

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No 7

MEETING: 20TH JULY 2015

SUBJECT: PRIMARY AUTHORITY SCHEME UPDATE

REPORT OF THE CHIEF FIRE OFFICER

1 INTRODUCTION

- 1.1 This paper provides Members with an update on Tyne and Wear Fire and Rescue Authority (TWFR) involvement in the Primary Authority Scheme (PAS) for the Fire Safety and Explosives Licensing categories, which was reported to Members on the 24 March 2014 (Minute No. 75/2014 refers)
- 1.2 The PAS is an area the Government are continuing to promote to assist in the UK's economic growth strategy by supporting the better regulation agenda. This includes extending the PAS to streamline regulation around the country by making it accessible to more business including Small Medium Enterprise and Micro Businesses.
- 1.3 The introduction of a new Enterprise Bill was announced in the Queen's speech in May 2015 stating that "Measures will also be introduced to reduce regulation on small businesses so they can create jobs [Enterprise Bill]."
- 1.4 Sajid Javid's, Business Secretary has outlined plans to simplify and extend PAS, as part of a wider Enterprise Bill:

"We're going to simplify Primary Authority...making it far easier for small businesses to access the scheme... And we're going to extend its reach." A set of new measures to support entrepreneurs and job creation include making it easier for thousands more businesses – many of them small – to build better relationships with regulators and have confidence in getting it right first time.

The proposed changes are in response to the work that Better Regulation Delivery Office (BRDO) has been doing to review Primary Authority. We are keen to hear more from businesses and regulatory stakeholders in the coming weeks and months to help us identify and remove burdens. As part of its long-term economic plan, the Government has said it will cut red tape for business by at least £10bn over the next five years.

2 BACKGROUND

- 2.1 PAS were first introduced in 2009, under the Regulatory Enforcement and Sanctions Act 2008, and was aimed at local authority regulators in order to reduce the regulatory burden on business through better, more efficient co-ordinated activity.
- 2.2 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 range of regulation categories.
- 2.3 The Enterprise and Regulatory Reform Act 2013 extended its reach to cover fire safety legislation (Regulatory Reform (Fire Safety) Order 2005 (FSO)) and included the opportunity for trade associations and franchises to have partnerships under a Co-ordinated Partnership giving access to the partnership scheme to thousands of small medium enterprises.
- 2.4 TWFRA extended its Explosives Licensing partnership with Sainsbury's Supermarkets Ltd to include the FSO and also set up partnerships with a national housing company Home Group Ltd and NHS Property Service Ltd which replaced the Primary Care Trusts and Strategic Health Authorities but still falls under the control of the Secretary of State for the Department of Health.

3 PRIMARY AUTHORITY SCHEME

- 3.1 Every Fire Authority in the country is legally bound to comply with the terms and conditions contained within the PAS as a regulator for the FSO. The regulator for the Explosives and Petroleum Licensing could be either the Fire Authority where they are the licensing authority or Local Authority Trading Standards or Health and Safety sections where they are the regulator.
- 3.2 TWFRA decided to become an active participant as a Primary Authority partner and seek businesses to partner with and agree terms and conditions within the parameters of the PAS.
- 3.3 All partnership agreements are signed and managed on behalf of TWFRA by the Area Manager Community Safety. Annual review of all partnerships in accordance with provisions of the scheme will be conducted by the Primary Authority Officer role which is held in the Fire Safety department under a delegation scheme. Partnerships are evaluated at an early stage to consider the benefits to both parties and longevity of the partnership. PAS protocol must be followed if either party wishes to disengage from the partnership agreement.

- 3.4 In a time of resources being reduced, continued participation in the PAS will bring a number of benefits to TWFRA, including:
- Assist in the development of fire safety personnel by offering opportunities to apply knowledge and develop skills in a challenging environment.
 - External funding is based on recovering all costs and so supporting work to reduce risk and making a safer community in Tyne and Wear;
 - 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
 - The opportunity to access support and funding from national companies to contribute to our community safety prevention activities.
 - Enhance and promulgate the reputation of TWFRA with businesses, fire safety communities including CFOA and Government departments (Department for Communities and Local Government, Department for Business, Innovation and Skills and BRDO)
- 3.5 Sainsbury's Supermarket Ltd have shared best practice in management processes and supported a number of community fire safety engagements such as: the Easter Egg Challenge, raising fire safety standards in children's Halloween dressing up clothes, promoting the use of safer e-candles, 'ban the pan' campaign and their continued support with SafetyWorks realising the benefits to both organisations and the community.
- 3.6 NHS Property Service are continuing to grow as a newly formed company and now have Fire Safety Policy and Management Plans in place to ensure the buildings they own and manage are safe for staff, tenants and members of the public.
- 3.7 Home Group are developing fire safety information for tenants in their home to help protect them from fire in their homes whilst ensuring their buildings have adequate fire safety measures in place.
- 3.8 **Progress to date**
- 3.8.1 **Sainsbury's**
- Various Fire Safety Policy and procedural documents have been reviewed and amended including the fire risk assessment methodology.
 - Sample audits with regards to compliance with Explosives and the FSO have taken place in over 40 convenience stores and supermarket premises across England and Scotland.

- PAS advice, which other regulators must have regard to, has been published on the BRDO PAS register relating to the testing of fire alarm systems, the keeping of fire safety records and the management of explosives.
- An Inspection Plan has been ratified by BRDO and is awaiting comments from the Health and Safety Executive as a National Regulator.

3.8.2 NHS Property Services

- Sample audits with regards to the compliance with the FSO have taken place in over 30 clinical premises throughout England.
- Key fire safety documents, policies and management documents have been reviewed including the fire risk assessment methodology.
- Liaison has taken place with other regulators resulting in on one instance an Enforcement Notice being prevented from being served incorrectly and in another, practical advice given to a fire and rescue service resulting in less burden to NHS Property Services.

3.8.3 Home Group

- Sample audits have taken place in 12 premises in the North of England.
- Fire Safety Policy documents have been reviewed and advice issued.

3.8.4 Primary Authority Officer

- In April 2015, TWFRS Primary Authority Officer Ian Bell was nominated for an award by BRDO. Ian was presented with a certificate from BRDO CEO Graham Russell on the 18th June 2015 at a BRDO event in Birmingham, highly commending his work with our current partners and other regulators. It is a well deserved tribute to Ian, that his hard work and efforts have been officially recognised by BRDO. This is really good news for TWFRA and because of Ian's efforts, this will raise TWFRA profile as a PAS partner.

4 RISK MANAGEMENT

- 4.1 All risks associated with Primary Authority Schemes have been assessed and are managed by the BRDO. TWFRS officers have a role in contributing to this process.

5 FINANCIAL IMPLICATIONS

- 5.1 Any financial costs relating to a Primary Authority Scheme are borne by the partner organisation with who TWFRS enters into a PAS agreement.

6 EQUALITY AND FAIRNESS IMPLICATIONS

6.1 There are no equality and fairness implications in respect of this report.

7 HEALTH AND SAFETY IMPLICATIONS

7.1 There are no health and safety implications in respect of this report.

8 RECOMMENDATIONS

8.1 The Authority is recommended to:

8.1.1 Support the continuation of the active participation of TWFRS in delivering the Primary Authority Scheme, to seek additional prospective business partners and to procure additional personnel under the delegation scheme if necessary.

BACKGROUND PAPERS

The under mentioned Background Papers refer to the subject matter of the above report:

