



**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:** 12 January 2018

**Purpose of Report:**

To update Members on the existing primary authority scheme with Boots UK and the possible expansion of the scheme to include two further organisations.

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## 1. BACKGROUND

- 1.1 The Primary Authority Partnership Scheme (PAS) allows an eligible business to form a legally recognised partnership with a single local authority in relation to regulatory compliance. This local authority is then known as its 'primary authority'. The businesses participating in the primary authority partnership scheme range from large businesses operating across the country to very small locally based businesses with just a few employees. The PAS is a statutory scheme, established by the Regulatory Enforcement and Sanctions Act 2008 (the RES Act). Initially Fire Safety was excluded from PAS.
- 1.2 In 2013, a Ministerial decision was taken for Fire Safety primary authority pilots to commence with Regulatory Delivery (RD) leading on the pilot. At the conclusion of the pilot it was determined that from April 2014 there would be an extension of the PAS to include the Regulatory Reform (Fire Safety) Order 2005 (the order). The PAS is administered by RD which is part of the Government's Department for Business, Energy and Industrial Strategy.
- 1.3 Historically, fire authorities had legislative powers under the Fire Safety Order and discharged those powers within their geographical boundaries. This approach was beneficial to each Fire Authority's understanding of their own geographical and political boundary, but created inconsistencies for businesses that have premises in more than one county, regionally or nationally.
- 1.4 Being in a PAS enables consistent advice and guidance to be gained from a single fire authority, this advice is not only communicated with the business partner, but also all other fire authorities which may have a business partner's premises within its area. Other benefits to businesses engaging in a primary authority include:
  - 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 associated with varied fire safety requirements; and
  - Reducing business interruption through fire safety inspections.
- 1.5 There are two main types of PAS; those being 'direct' and 'co-ordinated'. In a direct partnership businesses access the scheme communicating directly with that regulator. In a co-ordinated partnership businesses access the scheme by the fact that it shares an approach to compliance with other businesses. Usually in a co-ordinated partnership there is a third party who undertakes the co-ordinating role between the primary authority and the businesses. The relationships within which communication takes place will then be between the business and the co-ordinator, and between the primary authority and the co-ordinator.
- 1.6 In 2013, Nottinghamshire Fire and Rescue Service (NFRS) took part in a pilot scheme with Boots UK for primary authority with regards to fire safety. A statutory partnership with Boots was subsequently commenced and has been in

operation since with NFRS providing Boots UK with fire safety advice and recovering associated costs in doing so.

## **2. REPORT**

- 2.1 Operating in a primary authority allows NFRS valuable opportunities 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. These schemes allow the development of positive relationships between NFRS and local and national businesses to improve compliance with regulations and guidance.
- 2.2 Amendments to the primary authority scheme which were introduced in October 2017 were brought in to make it easier for small businesses to access the scheme and expand the supportive role of national regulators. The amendments, which took effect in October 2017 included:
- Amending the eligibility criteria in order to widen access to primary authority, especially for businesses who are regulated by a single local authority and pre-start-up businesses that are not yet regulated;
  - Simplifying arrangements for co-ordinated partnerships to make it as easy as possible for groups of businesses, such as franchisees or the members of a trade association, to access the benefits of primary authority;
  - Enabling national regulators to play a greater role in supporting primary authorities in the development of primary authority advice and inspection plans;
  - Allowing the Secretary of State, in the future, to specify regulators, other than local authorities, who could be required to act consistently with primary authority advice, or who could become primary authorities; and streamlining the administrative processes for all involved.
  - A new Primary Authority Register has been created with the aim of assisting the effective running of the scheme.
- 2.3 NFRS's relationship with Boots has been in existence since 2013. Boots 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. NFRS provides primary authority advice and guidance to Boots and around 2,500 of their stores and approximately 625 opticians' practices.
- 2.4 Advice given by NFRS is generally at a corporate level – advice that impacts not just on one premises but many. The advice is normally 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. An inspection plan is agreed between the member of the scheme and NFRS and must be adhered to by any enforcing authority. The plan is designed to avoid unnecessary repetition and duplication.

