Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2020 No. 0000

LOCAL GOVERNMENT, ENGLAND

FIRE AND RESCUE SERVICES, ENGLAND

POLICE, ENGLAND

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

Made - - - -	*2020*
Coming into force - -	*9th May 2020*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 107D(3)(c)(i), (5), and (7)(a) and (c), 114(1) and (3), and 117(5) of, and paragraph 5 of Schedule 5C to, the Local Democracy, Economic Development and Construction Act 2009(**a**) ("the LDEDC Act 2009").

In accordance with section 107D(9) of the LDEDC Act 2009 the Greater Manchester Combined Authority(**b**), the mayor of that Combined Authority, and the district councils whose areas are comprised in the area of that Combined Authority, have consented to the making of this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the LDEDC Act 2009.

Citation and commencement

1. This Order may be cited as the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 and comes into force on 9th May 2020.

(**a**) 2009 c. 20. Section 107D of the Local Democracy, Economic Development and Construction Act 2009 ("the LDEDC Act 2009") was inserted by section 4 of the Cities and Local Government Devolution Act 2016 (c. 1) ("the CLGD Act 2016") and amended by section 8(3) of the Policing and Crime Act 2017 (c. 3); section 114 was amended by paragraph 26 of Schedule 5 to the CLGD Act 2016; section 117(5) was inserted by paragraph 29 of Schedule 5 to the CLGD Act 2016; and Schedule 5C was inserted by Schedule 2 to the CLGD Act 2016. Schedule 5C of the LDEDC Act 2009 applies where an order is made under section 107F(1) of that Act providing for a mayor to exercise functions of a police and crime commissioner: as to which see the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 (S.I. 2016/448) which created the position of mayor for the Greater Manchester Combined Authority ("the GMCA") and provided for the mayor to exercise functions of a police and crime commissioner.

(**b**) The GMCA was established by the Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), to which there are amendments not relevant to this instrument.

Amendment of the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017

2. The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017(**a**) is amended as set out in articles 3 to 10.

Amendment of article 2

3. In article 2 (interpretation)—

(a) after the definition of "the LDEDC Act 2009" insert—

""the PRSR Act 2011" means the Police Reform and Social Responsibility Act 2011(**b**);";

(b) after the definition of "the Area" insert—

""the chief fire officer" means the person with responsibility for managing the fire and rescue service;";

(c) after the definition of "constituent councils" insert—

""the deputy mayor for policing and crime" means the deputy mayor for policing and crime for the Area(**c**);

"financial year" means a period of 12 months beginning with 1st April;";

(d) at the end insert—

";

"the Police, Fire and Crime Panel" means the police and crime panel for the Area(**d**);

"proposed allocation of budget" has the meaning given in article 5C(1)".

Amendment of article 5

4. In article 5 (arrangements for exercise of fire and rescue functions), after paragraph (1) insert—

"(1A) The Mayor may arrange under section 107D(3) of the LDEDC Act 2009 for the deputy mayor for policing and crime to exercise fire and rescue functions other than any of the functions to which article 6 applies.

(1B) Where the Mayor makes arrangements described in paragraph (1A), the deputy mayor for policing and crime may, for the purposes of the exercise of fire and rescue functions, do anything that the GMCA may do under section 113A of the LDEDC Act 2009.

(1C) The Mayor may not make arrangements described in paragraph (1A), and arrangements described in paragraph (2), to have effect concurrently.".

Insertion of articles 5A to 5D

5. After article 5 insert—

(**a**) S.I. 2017/469.

(**b**) 2011 c. 13.

(**c**) The deputy mayor for policing and crime for the GMCA is appointed pursuant to section 18 of the Police Reform and Social Responsibility Act 2011 ("the PRSR Act 2011"). Paragraph 21 of Schedule 1 to the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), made pursuant to paragraph 3(1) of Schedule 5C to the LDEDC Act 2009, modifies the application of section 18 of the PRSR Act 2011 to enable the mayor of the GMCA to appoint a deputy mayor for policing and crime. (The deputy mayor for policing and crime is to be distinguished from the deputy mayor for a mayoral combined authority required to be appointed by section 107C(1) of the LDEDC Act 2009.)

