

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT GREATER MANCHESTER COMBINED  
AUTHORITY (FIRE AND RESCUE FUNCTIONS)  
ORDER 2017

DRAFT GREATER MANCHESTER COMBINED  
AUTHORITY (TRANSFER OF POLICE AND CRIME  
COMMISSIONER FUNCTIONS TO THE MAYOR)  
ORDER 2017

*Monday 13 March 2017*

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**Friday 17 March 2017**

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**The Committee consisted of the following Members:**

*Chair:* PHILIP DAVIES

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|--|--|
| † Afriyie, Adam ( <i>Windsor</i> ) (Con)                                   | † Nandy, Lisa ( <i>Wigan</i> ) (Lab)                     |
| † Atkins, Victoria ( <i>Louth and Horncastle</i> ) (Con)                   | † Offord, Dr Matthew ( <i>Hendon</i> ) (Con)             |
| † Blunt, Crispin ( <i>Reigate</i> ) (Con)                                  | † Prisk, Mr Mark ( <i>Hertford and Stortford</i> ) (Con) |
| † Brown, Lyn ( <i>West Ham</i> ) (Lab)                                     | † Siddiq, Tulip ( <i>Hampstead and Kilburn</i> ) (Lab)   |
| Coffey, Ann ( <i>Stockport</i> ) (Lab)                                     | † Smith, Jeff ( <i>Manchester, Withington</i> ) (Lab)    |
| † Green, Kate ( <i>Stretford and Urmston</i> ) (Lab)                       | † Stevenson, John ( <i>Carlisle</i> ) (Con)              |
| † Griffiths, Andrew ( <i>Lord Commissioner of Her Majesty's Treasury</i> ) | † Whittingdale, Mr John ( <i>Maldon</i> ) (Con)          |
| † Lewis, Brandon ( <i>Minister for Policing and the Fire Service</i> )     | Adam Evans, Sean Bex, <i>Committee Clerks</i>            |
| † Mercer, Johnny ( <i>Plymouth, Moor View</i> ) (Con)                      | † <b>attended the Committee</b>                          |

## Fifth Delegated Legislation Committee

Monday 13 March 2017

[PHILIP DAVIES *in the Chair*]

### Draft Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017

4.30 pm

**The Minister for Policing and the Fire Service (Brandon Lewis):** I beg to move,

That the Committee has considered the draft Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017.

**The Chair:** With this it will be convenient to consider the draft Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017.

**Brandon Lewis:** It is a pleasure to serve under your chairmanship, Mr Davies.

The draft orders will give effect to the devolution deal struck between the Government and the Greater Manchester Combined Authority. The draft Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order makes detailed provision for the transfer of responsibility for police and crime commissioner functions in Greater Manchester from the police and crime commissioner to the new directly elected Mayor. The Greater Manchester police and crime commissioner will be abolished on 8 May 2017. The transfer of those functions to the elected Mayor will not only preserve the democratic accountability established under the police and crime commissioner model, but, by joining up oversight of fire and rescue services and other public services, could promote further and deeper collaboration in the area.

The elected Mayor will exercise the key functions of a police and crime commissioner and must personally exercise the following strategic functions: setting the police and crime plan, taking decisions about chief constable appointments and setting the police component of the combined authority precept. To provide additional leadership capacity, the elected Mayor may appoint a deputy mayor for policing and crime, to whom certain responsibilities may be delegated. The elected Mayor will assume the key financial decision-making responsibilities of a police and crime commissioner, including borrowing powers in relation to those functions. Such decisions will be taken by the elected Mayor, acting on behalf of the Greater Manchester Combined Authority.

The draft order was developed in consultation with the Greater Manchester Combined Authority, the Greater Manchester police and crime commissioner and Greater Manchester police. The combined authority and its constituent councils have consented to the draft order.

The draft Greater Manchester Combined Authority (Fire and Rescue Functions) Order will transfer responsibility for overseeing fire and rescue functions in Greater Manchester from the fire and rescue authority to the combined authority and provides for the elected Mayor to exercise those functions. The Greater Manchester fire and rescue authority will also be abolished when these provisions come into force. Transferring the oversight of fire and rescue functions in Greater Manchester to the Mayor will provide direct electoral accountability for the provision of that essential public service and facilitate closer working among local partners. The draft order will permit the Mayor to delegate certain responsibilities to a fire committee formed of members of the constituent councils of the Greater Manchester Combined Authority.

