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STATUTORY INSTRUMENTS

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**2018 No. 1072**

The Police, Fire and Crime Commissioner for  
Northamptonshire (Fire and Rescue Authority) Order 2018

PART 3

Arrangements for the Exercise of Functions

**Arrangements for the exercise of functions**

4.—(1) Subject to articles 5, 6 and 8 the Authority may make such arrangements as it considers appropriate for the delegation of its functions to—

- (a) the DPCC;
- (b) a member of staff of the Authority, or
- (c) a member of staff of the PCC.

(2) Where the Authority delegates functions to the DPCC, the DPCC may be known as the Deputy Police, Fire and Crime Commissioner for Northamptonshire.

**Functions to be exercised only by the Authority**

5.—(1) The Authority may not make arrangements under article 4(1) for the delegation of the following functions—

- (a) the function of calculating a council tax requirement (see section 42A of the Local Government Finance Act 1992)(1);
- (b) the function of approving the fire and rescue plan and the fire and rescue statement (within the meaning of Schedule A2 of the FRS Act 2004)(2);
- (c) the function of approving the integrated risk management plan;
- (d) the function of appointing, suspending or dismissing the chief fire officer;
- (e) the function of holding the chief fire officer to account in accordance with article 9;
- (f) the function of approving a pay policy statement prepared for the purpose of section 38 of the Localism Act 2011 (pay policy statements)(3);
- (g) the function of approving arrangements to enter into a reinforcement scheme under section 13 of the FRS Act 2004 (reinforcement schemes);
- (h) the function of approving arrangements with other employers of fire-fighters under section 15 of the FRS Act 2004 (arrangements with other employers of fire-fighters);

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(1) 1992 c. 14. Section 42A was inserted by section 75 of the Localism Act 2011 (c. 20).

(2) Schedule A2 of the Fire and Rescue Services Act 2004 was inserted by section 6 of, and paragraphs 1 and 13 of Schedule 1 to, the Policing and Crime Act 2017; see paragraph 1(3) and (4) for the definitions of “fire and rescue plan” and “fire and rescue statement”.

(3) 2011 c. 20.

- (i) the function of approving arrangements under section 16 of the FRS Act 2004 (arrangements for discharge of functions by others);
  - (j) the function of approving plans, modifications to plans and additions to plans for the purpose of ensuring that—
    - (i) as far as reasonably practical, the Authority is able 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, and
  - (k) the function of approving any arrangements for the co-operation of the Authority in relation to its fire and rescue functions with other Category 1 responders and Category 2 responders<sup>(4)</sup> 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, and
    - (ii) any duties under subordinate legislation made in exercise of powers under that Act.
- (2) In sub-paragraph (j) “emergency” has the meaning given in section 1 of the Civil Contingencies Act 2004 (meaning of emergency) for Part 1 of that Act.

### **Functions that the Authority may delegate only to the DPCC**

- 6.—(1) The Authority may not make arrangements under article 4(1) for the delegation of the following functions of the Authority to any person other than the DPCC—
- (a) the function of determining the Authority’s priorities and objectives for the purposes of the fire and rescue plan and the fire and rescue statement;
  - (b) the function of attendance at a meeting of the Police, Fire and Crime Panel for Northamptonshire in compliance with a requirement of the Panel to do so<sup>(5)</sup>;
  - (c) the function of appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (appointment of local auditor)<sup>(6)</sup>;
  - (d) the function of deciding whether to enter a liability limitation agreement under section 14 of the Local Audit and Accountability Act 2014 (limitation of local auditor’s liability).
- (2) In paragraph (1)(b) “Police, Fire and Crime Panel for Northamptonshire” means the police and crime panel established and maintained in accordance with Schedule 6 to the Police Reform and Social Responsibility Act 2011 (police and crime panels)<sup>(7)</sup> for the Northamptonshire police area.

### **Delegation of functions by the DPCC**

- 7.—(1) Subject to paragraph (2) where the Authority delegates a function to the DPCC, the DPCC may delegate functions to—
- (a) a member of staff of the Authority, or
  - (b) a member of staff of the PCC.
- (2) The DPCC may not delegate a function that is specified in article 6 of this Order.

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(4) 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.

(5) See section 29 of the Police Reform and Social Responsibility Act 2011 as applied with modifications by paragraph 9 of Schedule A2 to the Fire and Rescue Services Act 2004.

(6) 2014 c. 2.

(7) 2011 c. 13; Schedule 6 to the Police Reform and Social Responsibility Act 2011 was amended by paragraph 92 of Schedule 1 to the Policing and Crime Act 2017.

**Functions that the Authority may delegate only to the chief fire officer**

8. The Authority may not make arrangements under article 4(1) for the delegation of the function of preparing and publishing an integrated risk management plan to any person other than the chief fire officer.

**Relationship between the Authority and the chief fire officer**

9. The Authority must hold the chief fire officer to account for the exercise of—
- (a) the functions of the chief fire officer, and
  - (b) the functions of persons under the direction and control of the chief fire officer.

**Protection from personal liability**

10.—(1) A person who is the Authority has no personal liability for an act or omission done by the person in exercise of the Authority's functions unless it is shown to have been done otherwise than in good faith.

(2) A person who is a member of staff of the Authority has no personal liability for an act or omission done by the person in the carrying out of duties as a member of staff unless it is shown to have been done otherwise than in good faith.