(**d**) See paragraph 5(4) of Schedule 5C to the LDEDC Act 2009 for the meaning of "police and crime panel". By virtue of modifications to section 28 of the PRSR Act 2011 made by this instrument, the police and crime panel for the GMCA is to be known as "the Police, Fire and Crime Panel".

"Police, Fire and Crime Panel: oversight functions in relation to fire and rescue functions

5A.—(1) The Police, Fire and Crime Panel has oversight functions(**a**) in relation to—

(a) any fire and rescue functions of the Mayor that are exercisable by the deputy mayor for policing and crime as a result of arrangements described in article 5(1A); and

(b) fire and rescue functions exercisable by the Mayor,

as set out in articles 5B to 5D, and by virtue of Schedule 1.

(2) The modifications of enactments set out in Schedule 1 have effect for the purposes of the application of those enactments to the GMCA as fire and rescue authority.

Police, Fire and Crime Panel: scrutiny of the local risk plan

5B.—(1) Before issuing a local risk plan or varying the GMCA's priorities and objectives set out in a local risk plan, the Mayor must—

(a) consult the chief fire officer in preparing the draft plan, or the draft variation;

(b) send the draft priorities and objectives, or the draft variation of the priorities and objectives, to the Police, Fire and Crime Panel;

(c) have regard to any report or recommendations made by the Police, Fire and Crime Panel in relation to the draft priorities and objectives, or the draft variation of the priorities and objectives, in accordance with section 28(3) of the PRSR Act 2011 (**b**); and

(d) as soon as reasonably practicable, give the Police, Fire and Crime Panel a response to any such report or recommendations, and publish the response in such manner as the Mayor considers appropriate.

(2) In complying with paragraph (1)(b), the Mayor must ensure that the Police, Fire and Crime Panel has a reasonable amount of time to consider the draft priorities and objectives, or the draft variation of the priorities and objectives, and to produce its report or recommendations.

(3) The Mayor must consult the chief fire officer before issuing or varying a local risk plan if, and to the extent that, the priorities and objectives in the plan or variation are different from the draft prepared in accordance with paragraph (1).

(4) The Mayor must keep the priorities and objectives in the local risk plan under review and, in particular, review them in the light of any report or recommendations made to the Mayor by the Police, Fire and Crime Panel under section 28(4) of the PRSR Act 2011.

(5) If the Mayor issues or varies a local risk plan, the Mayor must—

(a) send a copy of the issued local risk plan, or the variation, to the chief fire officer; and

(b) publish a copy of the issued plan, or the variation, in such manner as the Mayor considers appropriate.

(6) The duty under paragraph (5) to send or publish a copy of the variation may instead be satisfied by sending or publishing a copy of the plan as varied.

(7) In this article "priorities and objectives" means the GMCA's priorities and objectives in connection with the discharge of the GMCA's functions as a fire and rescue authority, as required to be set out in the local risk plan.

(**a**) See paragraph 5(4) of Schedule 5C to the LDEDC Act 2009 for the meaning of "oversight functions".
(**b**) Section 28 is modified by this instrument.

Mayor to notify Police, Fire and Crime Panel of proposed allocation of budget for fire and rescue functions

5C.—(1) The Mayor must, in each financial year, notify the Police, Fire and Crime Panel of the Mayor's proposed allocation of the draft budget for fire and rescue functions in relation to the following financial year ("proposed allocation of budget").

(2) The notification described in paragraph (1) must be given before the date on which the GMCA determines whether to approve the Mayor's annual budget in relation to the following financial year, and the Police, Fire and Crime Panel must have a reasonable amount of time to review the proposed allocation of budget before the GMCA makes its determination.

Police, Fire and Crime Panel to review proposed allocation of budget for fire and rescue functions

5D.—(1) The Police, Fire and Crime Panel must review any proposed allocation of budget notified to it under article 5C.

(2) The Police, Fire and Crime Panel must make a report to the Mayor in relation to the proposed allocation of budget.

