor/Dep Mayor exercising fire functions) does not inadvertently capture all fire and rescue staff
 - 3.3.3. Fire Budget scrutiny.
- 3.4. MHCLG do acknowledge the new model being developed in Manchester and will work with us to ensure the correct legislative elements are captured and applied. To this end, MHCLG have committed to continue those discussions

with officials and lawyers, and will feedback as the legislative options and impacts are explored.

4.0. **PREPARATION AND TRAINING**

4.1. In preparation for the inclusion of fire in the responsibilities, it was agreed that members of the panel would benefit from the development of some initial training with the aim of gaining a better understanding in the context of:

4.1.1. The GMFRS' role relating statutory responsibilities and their day-to-day work

4.1.2. The use of the training facility for prevention activities, workforce CPD and wider outreach work

4.1.3. The resource and logistical challenges faced by the service

4.2. The detail of the proposed programme is attached at **APPENDIX 1** and will cover:

4.2.1. Introduction to the Greater Manchester Fire and Rescue Service (GMFRS)

4.2.2. Overview of key responsibilities

4.2.3. Resources and HMICFRS Inspection

4.3. The session will also include an opportunity to suggest further training for ongoing development

5.0. **RECOMMENDATIONS**

5.1. Appear on the front page of the briefing.

APPENDIX 1

Proposed initial training programme	
Arrival	GMFRS colleague
Welcome and housekeeping Introduction to GMFRS <ul style="list-style-type: none"> • Statutory remit of GMFRS • What the training centre is used for and why it is important as a community and educational asset. • Training opportunities presented for new recruits and CPD for existing staff members. • Usage statistics for service training and educational resource 	Senior leadership team representative
Overview of key responsibilities, bringing the performance report to life <ul style="list-style-type: none"> • GMFRS day in the life video • Impact of fire in a domestic setting – prevention work 	Prevention representative
Resources and HMICFRS Inspection <ul style="list-style-type: none"> • Resource deployment – illustration of distribution of fire appliances and personnel and relation to NW fire control 	Senior leadership team representative
Feedback and discussion	All
Refreshments	GMFRS