

AGENDA ITEM:

REPORT TO: Meeting of the	MERSEYSIDE FIRE & RESCUE AUTHORITY COMMUNITY SAFETY & PROTECTION COMMITTEE
DATE:	17TH OCTOBER 2013
REPORT NO.	CFO/118/13
REPORTING OFFICER:	DEPUTY CHIEF FIRE OFFICER
CONTACT OFFICER:	AM MYLES PLATT – DIRECTOR OF PREVENTION & PROTECTION, EXTN; 4644
OFFICERS CONSULTED:	GM GUY KEEN AND SARAH BOURNE, DEPUTY CLERK TO THE AUTHORITY
SUBJECT:	PRIMARY AUTHORITY SCHEME PILOT UPDATE

THERE ARE NO APPENDICES TO THIS REPORT

Purpose of Report

1. To update Members on the outcome of the Primary Authority Scheme (PAS) Pilot and the subsequent decision made by Government to extend the PAS to include the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).

Recommendations

2. That Members note the outcome of the Pilot, the decision made by Government and the implications for the Authority.

Introduction & Background

3. The Primary Authority Scheme (PAS) aims to provide consistency across Local Authority regulators, in order to support businesses to deliver against the economic growth agenda. Over 600 businesses have entered into a PAS arrangement and that number is expected to increase following the proposed extension of the scheme into other regulatory areas, such as the Fire Safety Order. The Regulatory Enforcement and Sanctions Act (RESA) Part 2 was established as a statutory means to secure greater coordination and consistency of enforcement and activity by Local Authority regulators, thereby providing companies with confidence to invest and develop economic growth. The Fire Safety Order was exempt from the provision of part 2 by statutory instrument.
4. PAS was introduced by way of the Regulatory Enforcement and Sanctions Act (RESA) 2008 part 2, as part of the Better Regulation Agenda, established following the publication of Sir Phillip Hampton's report in 2005 'Reducing administrative burdens: effective inspection and enforcement.

5. Government made a commitment to review the situation after a three year period. In 2011, following consultation on the extension of the PAS a proposal was made to introduce pilots to see whether and how Primary Authority could fit alongside current fire safety legislation and enforcement mechanisms.
6. The Fire Minister, Brandon Lewis MP, decided, following a meeting between Ministers for DCLG and the Department for Business, Innovation and Skills (BIS) that a six month pilot would be conducted commencing 1 January 2013, followed by an independent evaluation, delivered by BIS to include the Fire Safety Order .
7. The pilot involved the inclusion of a number of Fire and Rescue Services in a statutory scheme managed and governed by the Better Regulation Delivery Office (BRDO) and a non-statutory scheme managed and governed by CFOA.
8. The Authority took part in the Statutory Pilot scheme with 2 companies, Superdrug and Ladbrokes. This involved seconding a Fire Protection Officer into both organisations to provide assured advice and guidance, quality assured and managed by BRDO.
9. Following the pilot, BRDO issued advice to Fire and Rescue Services stating that no new partnerships should commence until the scheme was implemented in full, however they stated that partnership arrangements established during the pilot should be maintained, albeit in an arbitrary fashion.
10. ACL Consulting was appointed as the independent evaluators of the pilot schemes. They conducted the evaluation process throughout the pilot and submitted a report to Ministers at the end of July 2013.
11. Following a meeting in August 2013 between the Fire Minister Brandon Lewis and the BIS Minister Michael Fallon the decision was taken to extend PAS to include the Fire Safety Order on a statutory basis with a planned implementation date of April 2014.
12. CFOA will play an important role with BRDO in coordinating the scheme and a PAS pilot “lessons learned” event will be held by CFOA in the near future.

Equality & Diversity Implications

13. An Equality Impact Assessment has been completed in advance of the PAS Pilot. This will be amended to reflect the outcome of the pilot along with the provision of a Service Instruction prior to April 2014.

Staff Implications

14. Any additional burden on staff created by the request of third parties for MFRA to enter into a contract to become the Primary Authority on their behalf shall, in the first instance, be provided from existing resources, subject to demand, when at

which point potential recruitment will be considered, costs of which would be provided by the third party.

Legal Implications

15. To enable more businesses to benefit from clearer advice and more consistent enforcement, it is anticipated that Primary Authority is to be extended under the Enterprise and Regulatory Reform Act 2013 to include the Fire Safety Order.
16. The Authority would be nominated as a Primary Authority either by agreement or if nominated by BRDO. Prior to being nominated as a Primary Authority BRDO must consult with the Authority and BRDO must have regard to any representations made by the Authority as to the resources available to it.
17. There are implications in that there may be a conflict of interest for the Authority as the Enforcing Authority as well as the Primary Authority giving advice. The Authority must ensure that this potential conflict is avoided at each and every point.

Financial Implications & Value for Money

18. As indicated in paragraph 14, should there be request for the Authority to become the Primary Authority then costs associated with making that provision are charged to clients under the charging scheme set out in the PAS guidance by BRDO.

Risk Management, Health & Safety, and Environmental Implications

19. Any request for the Authority to become the Primary Authority cannot reasonably be refused subject to the statutory guidance. This does not preclude the Authority from its statutory requirement to have a risk based audit programme contained within its IRMP.

Contribution to Achieving Our Mission:

“Safer Stronger Communities – Safe Effective Firefighters”

20. The inclusion of the Fire Safety Order in the PAS aims to provide consistency and clarity, advice and guidance for responsible persons in the management of their premises thus enhancing safety for Authority staff and the public in the built environment.

BACKGROUND PAPERS

N/A

Glossary of Terms

PAS	Primary Authority Scheme
RESA	Regulatory Enforcement Sanctions Act
BRDO	Better Regulation Delivery office
BIS	Business Innovation and Skills
RRO	Regulatory Reform Order
CFOA	Chief Fire Officers Association
MP	Member of Parliament
IRMP	Integrated Risk Management Plan