

Primary Authority Scheme

Report of the Chief Fire Officer

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1 Purpose of Report

This report provides an update on the outcome of the Primary Authority Scheme Pilot and the subsequent decision, made by Government, to extend the Primary Authority Scheme to include the Regulatory Reform (Fire Safety) Order 2005 from 6 April 2014.

2 Recommendations

The Fire Authority is asked to:

- a) Note the extension of the Primary Authority Scheme to the Regulatory Reform (Fire Safety) Order 2005 and the requirement to abide by the terms and conditions of the Scheme, when undertaking its regulatory activities; and
- b) Endorse the active participation of Shropshire Fire and Rescue Service in delivering the Primary Authority Scheme.

3 Background

The Primary Authority Scheme (PAS) is a statutory scheme available to businesses with a presence in more than one local authority area. The PAS scheme works by allowing businesses with premises in different areas around the country to enter into a primary authority scheme with one authority. This authority, the "Primary Authority", will provide regulatory advice for all of their premises, regardless of which authority the premises are located in.

The rationale behind the scheme is to promote greater confidence in the consistency of the decisions given by regulators to businesses. It is also intended to streamline the management of compliance by regulators across a business organisation, which may have many sites and, therefore, many different regulators applying the same regulations

The Scheme's aims are also to support businesses to deliver against the economic growth agenda.

When PAS was first introduced, the Regulatory Reform (Fire Safety) Order 2005 was excluded from its scope. Subsequently, however, central Government agreed to revisit that decision.

The Enterprise and Regulatory Reform Act 2013 proposed the extension of the PAS to fire safety law and a six-month pilot began in January 2013 to determine whether PAS was suitable for fire safety law. The outcome of the pilot was that the PAS will be extended to include fire safety law, subject to Parliamentary processes, on 6 April 2014.

This report describes the statutory duty placed on Shropshire and Wrekin Fire and Rescue Authority 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.

4 Shropshire Fire and Rescue Service and the Primary Authority Scheme

Every fire authority in the country will be legally bound to comply with the terms and conditions contained within the PAS. This will be either as a primary authority partner or as an enforcing authority.

Primary Authority Schemes are generally (but not always) formed in the local authority area where the headquarters of businesses with multiple national locations are located. So a major retailer with many stores around the country may have its headquarters here in Shropshire, which would be a good opportunity for the Service to engage in a PAS partnership.

Entering into a PAS partnerships will bring a number of benefits to the Service including:

- The Service would be able to recover its costs and so it would provide some external funding, and support work to reduce risk and put Shropshire's Safety First.
- It would allow the Service to ensure that existing resources were targeted at high-risk premises and would free up businesses that wish to comply, invest, grow and contribute to the local economy.
- The opportunity to access support from national companies to contribute to the Service's local community safety prevention activities.

5 Supporting the Service's Corporate Aims

Active participation, as a primary authority partner, would directly contribute to the Service's corporate aims, contained within the Service Plan 2014/15, namely:

Aim 2 "To reduce the number of fires in our community"

and associated public value measures.

6 Conclusions

The Government's economic growth agenda is focussed on providing consistency of advice and 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.

The PAS is one element of this agenda. Active, rather than passive, participation will ensure that this Service meets the expectations of Government in supporting local economic sustainability, whilst also meeting the needs of stakeholders, as outlined in the Service Plan.

7 Financial Implications

One of the key elements of the PAS is that the local authority may recover the costs associated with running the partnership. Cost recovery is bound by guidance in the Government publication – "Managing Public Money". This results in all associated personnel being externally funded, although transitional funding may be required until full cost recovery is established.

8 Legal Comment

In setting up a partnership it will be necessary for the Fire Authority to enter into a Primary Authority Agreement with business partners in respect of the provision of services and full recovery of costs under the PAS. Template Agreements are available, which have been created and tested by pilot partnerships.

In acting in a capacity as both Enforcing Authority as well as the Primary Authority, giving advice to businesses a conflict of interest is likely to arise. The Prevention Department must, therefore, put in place processes to ensure that any potential conflict is avoided.

9 Initial Impact Assessment

An Initial Impact Assessment has been completed.

10 Equality Impact Assessment

There are no equality or diversity implications arising from this report. An Equality Impact Assessment is not, therefore, required.

11 Appendices

There are no appendices attached to this report.

12 Background Papers

Department for Business Innovation & Skills
Better Regulation Delivery Office
Primary Authority Handbook April 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/301512/13-1310-pa-handbook.pdf