

Hampshire Fire and Rescue Authority

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Primary Authority Scheme

Report by Chief Officer

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1 Summary

- 1.1 The Government has decided to conduct a side-by-side pilot of two partnership schemes from January 2013 for six months. The outcome of the pilots will have an impact on how fire and rescue authorities regulate the Regulatory Reform (Fire Safety) Order 2005 (FSO) in a wide variety of business sectors and premises. The Primary Authority Scheme and non statutory scheme both seek to support businesses to have confidence to invest and deliver growth to the economy. The final decision on which scheme will be selected will be made by Ministers following an independent evaluation of the pilots; the ability to 'opt out' is not an option.

2 Recommendation

- 2.1 That the Authority acknowledges the commencement of the pilots, beginning on 2 January 2013, initiated by the Department for Business, Innovation and Skills (BIS) and the participation of HFRS in the non statutory scheme.

3 Introduction and background

- 3.1 The Primary Authority Scheme (PAS) was introduced as a statutory duty, by government, to address business concerns regarding uncoordinated inspections, inconsistent enforcement and contrary advice provision by local authority regulators. The scheme gave businesses the right to enter into a partnership with a single local authority and be provided with consistent, reliable advice which would be taken into account by other local authorities when carrying out inspections. Its goal is to reduce regulatory burdens on businesses and so increase business confidence to invest and create economic growth.
- 3.2 Primary Authority Schemes (PAS) were introduced in 2009, under the Regulatory Enforcement and Sanctions Act 2008, aimed at Local Authority Regulators to reduce the burden on business through better, more efficient, coordinated activity. The FSO was exempted by Statutory Instrument following representations from the Chief Fire Officers Association (CFOA) and Department for Communities and Local Government (DCLG), based on the belief that the scheme cuts across IRMP, the ethos of the FSO and Localism.
- 3.3 The Enterprise and Regulatory Reform Bill is proposing to extend the scope of the PAS to include the FSO, as well as trade associations and franchises. CFOA has

proposed an alternative, non statutory scheme, to the Fire Minister, Brandon Lewis MP. On the 23 October 2012 the Minister for Business, Innovation and Skills (BIS), Michael Fallon MP, and Brandon Lewis MP, decided that both schemes should be piloted from January to June 2013 and evaluated by an independent company.

4 Primary Authority Scheme

4.1 The PAS is based in law and seeks to create business investment in growth by developing confidence that regulators in different authority areas will not place competing demands on its resources and hence increase the financial burden on business. There are also concerns around geographic consistency of regulators. To achieve this aim the scheme contains various tools, such as:

- Assured advice – advice provided by the regulator to the business which is accepted on a national basis by regulators;
- Inspection Plans – a plan agreed by the regulator and business, which may contain frequency of inspection and what should be inspected; and
- Enforcement referral – provides the ability for a regulator to block enforcement action being proposed by another authority, including prosecution.

5 Non Statutory Scheme

5.1 It is important to understand that, unlike the Retail and Fire Key Authority Partnership Scheme which is now being phased out, this scheme is not voluntary. For it to work, it will require the signing of a binding agreement from all fire and rescue authorities.

5.2 The non statutory scheme aims to deliver the key benefits business are seeking without the rigidity of a statutory scheme and will allow the sector to maintain control of its resources as opposed to a second Government Department, BIS, having a strategic influence.

6 Evaluation

6.1 Both schemes will be evaluated by an independent company, funded by the Better Regulation Delivery Office.

6.2 The evaluation will look at, in particular:

- Cost implications for FRAs, including establishment of the partnership and ongoing administration
- The impact on FRA resources
- The impact on FRA capacity
- The impact on Integrated Risk Management Plans

6.3 The evaluation is expected to be completed by the end of July 2013.

7 Risk analysis

- 7.1 The imposition, by the Government, of the PAS will likely require a refresh of the Framework Document as there will be a new statutory duty for FRAs.

8 People Impact Assessment

- 8.1 A PIA will be completed as part of the pilot process commencing in January 2013.
- 8.2 The proposals in this report are considered compatible with the provisions of the equality and human rights legislation.

9 Resource implications

- 9.1 The pilots will establish the full impact on resources for FRAs. It is likely there will be an additional burden on existing resources due to the establishment and ongoing administration of partnerships.

Financial Implications

- 9.2 Resource costs may be recovered as an element of both the statutory and non statutory schemes, although there may be additional software development costs for the Community Fire Risk Management Information System (CFRMIS) that cannot be recovered.

10 Background papers

- 10.1 The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of the report:

None

Note: The list excludes: (1) published works; and (2) documents that disclose exempt or confidential information defined in the Act.