



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority  
Community Safety Committee

# PRIMARY AUTHORITY SCHEME PILOT

Report of the Chief Fire Officer

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**Agenda Item No:**

**Date:** 05 July 2013

**Purpose of Report:**

To inform members that Nottinghamshire Fire and Rescues Service has entered into a pilot Primary Authority Scheme partnership with Boots plc.

## CONTACT OFFICER

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## 1. BACKGROUND

- 1.1 Introduced in 2009 by the Regulatory Enforcement and Sanctions Act, the Primary Authority Scheme is aimed at Local Authority Regulators to reduce the regulatory burden on business through better co-ordinated and more efficient activity.
- 1.2 Primary Authority commenced in April 2008 with 18 categories of regulation. Fire safety, alcohol, and gambling were excluded following concerns around protection and the unique features of these areas. The Chief Fire Officers Association (CFOA) ran a voluntary scheme for fire safety which had similar aims of reducing burdens and improving regulation in this area, however there has been a continued business demand for Primary Authority.
- 1.3 In the Government's response to the *Transforming Regulatory Enforcement* consultation, it committed that:

*'In the case of fire safety, we will look to introduce pilots to see whether and how Primary Authority could fit alongside current legislation and enforcement mechanisms.'*
- 1.4 There was a Ministerial decision taken on 24 October 2012 to engage in pilots with Better Regulation Delivery Office (BRDO) leading them. They commenced on 1 February and closes on 30 June 2013. The decision was to test two schemes concurrently:
  - a) Statutory scheme (an extension to the existing Primary Authority scheme run by BRDO)
  - b) Non-statutory scheme run by CFOA
- 1.5 Nottinghamshire Fire and Rescue Service (NFRS) is piloting the statutory scheme which is overseen by BRDO under the department for Business Innovation and Skills (BIS). Over the course of this pilot members of NFRS's Fire Protection Team have attended various training days and workshops in London for guidance and instruction.
- 1.6 Both schemes will be piloted side by side from January until June 2013 engaging 17 Fire and Rescue Services and 17 businesses from varying sectors. Both pilots will assess in particular: the cost of implementation; impact on Fire Service capacity; and impact on Integrated Risk Management Plan among others.

## 2. REPORT

- 2.1 A Primary Authority is a partnership between a business and a single local authority. In the case of this pilot the business is Boots Plc. and the Primary Authority is Nottinghamshire Fire & Rescue Service (NFRS).
- 2.2 NFRS has always enjoyed a close working relationship with Boots Plc. Boots was established in 1849 right here in Nottingham, they have established themselves as a worldwide pharmaceutical brand, have nearly 2,500 Boots stores, 625 Boots Opticians and employ over 62,000 people, their main distribution and support site is located in Beeston covering an area of 280 acres.
- 2.3 The Boots management team know only too well the importance of fire safety and fire safety management, as the Beeston site suffered a significant warehouse fire on 1 October 1997, which involved 14 fire engines and the complete loss of the warehouse. It took over 18 months to rebuild and recover from that incident.
- 2.4 In 2007, Boots entered into a Lead fire authority partnership with NFRS. In 2010 Boots explored the potential for a Retail and Fire Key Authority Partnership (RAFKAP) and they are now piloting with NFRS the Primary Authority Scheme.
- 2.5 Through regular discussion with Boots and other businesses it is clear that different Fire Authorities have different interpretations of the same legislation, namely the Regulatory Reform Order 2005. The clear benefit of a Primary Authority Scheme allows the business to have one point of contact for fire safety advice rather than having to manage varied advice from around the United Kingdom.
- 2.6 As the Primary Authority for Boots, NFRS will also quality assure their policies and procedures, this will allow NFRS to provide an inspection plan to guide other Fire & Rescue Services prior to them undertaking any inspection activity in their Counties.
- 2.7 Another Primary Authority role would be to liaise with all other Fire & Rescue Services (known as Enforcement Authorities) as and when enforcement action is considered necessary.
- 2.8 One of the key differences with a Primary Authority is that the advice NFRS gives is no longer limited to just within the county boundaries of Nottinghamshire. This advice can now be implemented and acted upon in any Boots premises within the U.K.