- 2.5 'Assured advice' is advice given by a primary authority and must be adhered to by any local enforcing authority. The advice is given as 'assured advice' by the Service and is shared with other enforcing authorities, the advice would be in writing and prevents multiple interpretations of the same guidance.
- 2.6 Costs associated with the provision of primary authority services are claimed back on a cost recovery only basis. The cost recovery process involves NFRS submitting Invoices for any services provided relating to primary authority work.
- 2.7 RD have 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 is invaluable as not all fire authorities use the same IT systems or data recording systems.
- 2.8 NFRS has the capability to provide primary authority partnerships services to other local businesses; however, the number and type of partnerships needs to be considered alongside the capacity of the fire protection department to administer the partnerships. These issues will be assessed on an ongoing basis as and when NFRS is approached to provided partnerships. The Service is currently in discussion with a retail chain and a national charity regarding the introduction of additional partnerships.
- 2.9 The Service is also currently exploring the potential to work with other regulators including Derbyshire Fire and Rescue Service (DFRS) to provide a co-ordinated partnership with the Food and Drink Forum to assist small food businesses in complying with relevant regulations. Consistent advice would be given on trading standards, environmental health and fire safety regulations where a one stop shop for small businesses would look to provide advice that would reduce the regulatory burden on these businesses. NFRS is working with DFRS to produce tailored fire safety advice regarding risk assessments for small food businesses. The work is supported by the Derbyshire and Nottinghamshire Local Enterprise Partnership (D2N2).
- 2.10 In 2016 NFRS, Boots and their other PAS regulators won a special merit award from RD at the national awards ceremony. It was recognised that the partnership regulators developed a common approach to issuing primary authority advice, with targeted audits carried out by the business to check its effective implementation across the country in a variety of store types.

### **3. FINANCIAL IMPLICATIONS**

Expenses associated with operating a primary authority scheme are recouped on a cost recovery basis only and does not operate on a 'for profit' basis. Activity costs that are recovered include; advice given, travel, accommodation, inspections, site visits and time spent carrying out other primary authority work.

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

The PAS is administered and managed by the fire protection department within existing human resources. The fire protection team receive training against the NFCC competency framework for fire inspectors and are equipped with the relevant knowledge and qualification for them to be able to technically support the PAS.

### **5. EQUALITIES IMPLICATIONS**

An equality impact assessment has not been undertaken because the report 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 All Fire authorities in England and Wales are legally bound to comply with the terms and conditions contained within the PAS. This will either be as a primary authority partner or as an enforcing authority.

7.2 Relevant Legislation:

- Fire Services Act 2004;
- Regulatory Reform (Fire Safety) Order 2005;
- Regulatory Enforcement Sanctions Act 2008;
- Legislative and Regulatory Reform Act 2006; and
- Legislative and Regulatory Reform (Regulatory Functions) Order 2007, as amended in 2009, 2010 and 2014.

7.3 NFRS must comply with the statutory duty outlined within the Regulatory Reform Fire Safety Order (RRO) 2005 and meet the Regulators Code. Fire Authorities, must have regard to these when developing policies and procedures that guide their regulatory activities.

## **8. RISK MANAGEMENT IMPLICATIONS**

As more Fire Authorities become involved in primary authority partnerships there is potential to reduce the burden of inspecting businesses that are already in PASs with other FRSs as fire safety compliance improves and risk reduces.

## **9. COLLABORATION IMPLICATIONS**

Examples of collaboration with other Regulators and DFRS are included within the body of the report. NFRS will continue to seek opportunities to collaborate with other Regulators in support of achieving the aims and objectives of the Regulators code. We will also collaborate with RD in the continuing improvement and management of the PASs.

## **10. RECOMMENDATIONS**

That Members note the contents of this report.

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

None.

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**CHIEF FIRE OFFICER**