(3) Where the Police, Fire and Crime Panel makes a report described in paragraph (2), the Mayor must—

(a) have regard to the report and to any recommendations made in it;

(b) provide the Police, Fire and Crime Panel with a response to the report and any recommendations made in it; and

(c) publish the response in such manner as is required by the Police, Fire and Crime Panel.".

Amendment of article 6

6. In article 6 (fire and rescue functions excluded from the power to make arrangements)—

(a) for paragraph (3)(a) substitute—

"(a) appointing, suspending, or dismissing, the chief fire officer;",

(b) in paragraph (3)(b) and (c), for "that person" in both places it appears substitute "the chief fire officer".

Amendment of the heading to article 14

7. For the heading to article 14 substitute "Schedule 2".

Amendment of article 14

8. In article 14 for "The Schedule" substitute "Schedule 2".

Insertion of Schedule 1

9. Before Schedule 2 (as renumbered), insert—

"SCHEDULE 1

Article 5A

Modification of enactments in their application to the GMCA as fire and rescue authority: oversight functions of the Police, Fire and Crime Panel

PART 1

Primary legislation

Local Government Finance Act 1988

1.—(1) The Local Government Finance Act 1988(**a**) is modified as follows.

(2) Section 114(**b**) (functions of responsible officer as regards reports) applies, in any case where the report prepared under subsection (2) or (3) of that section relates to the fire and rescue functions of the GMCA, as if subsection (4) included a requirement to provide a copy of the report to each member of the Police, Fire and Crime Panel.

(3) Section 115(**c**) (authority's duties as regards reports) applies, in any case where a report prepared by the Mayor of the GMCA under subsection (1E) of that section relates to the fire and rescue functions of the GMCA, as if it included a requirement to provide a copy of the report to each member of the Police, Fire and Crime Panel.

Local Government and Housing Act 1989

2.—(1) The Local Government and Housing Act 1989 is modified as follows.

(2) Section 4(**d**) (designation and reports of head of paid service) applies, in any case where the report prepared under subsection (2) of that section relates to the fire and rescue functions of the GMCA, as if subsection (4) included a requirement to provide a copy of the report to the Police, Fire and Crime Panel.

(3) Section 5(**e**) (designation and reports of monitoring officer) applies, in any case where the report prepared under that section relates to the fire and rescue functions of the GMCA, as if subsection (3)(b) included a requirement to provide a copy of the report to the Police, Fire and Crime Panel.

(**a**) 1988 c. 41.

(**b**) Section 114 was amended by paragraph 66 of Schedule 5 to the Local Government and Housing Act 1989 (c.42), by paragraph 34 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), by section 130 of the Greater London Authority Act 1999 (c. 29), by Part 5 of Schedule 7 to the Criminal Justice and Police Act 2001 (c. 16), by paragraph 188 of Schedule 16 to the PRSR Act 2011, by paragraph 1 of Schedule 25 to the Localism Act 2011 (c. 20), and by S.I. 2002/808 and 2018/226.

(**c**) Section 115 was amended by section 131 of the Greater London Authority Act 1999, by section 30 of the Local Government Act 2003 (c. 26), by paragraph 189 of Schedule 16 to the PRSR Act 2011, by paragraph 2 of Schedule 20 and paragraph 1 of Schedule 25 to the Localism Act 2011, and by S.I. 2018/226.

(**d**) Section 4 was amended by paragraph 161(3) of Schedule 13, and Schedule 14, to the Local Government etc. (Scotland) Act 1994 (c. 39), by paragraph 201 of Schedule 16 to the PRSR Act 2011, by paragraph 12(2) of Schedule 5 to the CLGD Act 2016, by paragraph 62(2) of Schedule 1, and paragraph 87(2) of Schedule 2, to the Policing and Crime Act 2017, and by S.I. 1995/789.

(**e**) Section 5 was amended by paragraph 35(b) and (c) of Schedule 4 to the Police and Magistrates' Courts Act 1994; by Schedule 14 of the Local Government etc. (Scotland) Act 1994; by section 132(2) of the Greater London Authority Act 1999 (c. 29); by paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22); by section 113(3) of the Local Government Act 2003; by paragraph 24 of Schedule 6 to the Public Services Ombudsman (Wales) Act 2005 (c. 10); by paragraph 14 of Schedule 12 and paragraph 1 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c. 28); by paragraph 13 of Schedule 14, and paragraph 1 of Schedule 22(4), to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 202 of Schedule 16 to the PRSR Act 2011; by section 95(2) of the Local Government (Wales) Measure 2011 (c. 04); by paragraph 63 of Schedule 1, and paragraph 88 of Schedule 2, to the Policing and Crime Act 2017; by paragraph 11 of Schedule 5 to the Public Services Ombudsman (Wales) Act 2019 (anaw. 3); and by S.I. 2001/2237 and 2002/808.

Fire and Rescue Services Act 2004

3. Section 28 (inspectors) of the FRS Act 2004(**a**) applies as if for subsections (A6) to (A8) there were substituted—

"(A6) When carrying out an inspection under subsection (A3) of the Greater Manchester Combined Authority as fire and rescue authority, an English inspector must not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.

(A7) For the purposes of subsection (A6), the following are excluded functions—

(a) the function of preparing the priorities and objectives of the local risk plan and the fire and rescue declaration;

(b) the function of allocating budget for fire and rescue functions;

(c) any function specified in article 26 of the Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017(**b**).

(A8) In subsection (A7), "local risk plan" has the meaning given in article 2 of the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017.".

Local Democracy, Economic Development and Construction Act 2009

4. Paragraph 1(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009(**c**) applies as if, at the end of each of paragraphs (a) and (b), there were inserted "other than fire and rescue functions of the Greater Manchester Combined Authority in respect of which the police and crime panel has oversight functions".

Police Reform and Social Responsibility Act 2011

5.—(1) The PRSR Act 2011 is modified as follows.

(2) Section 12(2) to (5) (annual reports) applies as if—

(a) references to an elected local policing body in subsections (2) and (4) were references to the GMCA as fire and rescue authority;

(b) the reference to the elected local policing body in subsection (3) were to the Mayor;

(c) references to an annual report were to a fire and rescue declaration;

(d) reference to the relevant police and crime panel (within the meaning of that Act) were to the Police, Fire and Crime Panel.

(3) Section 13 (information for police and crime panels) applies as if—

(a) references to an elected local policing body were to the GMCA as fire and rescue authority;

(b) references to the relevant police and crime panel (within the meaning of that Act) were to the Police, Fire and Crime Panel.

(4) Section 17(2), (3) and (4) (duties when carrying out functions) applies as if—

(a) in subsection (2)—

(i) the reference to an elected local policing body were to the GMCA as fire and rescue authority;

(**a**) 2004 c. 21. Section 28 was amended by section 11 of the Policing and Crime Act 2017 which inserted subsections (A1) to (A9), and also inserted sections 28A and 28B.

(**b**) S.I. 2017/863.

(**c**) Schedule 5A was inserted by Schedule 3 to the CLGD Act 2016.

(ii) the reference to the relevant police and crime panel (within the meaning of that Act) were to the Police, Fire and Crime Panel;

(iii) the reference to any report or recommendations made by the panel on the annual report for the previous financial year were to any report or recommendations made by the Police, Fire and Crime Panel for the previous financial year with respect to the fire and rescue declaration;

(b) in subsection (3) and (4), references to an elected local policing body were to the GMCA as fire and rescue authority.

(5) Section 28(**a**) (police and crime panels outside London) applies as if—

(a) subsection (1) were omitted;

(b) references to—

(i) a police and crime panel (within the meaning of that Act);

(ii) a police and crime panel for a police area; or

(iii) the police and crime panel for a police area in England,

were to the Police, Fire and Crime Panel;

(c) after subsection (1), there were inserted—

"(1C) Subsection (1D) applies if the person who is the mayor for a police area also exercises for that area—

(a) the functions of a police and crime commissioner, and

(b) fire and rescue functions.

