

Report of the Head of Community Risk, Training & Development

10. Primary Authority Scheme

Purpose of report

1. To provide Members with further details of the Primary Authority Scheme and how it relates to Hereford & Worcester Fire and Rescue Service.

Recommendations

It is recommended that:

- (i) The Chief Fire Officer, in consultation with the Treasurer, be given delegated authority to enter into any primary authority partnership arrangements with businesses in relation to fire safety legislation ; and*
- (ii) Members be kept abreast of the details of any arrangements that are entered into.*

Introduction

2. The Primary Authority Scheme is administered by the Better Regulation Delivery Office (BRDO) on behalf of the Secretary of State for Business, Innovation and Skills (BIS), in accordance with the Regulatory Enforcement and Sanctions Act 2008. It allows a business to form a partnership with a single local authority (usually but not necessarily, the authority where the Businesses principal offices are) in relation to a particular area of regulatory enforcement.
3. Once an arrangement has been approved by the Secretary of State, that Authority then becomes the lead authority in relation to enforcement and compliance with those particular regulatory requirements as they affect that business anywhere in the UK.. The Scheme has been in operation for a number of years in relation to matters such as food safety and building control but from April this year fire safety legislation is also now included within Primary Authority Scheme.

Implications

4. The advantages for businesses are:
 - a single point of contact on all matters relating to fire safety legislation;
 - a standard and consistent approach in relation to all of their premises across the country; and
 - avoiding duplication of effort.

5. A designated primary authority has the following functions:
 - giving advice and guidance to the regulated business in relation to the relevant function;
 - giving advice and guidance to other local authorities as to how they should exercise those functions in relation to the regulated person;
 - it can make an inspection plan setting out the frequency at which, or circumstances in which, enforcing authorities elsewhere in the country should carry out inspections and what those inspections should consist of; and
 - the primary authority can charge the business to recover its costs.
6. A local authority other than the primary authority (“the enforcing authority”):
 - must notify the primary authority before taking any enforcement action against the regulated person and the primary authority can direct the enforcing authority not to take action if it considers it is inconsistent with any advice or guidance previously given by the primary authority; and
 - cannot carry out inspections otherwise than in accordance with the inspection plan prepared by the primary authority, unless it first informs the primary authority and the primary authority consents.
7. Standard terms and conditions for agreements between the fire authority and a partner business have been made available by BRDO. These terms and conditions aim to mitigate the risks for participating fire authorities to the minimum allowable in law.

Current Position

8. As of 31 July 2014, there were 10 Fire and Rescue Authorities registered as primary authorities in relation to 75 businesses of varying types. For example London Fire and Emergency Planning Authority entering into a partnership with Hilton Worldwide; who currently own around 105 hotels across the UK, and Hampshire FRA partnership with the Sanctuary Group, who offer a wide range of accommodation from care homes to purpose built flats, hostels and student accommodation under a variety of business names.
9. HWFRS is already an enforcing authority for the Regulatory Reform (Fire Safety) Order 2005 and Technical Fire Safety officers currently support a range of businesses by providing advice and information under this legislation, whilst carrying out audit and enforcement activities.

10. The Primary Authority scheme is gathering momentum nationally and the Service has been approached by several businesses within Hereford & Worcester about the potential of entering into primary authority partnerships. These discussions are being actively pursued but are currently at an early stage. Should any of them come to fruition then in order to be able to make timely decisions in accordance with the needs of businesses, it is proposed that it be delegated to the Chief Fire Officer to give approval to any partnership arrangements, in consultation with the Treasurer. Any partnership arrangements would be on the basis of full cost recovery.

Conclusion/Summary

11. From April 2014 fire safety legislation has been included within the Primary Authority scheme, and there is potential for HWFRS to enter into partnership arrangements with businesses based in our area. This would benefit local businesses and be on a cost recovery basis. Any such arrangements would be approved by the Chief Fire Officer and the details would be reported to Members at the next opportunity.

Corporate Considerations

Resource Implications (identify any financial, legal, property or human resources issues)	<p>The Primary Authority Partnership is a formal legal contract and it is important that the Service meets contractual obligations. The standard terms and conditions provided by BRDO will mitigate the risks for participating Authorities.</p> <p>Existing technical fire safety staff will be utilised to support any partnerships which are developed. If additional staff are required to support the existing technical fire safety team then their costs will be also recovered by the partnership arrangement.</p>
Strategic Policy Links (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	<p>None identified to date, however the Service Technical fire safety risk-based audit programme will be monitored to identify any impact caused through partnership activities.</p> <p>Primary Authority Partnerships aim to support business and economic growth.</p>
Risk Management / Health & Safety (identify any risks, the proposed control measures and risk evaluation scores).	<p>None identified.</p>

Consultation (identify any public or other consultation that has been carried out on this matter)	No external consultation required with the public, but Service representatives are discussing PAPs with neighbouring Services.
Equalities (has an Equalities Impact Assessment been completed? If not, why not?)	There are no equalities issues.

Supporting Information

None.

Background Papers

Primary Authority Scheme (PAS), P & R Committee Paper dated 19th November 2013.

Regulatory Enforcement and Sanctions Act 2008.

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