



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

PRIMARY AUTHORITY SCHEME

Report of the Chief Fire Officer

Date: 03 July 2015

Purpose of Report:

To update Members on the primary authority scheme and advise that a formal partnership with Boots UK has now been formed.

CONTACT OFFICER

Name :	Wayne Bowcock Deputy Chief Fire Officer
Tel :	0115 967 0880
Email :	wayne.bowcock@notts-fire.gov.uk
Media Enquiries Contact :	Bridget Aherne (0115) 967 0880 bridget.aherne@notts-fire.gov.uk

1. BACKGROUND

- 1.1 Primary authority is a term used to describe a legal agreement with a regulatory body where advice is given and interpretation of legislation is managed consistently, through a legally binding agreement that is nationally recognised.
- 1.2 There was a Ministerial decision taken on 24 October 2012 for primary authority pilots to commence with BRDO (Better Regulation Delivery Office) to lead them. At the conclusion of the pilot it was determined that from April 2014 there would be a statutory duty placed on all Fire Authorities in England and Wales in relation to the enforcement of fire safety legislation, as a result of the extension of the Primary Authority Scheme to the Regulatory Reform (Fire Safety) Order 2005 (the Order).

2. REPORT

- 2.1 Nottinghamshire Fire and Rescue Service (NFRS) commenced its involvement in the statutory primary authority pilot scheme in January 2013. Below is a table giving examples of fire and rescue services and businesses that also participated:

Business	Fire Service
Tesco	Hertfordshire
SSP Ltd	London
Enterprise Inns	London
Travelodge	Leicestershire
Boots	Nottinghamshire
St Austell Brewery	Cornwall
Asda	West Yorkshire
Sainsbury's	Tyne and Wear
Ladbrokes	Merseyside
Superdrug	TBC

- 2.2 NFRS piloted the statutory scheme which was overseen by central government departments. During this pilot, members of NFRS's Fire Protection team and Boots Health and Safety Management Team attended various training days and workshops in London for guidance and instruction.

About Boots UK

- 2.3 In order to fully appreciate the benefits of a primary authority partnership there needs to be some understanding of the business that NFRS will

potentially be in partnership with. The key information to consider is the type of business, its size in terms of premises and staff and the hazards and risks that the business poses.

- 2.4 Boots UK is a member of an international pharmacy-led health and beauty group with stores nationally and internationally, employing approximately 60,000 people. There is a national distribution centre and support office within the 279 acre Nottingham site.
- 2.5 As part of the primary authority scheme each fire and rescue service and business partner can explore the following areas:
- Advice;
 - Inspection plans;
 - Cost recovery;
 - Sharing of information via a designated IT system.

The Business Benefits of a Primary Authority

- 2.8 Being a primary authority provides consistent advice and guidance from a single Fire Authority, this advice is not only communicated with the business partner but also any other Fire Authority (enforcing authority) that may have a business partners premises within its area. For example, in the case of Boots, NFRS has been contacted by a number of different fire authorities regarding minor issues in Boots' stores from around the country. These issues were addressed directly by NFRS staff and no further action was required from either of the enforcing authorities thus saving time, work and unnecessary business disruption.
- 2.9 Some of the key benefits to businesses engaging in a primary authority partnerships with NFRS are:
- Dealing strategically with one authority;
 - Having a consistent interpretation of the law;
 - Having a singular point of contact and liaison for fire safety matters;
 - Reducing costs adhering to varied fire safety requirements;
 - Reducing business interruption through fire safety inspections.

The Benefits to Nottinghamshire Fire and Rescue Service Becoming a Primary Authority

- 2.10 Operating as a primary authority allows NFRS valuable opportunity to support Nottinghamshire's business community, balancing regulatory and enforcing roles with a corporate commitment to assist in the recovery and sustainability of the local economy. This scheme allows the development of positive relationships between NFRS and local and national businesses to improve compliance with regulations and guidance.
- 2.11 There is also an opportunity for NFRS to recover costs and expenses for any work relating to primary authority activity. Activity costs that will be recovered

range from giving advice, travel, accommodation, inspections, site visits and any time spent carrying out primary authority work.