## 2.9 How the Primary Authority will work

- 2.9.1 Regardless of its size, a business operating across council boundaries can form a Primary Authority partnership with a single local authority in relation to fire safety legislation and relevant duties.
  - 2.9.2 Once legally nominated by BRDO, partnerships are automatically recognised by all local regulators (Enforcement Authorities). A central register of the partnerships provides an authoritative reference source.
  - 2.9.3 By working closely with the business a Primary Authority can apply regulations to their specific circumstances, providing robust and reliable advice which must be respected by all local regulators (Enforcement Authorities).
  - 2.9.4 A national inspection plan can be produced by the Primary Authority to improve the effectiveness of inspection, avoid repeated checks, and enable better sharing of information.
  - 2.9.5 If a problem arises, the Primary Authority can coordinate enforcement action to ensure that the business is treated consistently and that responses are proportionate to the issue.
  - 2.9.6 BRDO oversees Primary Authority and operates a dispute resolution procedure.
  - 2.9.7 A business can choose what level of support it needs from its primary authority. Resourcing the partnership is up to the councils and businesses. A primary authority can choose to recover its costs.
- 2.10 Since the 1 January 2013, 17 Fire Authorities with partners from a variety of business sectors have been piloting statutory and non- statutory partnership schemes, as part of the Government's commitment to test the application of the Primary Authority Scheme for fire safety legislation.
- 2.11 CFOA has coordinated the **non-statutory scheme**, with the BRDO coordinating **the statutory scheme**, overseen by a Representative Steering Group made up of key stakeholders.
- 2.12 There are key differences between the schemes which are explained in the table below:

Statutory Scheme	Non-Statutory Scheme
Enshrined in law and Fire Authorities (FRAs) will answer to the Department for Business, innovation and Skills (BIS).	Voluntary scheme co-ordinated through CFOA open communication Intranet.
FRAs will be bound by the terms of statute and will be able to claim only for reimbursement to cover costs.	Will enable partners to make meaningful contributions to their partnered FRA risk reduction strategy (e.g. local community safety initiatives).
A partnered FRA will be able to direct all other FRA resources across the country.	Will inform other FRAs of key reductions of risk in the partner estate, which will enable determinations to be made as to the impact of the organisation on the local IRMP.
May reduce the input from Protection to the Operational function of an FRA regarding risks to Firefighters.	Makes specific provision for the transfer of risk information between protection and Operational functions of FRAs.
Only resources of the FRA can be utilised in the partnering.	Provides the opportunity to utilise resources within a trading arm of a FRA.

- 2.13 At the conclusion of the pilots an assessment will be made by Government on which scheme, if any, is to be adopted by Fire and Rescue Authorities. The outcome is anticipated by 01 October 2013.

### 3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report, however, dependant on which scheme is adopted charging schemes will need to be created for the provision of services.
- 3.2 Section 31 of the Regulatory Enforcement and Sanctions (RESA) Act 2008 enables a local authority to charge the business fees on a cost recovery basis in relation to the exercise of its functions as a primary authority. In calculating the costs incurred in providing this service, NFRS will take guidance issued by HM Treasury in Managing Public Money, annex 6.2 and consultation with the NFRS finance team.
- 3.3 Should the non-statutory scheme be adopted, further consideration will be required to consider the most appropriate delivery model and charging regime.

## **4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS**

- 4.1 The Primary Authority Scheme will be delivered by the Fire Protection team. As part of this pilot a review will take place to decide what role will take permanent responsibility for the partnership. The impact on human resources should be relatively low.
- 4.2 Fire Protection staff will be trained and updated on the Primary Authority Scheme to make all staff aware of the legislation and legal implications.

## **5. EQUALITIES IMPLICATIONS**

An equality impact assessment has not been undertaken because there are no foreseen equality implications as this pilot is being carried out under current Fire Safety legislation.

## **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disordered implications arising from this report.

## **7. LEGAL IMPLICATIONS**

Should the Primary Authority Scheme be adopted, NFRS will need to comply with the Regulatory Enforcement and Sanctions Act 2008 to pursue costs for partnering activity.

## **8. RISK MANAGEMENT IMPLICATIONS**

In terms of the NFRS Integrated Risk Management Plan and risk profiling, Boots premises are predominantly low risk shops and distribution centres. However, as more Fire Authorities become involved in Primary Authority partnerships this has the potential to reduce the burden of inspecting businesses that are already in partnership with other Fire & Rescue Services. This could free up time for NFRS to focus on its efforts on higher risk premises.

## **9. RECOMMENDATIONS**

That Members note the contents of the report and agree to receive further reports when Government has identified which scheme is to be adopted.

**10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None

Frank Swann  
**CHIEF FIRE OFFICER**