



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

THE LOCALISM ACT 2011

Report of the Chief Fire Officer

Agenda No:

Date: 03 February 2012

Purpose of Report:

To update Members on the Localism Act and its implications for Fire and Rescue Services.

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1. BACKGROUND

- 1.1 Following a period of consultation, the Localism Bill became the Localism Act 2011 following Royal Assent on 15 November 2011. The Act itself is a substantial piece of legislation and aspects of the Act will come into force at different times. As yet a full implementation timetable has not been published.
- 1.2 This paper lays out to Members the provisions that are of most relevance following the Royal Assent. Further papers will be brought to the Authority as and when guidance is published on the specific aspects detailing the full implications for the Service.

2. REPORT

- 2.1 Following its Royal Assent, the following provisions contained within the Localism Act 2011 are of most relevance to fire authorities.

New General Powers for Fire and Rescue Authorities

- 2.2 Part 1, Chapter 2, Section 9 details amendments to the Fire and Rescue Services Act 2004 (new Section 5a – 5c) providing broad general powers to do things related to their purposes. Specifically the Act states that a Fire Authority can do:
 - a) Anything it considers appropriate for the carrying out of any of its functions;
 - b) Anything it considers appropriate for the purposes incidental to the carrying out of its functions (whether directly or incidental); or
 - c) Anything it considers to be connected with a) or b).
- 2.3 In real terms this amendment to the Fire and Rescue Services Act 2004 provides stand alone fire and rescue authorities with a similar power to the general power of competence, but related to their single purpose status. With this power, single purpose fire and rescue authorities such as Nottinghamshire, will be able to do anything they consider appropriate for purposes linked to their statutory duty to help deliver a more innovative and personalised service to their community.
- 2.4 These new powers are intended to enable fire and rescue authorities to act innovatively to generate efficiencies and secure value for money. There are statutory limitations and restrictions which include powers to tax, precept and borrow, being governed by existing regimes.
- 2.5 A key future decision for Nottinghamshire and City of Nottingham Fire and Rescue Authority as part of its next IRMP consultation, will be to determine what other services it may wish to provide, to the community, linked to our statutory powers, that will deliver a better service.

Charging

- 2.6 Section 10 of the Localism Act amends the existing charging arrangements for all fire and rescue authorities by inserting sections 18A – 18C into the Fire and Rescue Services Act, which introduces broader charging criteria.
- 2.7 The decision making process for charging for additional activities must be subject to local consultation and there are certain safeguards contained within the Localism Act where charging is not permissible. Whilst the new Act repeals Section 19 of the Fire and Rescue Service Act 2004, any current charging arrangements will be able to proceed without further consultation.
- 2.8 A new provision does provide for fire and rescue authorities to be able to charge for mobilisation to non-domestic premises where there is consistent reported false alarms due to 'malfunctioning' or 'misinstalled' equipment.
- 2.9 Fire and rescue authorities will not be able to charge for any of the core functions such as fires, RTCs and emergencies such as special service calls.
- 2.10 A key policy decision for the Fire Authority to make in the future therefore will be to decide whether it wishes to levy for false alarms, and if so, to consult on this proposal as part of its IRMP.

Community Right to Challenge

- 2.11 This aspect of the Localism Act enables voluntary and community groups, parish councils, and staff of relevant authorities to express an interest in running existing relevant authority services where they believe they can do so differently and better.
- 2.12 As yet the definition of relevant authority has not been confirmed as being extended to single purpose fire and rescue authorities (county fire and rescue services are included), although CLG have confirmed in a recent circular that it is their intention to include single purpose fire and rescue authorities in forthcoming regulations.
- 2.13 Consideration is also being given as to what services fire and rescue authorities carry out can be challenged and what services cannot. Further advice on this can be expected early in 2012.
- 2.14 The Fire Authority therefore needs to be mindful that once specific exemptions are confirmed, other services that Nottinghamshire Fire and Rescue Service carries out on behalf of the public and its staff may be subject to challenge.

Community Right to Bid

- 2.15 This part of the Act allows for community bodies, voluntary groups and parish councils to be able to nominate land and buildings to be listed as 'assets of community value'.

- 2.16 The crux of this is to allow for community groups to exercise a pause in any sale process so as to allow local funds to be raised to retain the asset within the community.
- 2.17 It is not therefore unforeseeable that such groups may nominate their local fire stations as “assets of community value”. The Fire Authority would have to consider the impact of this on future proposals if the regulations do not exempt our premises.

Pay Accountability

- 2.18 This allows for the setting of the senior pay framework of the senior managers of the organisation, as well as the policies relating to this, to be clear and accountable.
- 2.19 A relationship between the senior chief officer and the lowest paid employee will need to be established, as well as how the senior pay is set.
- 2.20 This needs to be in place for the financial year beginning 2012/13.
- 2.21 Nottinghamshire Fire and Rescue Service already publishes the salaries of its senior officers via its website and through its accounts. A paper relating to the pay policy will be presented to the Fire Authority for full adoption at its full meeting on 24 February 2012.

Right to Approve or Veto Excessive Council Tax Rises

- 2.22 The Localism Act does provide provision for local communities to veto or agree Council Tax rises.
- 2.23 Each year the Secretary of State will set a limit which will be a way of determining acceptable Council Tax rises. Where an Authority chooses to exceed this level, it will have to hold a referendum to get approval from local voters.
- 2.24 The first year of this arrangement will be 2012/13, where the level set for Fire and Rescue Authorities is 4%.

3. FINANCIAL IMPLICATIONS

The financial implications arising from this report are contained within the body of the report. Future decisions by the Fire Authority regarding charging, pay accountability, extension of powers and Council Tax rises will all be addressed as and when decisions are made.

4. HUMAN RESOURCES & LEARNING AND DEVELOPMENT

There are no specific human resources or learning and development implications arising from this report.

5. EQUALITIES IMPLICATIONS

An equality impact assessment has not been undertaken because this report does not relate to a function, policy or service.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

As this report identifies, the Localism Act both amends primary legislation in the Fire and Rescue Services Act and also introduces legislation which may and does affect the Service.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 There are a number of risk management implications which this report identifies and will have to be addressed by the Fire Authority in due course.
- 8.2 Whether to charge, how to set its Council Tax levies and what challenges it might expect from the community will all have to be considered.

9. RECOMMENDATIONS

It is recommended that Policy and Strategy Committee:

- 9.1 Note the contents of the Localism Act 2011 and the potential implications for the Service.
- 9.2 Instruct the Chief Fire Officer to report on the specific elements and options to them as part of the next integrated risk management planning process.

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

None.

Frank Swann
CHIEF FIRE OFFICER