

24 January 2014

Item 4

Primary Authority

Purpose

For discussion and direction.

Summary

This paper sets out the background to developments in the incorporation of fire safety into the primary authority scheme and more generally the work that CFOA and the fire sector is doing to improve the application of the fire safety order. A presentation on these issues will be provided by Dave Curry, Deputy Chief Officer at Hampshire Fire and Rescue Service and CFOA Director, Prevention, Protection & Road Safety.

Recommendation

Members area asked to note the background report and presentation and discuss the implications for fire and rescue authorities.

Action

Officers will take action as directed.

Contact officer: Eamon Lally
Position: Senior Adviser
Phone no: 020 7664 3132/07799768570
Email: Eamon.lally@local.gov.uk

Primary Authority

Background

1. In response to the 2011 consultation 'Transforming Regulatory Enforcement' the government committed to pilot the extension of Primary Authority to fire safety. In autumn 2012 two pilots were set up to examine how partnership working could help improve the delivery of fire safety regulation. One of the pilots looked at how Primary Authority for fire safety would work, and a second pilot looked at a non-statutory scheme.
2. Following the publication, in August 2013, of the independent evaluation report into the two approaches, a ministerial decision was taken to proceed with the implementation of an extension of the Primary Authority Scheme to fire safety. The scheme will come into effect on 6 April 2014.
3. The Better Regulation Delivery Office is planning a series of training events for practitioners between now and April. In addition BRDO is proposing to run a series of short, two hour regional briefings for senior management and local elected members. These briefings will explain the scheme in general, its statutory responsibilities and the potential benefits in providing direct compliance support to local businesses. Cost recovery models in use amongst existing partnerships will also be explained. BRDO has written out to all Chairs and Chief Officers extending this invitation

Evaluation outcome

4. The independent evaluation of the pilot schemes noted that both the non-statutory Fire Authority Partnership Scheme and Primary Authority (FAPS) represented credible ways forward. However, the evaluation concluded that the Primary Authority approach had the advantage because it:
 - 4.1. Has largely addressed the concerns that some in the fire and rescue service community had
 - 4.2. Has significant support, in particular from the businesses engaged in the pilot but also from many FRSs
 - 4.3. Is immediately available – FAPS would require further development work
 - 4.4. Offers consistency with other regulatory areas.

Impact on resources and local operations

5. The independent evaluation report highlighted that the impact of the implementation on FRAs will depend on how enthusiastic FRAs are to develop their position as a lead authority.

24 January 2014

Item 4

6. The evaluation report notes that:

6.1. FRAs that are content for their FRS to take a low profile in relation to the lead authority role (in effect to engage only as enforcing authorities) will suffer little or no adverse impact in terms of their resources.

6.2. For FRAs that are keen for their FRS to take on the lead authority role the position is more complex, but providing that lead FRSs are able to identify costs and recover them from their business partners, a reasonable expectation would be for lead authority arrangements to have a neutral or marginally positive impact on FRS resources.

7. The evaluation report notes that the impact on local operations will be limited to a change of emphasis in inspections where formal advice has been issued, which would generally be welcomed if it enabled resources to be used more effectively.

Focus on Enforcement

8. The admittance of fire safety into the Primary Authority Scheme, must be viewed in the wider context of the relationship between business and regulators. The fire sector has been reviewing its relationship with business following a review into enforcement of the fire safety order in small and medium size businesses. The sector is committed to:

8.1. Creating a competency standard framework for fire and rescue service regulators to improve consistency and levels of support to business whilst achieving safer buildings and enabling economic growth

8.2. Reviewing the current variety of notices issued by FRAs and developing a suite of common document templates for use by the fire and rescue service sector

8.3. Leading a Business Engagement Forum, comprising of key stakeholders, to provide a sounding board for business concerns, develop innovative solutions and identify sector specific requirements for guidance documents to assist in compliance with fire safety law.

9. This approach is in keeping with the LGA's Open for Business: a vision for local regulation, which promotes the additional role of regulators as trusted and knowledgeable partners with businesses. [Open for Business](#).

Next steps

10. Members are asked to:

10.1. Note the background report and presentation and discuss the implications for fire and rescue authorities.