
STATUTORY INSTRUMENTS

2018 No. 696

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

PART 3

Arrangements for the Exercise of Functions

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 purposes 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);
- (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) so far as is reasonably practicable, the Authority is able to perform its fire and rescue functions if an emergency occurs, and
 - (ii) the Authority is able to perform its fire and rescue 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;

(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.

- (k) 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(4) 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, and
 - (ii) any duties under subordinate legislation made in exercise of powers under that Act.
- (2) In this article—
 - (a) in paragraph (1)(j) “emergency” has the meaning given in section 1 of the Civil Contingencies Act 2004 (meaning of emergency) for Part 1 of that Act, and
 - (b) in paragraph (1)(j) and (k) “fire and rescue functions” means functions conferred on an Authority by, or by virtue of, any enactment.

(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.