(1D) The police and crime panel for the police area is to be known as "the Police, Fire and Crime Panel".";

(d) in subsection (2), the reference to the functions of the police and crime commissioner for that police area were to the fire and rescue functions of the GMCA;

(e) for subsection (3) there were substituted—

"(3) The Police, Fire and Crime Panel must—

(a) review any draft priorities and objectives, or the draft variation of the priorities and objectives, given to the panel by the Mayor in accordance with article 5B of the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017, and

(b) make a report or recommendations to the Mayor on the draft priorities and objectives, or the draft variation of the priorities and objectives.

(3A) For the purposes of subsection (3)—

(a) "priorities and objectives" means the Greater Manchester Combined Authority's priorities and objectives in connection with the discharge of that authority's functions as a fire and rescue authority, as required to be set out in that authority's local risk plan, and

(b) "local risk plan" has the meaning given in article 2 of the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017.";

(f) in subsection (4)—

(i) references to an annual report were to a fire and rescue declaration;

(ii) references to the police and crime commissioner were to the Mayor;

(g) subsection (5) were omitted;

(**a**) Section 28 was amended by paragraph 89 of Schedule 1 to the Policing and Crime Act 2017 which inserted subsections (1A) and (1B); but those subsections do not apply in relation to the mayor of the GMCA by virtue of the modifications made by paragraph 23 of Schedule 1 to S.I. 2017/470.

(h) in subsection (6)—

(i) for paragraph (a) there were substituted

"(a) review or scrutinise decisions made, or other action taken, by the Greater Manchester Combined Authority, the Mayor or the deputy mayor for policing and crime of the Greater Manchester Combined Authority, or any other person in the exercise of fire and rescue functions pursuant to arrangements made under section 107D(3) of the Act in connection with the discharge of those fire and rescue functions,";

(ii) in paragraph (b), references to the relevant police and crime commissioner were to whichever of the Greater Manchester Combined Authority, the Mayor, and the deputy mayor for policing and crime of the Greater Manchester Combined Authority exercises fire and rescue functions;

(iii) in the words following paragraph (b), "or by Schedule 1, 5 or 8" were omitted;

(i) in subsection (7), references to the relevant police and crime commissioner were to whichever of the Greater Manchester Combined Authority, the Mayor, and the deputy mayor for policing and crime exercises fire and rescue functions;

(j) in subsection (8), reference to the police area were to the Area;

(k) subsection (10) were omitted.

(6) Section 29(**a**) (power to require attendance and information) applies as if the modifications made by paragraph 24 of Schedule 1 to the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 did not apply, and as if—

(a) for subsection (1) there were substituted—

"(1) The Police, Fire and Crime Panel of the Greater Manchester Combined Authority ("the GMCA") may require the following to attend before it (at reasonable notice) to answer any question which appears to the Police, Fire and Crime Panel to be necessary in order for it to carry out its oversight functions—

(a) the Mayor of the GMCA,

(b) the deputy mayor for policing and crime for the GMCA,

(c) staff of the GMCA deployed wholly or partly in relation to the GMCA's fire and rescue functions,

(d) any member of the GMCA who exercises fire and rescue functions by virtue of arrangements made under section 107D(3) of the Local Democracy, Economic Development and Construction Act 2009.";

(b) for subsection (2) there were substituted—

"(2) Nothing in subsection (1) requires a person mentioned paragraphs (a) to (d) of that subsection to give any evidence, or produce any document, which discloses advice given by them to any other person mentioned in paragraphs (a), (b) or (d).";

(c) in subsection (3)—

(i) references to a police and crime panel (within the meaning of that Act) were to the Police, Fire and Crime Panel;

(ii) references to the relevant police and crime commissioner were to the Mayor;

(d) for subsections (4) and (5) there were substituted—

"(4) A person mentioned in paragraph (a), (b), (c) or (d) of subsection (1) must comply with any requirement imposed on them in accordance with subsection (1) or (3).";

(**a**) The application of section 29(1), (2), (5) and (6) in relation to the Mayor of the GMCA is modified by paragraph 24 of Schedule 1 to S.I. 2017/470.

(e) in subsection (6)—

(i) references to a police and crime panel were to the Police, Fire and Crime Panel;

(ii) reference to the relevant police and crime commissioner were to the Mayor or the deputy mayor for policing and crime;

(iii) reference to the relevant chief constable were to the chief fire officer for the Area.