The draft order identifies several fire and rescue functions as strategic functions that must be personally exercised by the Mayor and cannot be delegated. That will ensure that the elected Mayor retains personal responsibility for the fire and rescue functions that significantly impact how the fire and rescue service is delivered. Those strategic functions include approving the local risk plan and fire and rescue declaration, in accordance with the fire and rescue national framework, and approving contingency plans under the Civil Contingencies Act 2004. The elected Mayor will also remain personally responsible for taking decisions relating to the appointment of the chief fire officer, and the draft order will ensure that the Greater Manchester Combined Authority has the power to borrow in relation to its fire and rescue functions.

The changes that the draft order will make were endorsed by the people of Greater Manchester in a public consultation conducted by the combined authority, and the draft order was developed in close consultation with the Greater Manchester Combined Authority and formally consented to by the combined authority and its constituent councils. I commend the draft orders to the Committee.

4.34 pm

**Lyn Brown (West Ham) (Lab):** It is a pleasure to serve under your chairmanship, Mr Davies. The Minister will be delighted to know that I will not repeat at length my arguments against the course that the Government have taken on police and fire mergers. I will, however, begin by saying that the core of our objection last year concerned local demand and local consent. We thought then—and still think today—that it is wrong to force a merger of police and fire authorities on an area that does not want one.

Thankfully, that does not apply to these draft orders, which have received the consent of the Greater Manchester Combined Authority and are part of a wider devolution deal. That deal should enable the Manchester city region to adapt, to the extent that any level of government can, to the extremely difficult combination of reduced service funding and increased service demand that they will face over coming years. We welcome the devolution settlement as a way to bring powers together at a level where they can be used effectively and their use can be held accountable effectively.

There is a long history of local authorities working together across Greater Manchester, with or without a permanent statutory framework, which bodes well for

such reforms. That history of co-operation in major cities is one that the Conservative party has not generally had much respect for, so I am delighted by the apparent change of heart. We still have serious concerns about the fragmentation and incoherence of this Government's attempts at devolution within England thus far, but that need not prevent us from endorsing reforms if they go in the right direction.

I hope that none of us assumes that the devolution process has gone far enough to put in place genuine devolution to Manchester. Our local areas need more control over revenue raised locally, so that such deals will not simply transfer responsibility for cuts made by central Government. Governments should never pass the buck without passing the bucks. Local government needs a system for national funding that is fair, transparent and based on real need—not sweetheart deals with Ministers at meetings in cars outside Downing Street. That is particularly important for areas such as fire and rescue and policing, where community safety is paramount.

More generally, the current model of piecemeal reform is inadequate. Restructuring should not be imposed from the top down and cannot be based only on local authorities going cap in hand to Ministers either. We need to make devolution the default if we are to open up public services to the experience and creativity of local areas and truly demonstrate our trust in the people who are most affected by changes in policy.

The Greater Manchester Combined Authority consent documents noted that the draft orders

“will need to be in place by February 2017 at the latest to allow sufficient time for Mayoral candidates to be fully aware of the powers of the elected Mayor and to prepare a manifesto.”

Clearly, that has not happened, since it is now the middle of March and some of the legislation determining the new Mayor's powers is still not fully confirmed. Does the Minister have an explanation?

**Kate Green** (Stretford and Urmston) (Lab): I am sure my hon. Friend agrees that not only the mayoral candidates need to be sighted of the Mayor's powers but the Manchester electorate, many of whom are completely baffled by what the Mayor will and will not be able to do.

**Lyn Brown:** I completely and utterly agree. My hon. Friend made the point better than I could.

More broadly, this is the first case—apart from the now well-established arrangements in Greater London—where full accountability and power relating to policing will be assigned to the elected Mayor of a city region. The fact that responsibility for fire and rescue services will be mixed in at the same time makes it doubly significant, because the Mayor of London does not have direct responsibility for fire and rescue. There is now an urgent case to be made that the new Mayor of Greater Manchester will have a truly unprecedented degree of authority across those two public services. It will be an important test case for future structural reform.

It is important to note that the offices of Mayor of the Greater Manchester Combined Authority and of police and crime commissioner for the area have already been combined to some extent for almost two years now, because Tony Lloyd, Labour's elected PCC, was appointed as interim Mayor on 29 May 2015. He has served in both capacities admirably and has set an

excellent standard, which I am sure my right hon. Friend the Member for Leigh (Andy Burnham) will live up to, starting on 8 May.

To sum up, we support the draft orders. They will help to cement the devolution settlement for Greater Manchester, which has received the agreement of local authorities and residents in and around that great city. I hope that members of all parties will join me in wishing the new Mayor well in helping the city region to deal with the undoubted challenges of the future.

