

Hampshire Fire and Rescue Authority

3 December 2013

Item:

Primary Authority Scheme

Report by the Chief Officer

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1 Summary

- 1.1 The Primary Authority Scheme (PAS) is a statutory scheme available to businesses with a presence in more than one local authority area. The businesses can enter into a legal partnership with a single local authority to secure greater coordination of regulatory and enforcement activities. It applies to a number of activities.
- 1.2 When PAS was first introduced a statutory instrument meant that fire safety law was not included. However central Government agreed to revisit that decision at a later date.
- 1.3 The Enterprise and Regulatory Reform Act 2013 proposed the extension of the PAS to fire safety law. A six month pilot began in January 2013 to determine whether PAS was suitable for fire safety law.
- 1.4 The outcome of the pilot is that the PAS will be extended to the fire safety law, subject to Parliamentary processes, in April 2014.

2 Recommendation

- 2.1 That Hampshire Fire and Rescue Authority endorse the active participation of Hampshire Fire and Rescue Service in delivering the Primary Authority Scheme.

3 Introduction and background

- 3.1 This report describes the statutory duty placed on Hampshire Fire and Rescue Authority (HFRA) in relation to the enforcement of fire safety legislation, as a result of the extension of the PAS to the Regulatory Reform (Fire Safety) Order 2005 (the Order).

4 Enterprise and Regulatory Reform Act 2013

- 4.1 The Government committed to review its original decision to exempt the Order from the PAS as part of the Enterprise and Regulatory Reform Bill. This resulted in CFOA and Better Regulation Delivery Office (BRDO) delivering a six month partnership pilot scheme in January 2013.
- 4.2 As a result of the pilot, the Order, subject to parliamentary process, will be included within the scope of the PAS from April 2014.

4.3 Additionally, the Enterprise and Regulatory Reform Act 2013 has also extended the ability to enter into a partnership to trade associations and franchises, giving access to the partnership scheme to thousands of small businesses.

5 Hampshire Fire and Rescue Authority and the Primary Authority Scheme

5.1 Every fire authority in the country will be legally bound to comply with the terms and conditions contained within the PAS. This will either be as a primary authority partner or as an enforcing authority, should it choose not to commit resources to supporting the development of a partnership arrangement.

5.2 Hampshire Fire and Rescue Service (HFRS), on behalf of the HFRA, actively participated in the pilot partnership scheme with two large retail organisations: The Home Retail Group (Homebase, Argos, Habitat) and B&Q. HFRS continues to support these partnerships using existing resources in addition to seeking further partnerships with suitable businesses.

5.3 HFRS want to be chosen by businesses wishing to enter into a primary authority relationship, providing consistent, professional advice that is respected within the business and fire sectors.

5.4 To meet this aim, our strategy will be to work on a three pronged approach to target:

- multi national blue chip companies, across business sectors, that have a head office base within Hampshire;
- businesses, franchises or trade associations to reduce risk in that business sector; and
- specific business sectors e.g. Healthcare providers

5.5 All partnership agreements would be signed and managed on behalf of the HFRA by the Community Safety Business Fire Safety function. There will be an annual review of all partnerships in accordance with provisions of the scheme.

5.6 In a time of resources being reduced, participation in the PAS will bring a number of benefits to HFRS, including:

- external funding based on recovering all costs and so supporting work to reduce risk and make Hampshire Safer;
- ensuring that existing resources are targeted at high risk premises and free up businesses that wish to comply, to invest, grow and contribute to the local economy; and
- entering into a partnership will allow HFRS the opportunity to access support and funding from national companies to contribute to our community safety prevention activities.

6 Supporting our corporate aims and objectives

6.1 Active participation, as a primary authority partner, will directly contribute to the corporate objective, contained within the Service Plan 2013-2018, to improve economic sustainability through effective business support.

7 Risk analysis

- 7.1 Loss of funding – each partnership is charged at a rate to recover all costs arising from the partnership. If a partnership is dissolved there will be a loss of income but it may not be possible to reduce the related costs immediately. So there may be a temporary increase in net spending.
- 7.2 Reputational risk – this might arise if business decision made as a result of advice received results in loss of business to the partner. The level of competency required to undertake the role of a partnerships officer should ensure the quality of advice and limit the reputational risk.

8 People Impact Assessment

- 8.1 The proposals in this report are considered compatible with the provisions of the equality and human rights legislation.

9 Resource implications

- 9.1 Human resources – the number of people required to manage and administer partnerships will depend on the appetite for HFRA to ‘enter’ into the partnerships market. Sufficient resources will be required to provide resilience to a partnerships team to reduce any potential reputational loss from misadministration of the partnership scheme.
- 9.2 Physical resources – office accommodation may be required depending on the number of partnerships.
- 9.3 Information and communications technology resources – it is expected that, as the number of partnerships grows, the team members will be drawn from experienced business fire safety personnel. This is because of the level of competency expected from the business partners. Therefore existing ICT resources will be utilised.
- 9.4 Financial implications – one of the key fundamentals of the PAS is that the local authority may recover the costs associated with running the partnership. The costs are bound by the Government publication – Managing Public Money. This results in all associated personnel being externally funded and not affecting the staff review establishment figures, although transitional funding may be required until full cost recovery is established.

10 Consultation

- 10.1 Consultation on the PAS has been completed by the Government at a national level and submissions were provided by CFOA, HFRS and a number of other fire and rescue services.
- 10.2 HFRS will discuss the concept of the PAS with the representative bodies at an appropriate Joint Trade Unions meeting.

11 Conclusion

- 11.1 The Government's economic growth agenda is focussed on providing consistency of advice, enforcement and reducing regulatory burden on businesses, whilst recognising that the people who do not wish to comply should be 'punished' to create a level playing field for all businesses.
- 11.2 The PAS is one element of this agenda and active, rather than passive, participation will ensure that the HFRA is meeting the expectations of Government in supporting local economic sustainability.

12 Background papers

- 12.1 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.