(7) In Schedule 1, paragraph 9(**a**) (scrutiny of senior appointments) applies as if the modification made by paragraph 32(e) of Schedule 1 to the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 did not apply, and as if—

(a) references to the police and crime commissioner were to the Mayor;

(b) references to the police and crime panel, or to the relevant police and crime panel, were to the Police, Fire and Crime Panel;

(c) the reference to criteria in sub-paragraph (2)(b) included criteria relevant to the exercise, by the candidate, of fire and rescue functions.

(8) In Schedule 6—

(a) paragraph 4(6) (membership and status)(**b**) applies as if the reference to functions included functions conferred by, or by virtue of, this Order;

(b) paragraph 27 (special functions) applies as if the special functions mentioned in sub-paragraph (2) of that paragraph included the following functions conferred on the Police, Fire and Crime Panel by, or by virtue of, this Order—

(i) scrutiny of the priorities and objectives of the local risk plan;

(ii) scrutiny of the fire and rescue declaration;

(iii) scrutiny of the allocation of budget;

(iv) scrutiny of the appointment of a chief fire officer;

(c) in paragraph 32A(**c**) (duty to produce panel with fire and rescue expertise), sub-paragraphs (2) to (4) apply in relation to the Police, Fire and Crime Panel.

PART 2

Secondary legislation

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

6.—(1) Articles 3 to 23 of the Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 apply as if—

(a) references to "the Authority", other than the reference in article 21(3)(c), were to the Mayor in the exercise of the fire and rescue functions;

(b) references to the police and crime panel (within the meaning of that Order) were to the Police, Fire and Crime Panel;

(**a**) The application of paragraph 9 is modified in relation to the GMCA by paragraph 32 of Schedule 1 to S.I. 2017/470.

(**b**) And see also the modifications of paragraphs 21 and 22 of that Schedule in their application to the GMCA made by Schedule 1 to S.I. 2017/470.

(**c**) Paragraph 32A was inserted by paragraph 92(5) of Schedule 1 to the Policing and Crime Act 2017.

(c) in article 6(8) (panel to review and report on proposed appointment of chief fire officer)—

(i) in sub-paragraph (a) for "ordinary election of a police and crime commissioner under section 50 of the Police Reform and Social Responsibility Act 2011" there were substituted "election for the return of the Mayor";

(ii) in sub-paragraph (b), for "police and crime commissioner" there were substituted "Mayor", and for "that Act" there were substituted "the Police Reform and Social Responsibility Act 2011";

(d) in article 21(3)(c) (response to representations regarding proposal to dismiss chief fire officer) the reference to the head of the Authority's paid service were reference to the GMCA's head of paid service.".

Amendment of the heading to Schedule 2

10. In the heading to the existing Schedule for "SCHEDULE" substitute "SCHEDULE 2".

Name
Parliamentary Under Secretary of State
Date Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

The Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 (S.I. 2016/448) provides for there to be a mayor of the Greater Manchester Combined Authority ("the GMCA"), and for the mayor to exercise the functions of a police and crime commissioner for the area of the GMCA ("the area").

The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470) makes detailed provision about the transfer of police and crime commissioner functions to the mayor of the GMCA. It provides for the mayor to appoint a deputy mayor for policing and crime for the area, and for a police and crime panel to scrutinise the exercise of police and crime functions by the mayor.

The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (S.I. 2017/469, "the 2017 Order") provides for the conferral of fire and rescue functions on the GMCA. It provides for the GMCA to be the fire and rescue authority for the area for the purposes of the Fire and Rescue Services Act 2004, for certain fire and rescue functions to be exercisable only by the mayor, and for the mayor to arrange for those fire and rescue functions to be exercised by a committee of the GMCA.

This instrument amends the 2017 Order. It authorises the mayor of the GMCA to arrange for those fire and rescue functions to be exercised by the deputy mayor for policing and crime. It provides for the police and crime panel to have oversight functions in relation to the exercise of all those fire and rescue functions, whether exercised by the Mayor or by the deputy mayor for policing and crime, and for the police and crime panel to be known as "the Police, Fire and Crime Panel" to reflect its extended remit.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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