Advice

- 2.12 The advice given by NFRS during this scheme has generally been at a corporate level – advice that impacts not just on one premises but many. The advice is generally regarding management systems and processes. It is this type of assistance that has the biggest impact on improving safety and prevents the need to micro-manage local issues.

Inspection Plans

- 2.13 An inspection plan is agreed between the business and primary authority and must be adhered to by any enforcing authority. The plan can be designed to avoid unnecessary repetition and duplication. For example, Boots' training records and maintenance records are electronic and stored centrally, therefore an agreed inspection plan may state that there is no need for any enforcing authority to attempt to view these documents as they have been approved by the primary authority but a site inspection may still be required to check fire exits etc.

Assured Advice

- 2.15 Assured advice is advice given by a primary authority and must be adhered to by any local enforcing authority, for example a fire safety guide may recommend fire doors being present in a certain part of a building but if the building has a sprinkler system installed (above and beyond the guidance) then NFRS may hold the view that the need for fire doors can be relaxed. This could be given as “assured advice” and this would be shared with any enforcing authority, the advice would be in writing and prevents multiple interpretations of the same guidance. Boots have asked NFRS to work on a number of pieces of assured advice.

Cost Recovery

- 2.14 Invoices shall be submitted to Boots for any services provided relating to primary authority work. Boots are aware and have agreed to NFRS hourly rates based on a Station Manager rate of pay. These costs will be reviewed annually.

Sharing of Primary Authority Information Between Services and Businesses

- 2.16 BRDO has a secure on-line primary authority web site for sharing primary authority information such as inspection plans, assured advice and primary authority agreements. This tool will be invaluable as not all Fire Authorities use the same IT systems or data recording systems.

Feedback from Boots

- 2.17 The feedback from Boots has been very positive. Boots has strong ties with the people of Nottinghamshire and has an incredibly strong brand for health and beauty both nationally and internationally, so any safety critical issues that affect their staff or customers are unacceptable to them as an employer and service provider. The main benefits for Boots are having a single point of contact and consistent advice. A learning point to address is that communication between primary authorities and other enforcing authorities needs to be improved. This is something the BRDO is working on.

Moving Forward

- 2.19 NFRS is capable of providing a primary authority partnership service to local businesses, however the number and type of partnerships need to be considered alongside the capacity of the Fire Protection department. BRDO are working with the Fire Protection IT systems supplier, which supplies many other fire and rescue services, to improve the integration of the two main IT systems relevant to PAS. Further work also needs to be conducted regarding NFRS's capacity to enter into numerous primary authority partnerships. These issues can be addressed on an ongoing basis.

3. FINANCIAL IMPLICATIONS

The only financial implication arising from this report is the ability to recover costs for work relating to primary authority schemes. This is unlikely to raise significant levels of income but will be monitored and reported through Finance and Resources Committee as appropriate.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

Fire Protection staff have, and will continue to receive training to enable them to effectively work with businesses to deliver primary authority schemes. This training is included in the existing training regime for the department and will not cause any additional issues.

5. EQUALITIES IMPLICATIONS

An Equality Impact Assessment is not required for this report as it does not seek to change policy or the provision of services.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

- 7.1 Primary authority schemes are now a legal requirement on Fire and Rescue Authorities. This report articulates how NFRS is meeting that legal obligation under the Regulatory Reform (Fire Safety) Order 2005.
- 7.2 NFRS will continue to carry out its Fire Protection duties based on risk. The only new legislation is the Regulatory Enforcement Sanctions Act 2008 which NFRS will use to pursue costs for Primary Authority work.

8. RISK MANAGEMENT IMPLICATIONS

In terms of the NFRS Integrated Risk Management Plan (IRMP) 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 and rescue services. This could free up time for NFRS Fire Protection staff to focus on its efforts on higher risk premises.

9. RECOMMENDATIONS

It is recommended that Members:

- 9.1 Note the requirement to comply with the Primary Authority Scheme under the obligations within Regulatory Reform (Fire Safety) Order 2005.
- 9.2 Endorse NFRS expanding the delivery of the Primary Authority Scheme to other businesses from April 2015.

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

None

John Buckley
CHIEF FIRE OFFICER