4.40 pm

**Lisa Nandy** (Wigan) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies, in a debate on a matter as important as this to me and the many people who live in Greater Manchester and will be affected by these changes.

Like my hon. Friend the Member for West Ham, I very much welcome the thrust of what the Government are trying to do, particularly pushing power out of Whitehall and Westminster and ensuring that decisions affecting our lives are made much closer to where we are. I echo her words by paying tribute to all those who have been involved—not only Tony Lloyd, the interim Mayor, who has done an excellent job, but the many politicians and officials who have done something quite unique in bringing together a whole range of diverse interests and circumstances across Greater Manchester and getting everybody pointing in the right direction. It has not been easy, and they deserve real credit.

These statutory instruments, quite understandably, concentrate a great deal of power in the hands of one individual. However, I do not think the Government have thought hard enough about the level of scrutiny and accountability that needs to be built into the system. There is considerable confusion among the general public in Greater Manchester about what the reforms mean. I heard what the Minister said about the consultation, but if he means the consultation on the legislation that gave rise to these statutory instruments, he should know that that was advertised on one Government website and ran for just three weeks and garnered only 12 responses, 10 of which were from the same council leaders who set up these arrangements in the first place.

People must be part of the conversation, not least because Greater Manchester is a very diverse area. For example, the needs in my borough of Wigan are very different from those in the constituency of my hon. Friend the Member for Stretford and Urmston. If we look at the details of what is being devolved to the Mayor and the Association of Greater Manchester Authorities through the statutory instruments, a very large borough such as mine obviously has different fire and rescue needs from the city of Manchester, which is very small. That is why scrutiny and accountability really matter.

The election of the Mayor is long overdue and very welcome, but the only real place where the Mayor will be accountable under these arrangements is to those same 10 council leaders who helped to establish this situation in the first place and who retain a great deal of decision-making power across Greater Manchester. As the Minister will know, ours is an area where one party dominates politics. Obviously, as a Labour Member of Parliament, I am very pleased about that, and long may it continue. However, that poses a question, particularly

[Lisa Nandy]

when we consider that Greater Manchester is intended to be the first of many areas to follow this model: where will the challenge come from? Of the council leaders who currently represent the boroughs across Greater Manchester, only one of them is a woman and only one is from an ethnic minority background.

In relation to the fire authority, I understand from the documents that a committee will be appointed by the Mayor. Members of that committee will be councillors or officers of the 10 borough councils, but they will be proposed by council leaders—the same council leaders who provide the primary scrutiny function for the Mayor. Those posts appear to come with an allowance; I imagine they will be hotly contested among councillors and officers.

We have a very centralised model of council leadership across Greater Manchester; council leaders are responsible for making the vast majority of appointments to their cabinets and to outside bodies as well. In such a system, what incentive does the Minister think there is to challenge decisions that are made? The documents reference the need to mirror the balance of political parties. I would be grateful to the Minister if he elaborated on the Government's thinking, particularly on making sure that some cross-party scrutiny is built into the system. That is even more important because a report by the National Council for Voluntary Organisations recently found that, in areas where devolution is under way, the voluntary sector has had little or no involvement at all. As a representative of civil society, I think that is unacceptable; it mirrors what I have seen happening in my area of Greater Manchester so far.

I will say something about the police and crime commissioner functions, because I think that all the points I have made are more important in that area than any other. The Mayor will be scrutinised by a police and crime panel, but our police and crime panel in Greater Manchester is made up of those same council leaders I have just referred to. They also make up the Mayor's cabinet and provide the only channel of accountability and scrutiny for the public outside of election times.

I understand that the diversity problems I have raised may be addressed by the Mayor via the appointment of up to five additional members to that panel—I would be grateful to the Minister if he confirmed that—but even so, it is likely that the scrutiny membership on that panel will be heavily weighted in favour of council leaders. What resources will those additional lay members have to ensure that they can do that job properly and effectively? I say that because Greater Manchester is an incredibly diverse area, which is not currently reflected in our political arrangements.

**Kate Green:** My hon. Friend is raising concerns that a number of us, although we welcome devolution, have raised throughout the process of designing the devolution settlement for Greater Manchester. Does she think it unlikely that, in making appointments to those five lay places, the Mayor will appoint people who are likely to be assertive and critical of his or her decisions?

**Lisa Nandy:** The problem with the vision set out in the documents is that it very much relies on the good will of the person who holds that post. In such an important area, I do not think that is an adequate safeguard.

