

---

STATUTORY INSTRUMENTS

---

**2017 No. 863**

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

**PART 4**

**Inspection**

**Functions to be excluded from inspection**

**26.**—(1) The following are excluded functions for the purposes of section 28(A6) of the FRS Act 2004<sup>(1)</sup>—

- (a) the function of approving the integrated risk management plan;
- (b) the function of appointing, suspending or dismissing the chief fire officer;
- (c) the function of holding the chief fire officer to account for the exercise of—
  - (i) the functions which are delegated to the chief fire officer in accordance with an order made under section 4A of the FRS Act 2004; and
  - (ii) the functions of persons under the direction and control of the chief fire officer;
- (d) the function of approving a pay policy statement prepared for the purposes of section 38 of the Localism Act 2011<sup>(2)</sup>;
- (e) the function of approving arrangements to enter into a reinforcement scheme under section 13 of the FRS Act 2004 (reinforcement schemes);
- (f) the function of approving arrangements with other employers of firefighters under section 15 of the FRS Act 2004 (arrangements with other employers of firefighters);
- (g) the function of approving arrangements under section 16 of the FRS Act 2004 (arrangements for discharge of functions by others);
- (h) the function of approving plans, modifications to plans and additions to plans for the purpose of ensuring that—
  - (i) so far as is reasonably practicable, the Authority is able to continue to perform its fire and rescue functions if an emergency occurs; and
  - (ii) the Authority is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it;

---

<sup>(1)</sup> See also section 28(A7)(a) to (d) of the Fire and Rescue Services Act 2004.

<sup>(2)</sup> 2011 c. 20.

- (i) the function of approving any arrangements for the co-operation of the Authority in relation to its fire and rescue functions with other general Category 1 responders and general Category 2 responders in respect of—
  - (i) the performance of the Authority’s duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004<sup>(3)</sup>; and
  - (ii) any duties under subordinate legislation made in exercise of powers under that Act.
- (2) In this article —
  - (a) in paragraph (1)(a) “integrated risk management plan” means a plan which is —
    - (i) prepared and published by the Authority in accordance with the requirements of the Fire and Rescue National Framework<sup>(4)</sup>; and
    - (ii) sets out for the period covered by the document—
      - (aa) an assessment of all foreseeable fire and rescue related risks that could affect the area of the Authority; and
      - (bb) proposals, including about the allocation of resources, for the mitigation of those risks;
  - (b) in paragraph (1)(h) “emergency” has the meaning given in section 1 of the Civil Contingencies Act 2004 for Part 1 of that Act.

---

(3) Category 1 responders general are listed in Part 1, and Category 2 responders general are listed in Part 3 of Schedule 1 to the Civil Contingencies Act 2004. There are amendments to Schedule 1 which are not relevant to this Order.

(4) The Fire and Rescue National Framework is prepared by the Secretary of State under section 21 of the Fire and Rescue Services Act 2004.