The same seems to apply to the hearing of police and crime complaints. If those are criminal complaints, I understand that the responsibility will continue to lie with the Independent Police Complaints Commission. However, if they are non-criminal, they will be heard by the local authorities, which will of course take them straight back to the 10 people who sit on all those boards and provide that level of accountability. The Minister is shaking his head; I would be grateful to him if he cleared this up. One of the problems we have had in Greater Manchester is in trying to penetrate the arrangements that have evolved over the past couple of years. Obviously, with an election looming large, it will be helpful for the Committee and the wider public to understand where that outside scrutiny and challenge will come from.

Finally, the documents set out that the Government have not seen fit to do an impact assessment, which is a mistake. They say that there are no plans to build in any kind of review period for the arrangements because there will be elections for the position of Mayor three years after the first election and then four years after that. This could build up real problems threatening the very success of this enterprise. Real devolution has to be based on consent and built from the ground up. The people must be heard.

4.49 pm

**Brandon Lewis:** I will deal with the points from the hon. Member for Wigan first. Council leaders themselves will not be on the panels; the panels will be made up of members from the combined authority's constituent councils. There is a core issue behind this: there is a big difference in how scrutiny works between the structure with a police or fire authority and that with a directly elected Mayor. The clue is in the title—they are elected, so ultimately the scrutiny is there with the electorate. If there are formal complaints, particularly if they are criminal complaints, they go to the IPCC; obviously, that will change to the new body under the Policing and Crime Act 2017.

The committee with fire responsibilities will be limited in the number of members, and it must reflect the political balance of the area it serves. We all want to see balance in terms of gender and ethnicity. We have been very clear about that. I have personally been clear that the diversity in the fire sector in particular is simply not good enough and needs to improve. That is a matter for the constituent councils who represent those bodies to look at and for us all to consider in terms of the candidates we put forward. I have high hopes that the directly elected Mayor who will take on these roles will be Sean Anstee—he would do a great job for the area—but it is a matter for the constituent councils to look at who they put forward. I am afraid that if the hon. Lady does not have faith in her candidate, she might want to take that up with the members who selected the candidate in the first place. Ultimately, it is up to the members of the public who will directly elect somebody to make those decisions in the same way as in London. She talked about the size and variance of the area; I put it to her that London has that challenge as well, and in London we still have a directly elected Mayor.

**Lisa Nandy:** The Minister says the committee will reflect the political balance of the area. I am not clear what that means and whether it will reflect the leadership

of the councils or the political representation within them. Just to be clear, in London, there is an Assembly, but nothing like that is envisaged for Greater Manchester.

**Brandon Lewis:** An agreement—this links to the points made by the hon. Member for West Ham, which I will come to in a second—has been reached with the local area. Actually, reflecting localism is different in London. This has been consulted on locally and the public will get to vote on it locally, but the elected Mayor has to ensure that the committee's political balance reflects that of the constituent councils.

The hon. Lady used a phrase about being against false mergers and said that false mergers are wrong. I agree with that, so we agree on more than one thing today. That is why we were clear that the Policing and Crime Act is enabling legislation; it is for local areas to look at what is right for them and to come to us. One of the challenges is that we will see different models around the country. The hon. Lady talked about this not being top down and she is right—this does not work if it is top down, so we will see differences around the country when we look at devolution deals and at PCCs and Mayors who have differing approaches in different areas. That is absolutely right, to reflect the differences across the country in how people work.

I fully accept the point made by both hon. Members who have spoken that a great deal of credit is due to the people involved and to Tony Lloyd—I have worked

with him in his current position—in getting to this point and getting a structure that works and has managed to bring together constituent councils of different types, both politically and demographically. I give great credit to everybody who has been involved with that as we go in to that election.

We are, and I am, very clear that bringing together responsibility for a wider range of services, including police and fire, under a directly elected Mayor can not only enhance accountability—that ultimate democratic accountability we all recognise—but provide opportunities for more local collaboration. That is something we have already seen PCCs driving across the country, and I wish Manchester well with it. I commend the draft orders to the Committee.

*Question put and agreed to.*

**DRAFT GREATER MANCHESTER  
COMBINED AUTHORITY (TRANSFER OF  
POLICE AND CRIME COMMISSIONER  
FUNCTIONS TO THE MAYOR) ORDER 2017**

*Resolved,*

That the Committee has considered the draft Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017.—(*Brandon Lewis.*)

4.54 pm

*Committee rose.*

