

CHESHIRE FIRE AUTHORITY

MEETING OF: CHESHIRE FIRE AUTHORITY
DATE: 20TH JUNE 2018
REPORT OF: HEAD OF PROTECTION AND ORGANISATIONAL
PERFORMANCE
AUTHOR: JAMES WILLMOTT

SUBJECT: PRIMARY AUTHORITY SCHEME PARTNERSHIP
AUTHORISATION PROCESS AND GENERAL UPDATE

Purpose of Report

1. To provide Members with an update on the partnerships that Cheshire Fire and Rescue Service (the Service) has under the Primary Authority Scheme and explain how existing arrangements have operated.
2. To seek agreement from Members that future Primary Authority Scheme proposals are determined by officers.

Recommended: That Members

- [1] note the paper;
- [2] continue to support the Service's involvement in existing and pursuance of new Primary Authority Schemes; and
- [3] authorise the Chief Fire Officer and Chief Executive, the Treasurer and the Director of Governance and Commissioning to approve future Primary Authority partnership arrangements if they are satisfied with them.

Background

3. The Primary Authority Scheme is a partnership scheme between a business and a single regulatory body (known as the Primary Authority). Partnerships are governed by legislation and cover specified areas of regulation such as fire safety.
4. The Scheme allows a business to form a partnership with a local authority such as a fire authority. The Primary Authority then provides assured and tailored advice on complying with regulations, e.g. fire safety, that other similar regulatory bodies must adhere to.
5. Businesses can benefit from a partnership by having access to relevant, authoritative tailored advice. They can also benefit by drawing on an established and effective means of meeting business regulations and

can be more confident they are protecting themselves, their employees and customers.

6. By entering into a partnership the Service benefits by supporting local economic growth through stronger business relationships. It also benefits by improving local regulation and can better target its resources to higher risk areas. Additionally, the Service also gains by developing staff expertise in specific areas via its partnerships.

Assured Advice

7. Different partnership services can be offered under the Primary Authority Scheme including the provision of assured advice on specific areas of compliance which the business can follow in the knowledge that the approach will comply with regulations. For example, a business might want to vary its approach to its maintenance regime of fire alarm systems; its partner is able to advise on the route to compliance.
8. Another enforcing authority may only take action against a business that is in a Primary Authority Scheme after consulting with the Primary Authority first and enforcement action may be blocked if it is inconsistent with the assured advice given by the Primary Authority.
9. Disputes in relation to a regulatory approach specified in assured advice are determined by the Secretary of State, although such interventions are extremely rare.
10. The Service is currently working with its partners, industry and national regulators to develop assured advice covering different aspects of compliance in relation to fire safety.

Inspection Plans

11. The Primary Authority can also work with a partner business to develop an inspection plan which must be followed by local enforcing authorities when inspecting business premises. Inspection plans can recommend the frequency of visits, their content and the circumstances which will warrant an inspection.
12. The purpose of an inspection plan is to direct enforcing authorities' inspections towards areas of risk so that areas previously deemed compliant by the Primary Authority are avoided.
13. The Service currently has no inspection plans in place with its partners.

Changes to the Primary Authority Scheme

14. The Co-ordination of Regulatory Enforcement Regulations (the CORE Regulations) came into force on the 1st of October 2017. The CORE Regulations changed the scope of the scheme by allowing a Primary

Authority to provide services to a business for all regulatory functions within their remit.

15. This alteration to the legislation only affects Metropolitan and County Council Fire and Rescue Services. As a combined authority, the Service can only provide Primary Authority services in relation to fire safety so this change will not affect it. It is possible that the Service's partners may choose to seek fire safety primary authority services from a different provider where that service can offer multiple regulatory functions such as Petroleum Licensing etc.
16. The CORE Regulations also made changes to assured advice, requiring it to be published on the secure area of the Primary Authority Register either as a description of the areas of advice given or in full.
17. A further change to the scheme removed a limited liability clause which meant that the Service was only liable to pay back any fees paid by the partner organisation. The Service has included the same liability protection arrangements in its revised partnership agreement documentation.

Current Partnerships

18. The Fire Authority approved a proposal in June 2015 for the Service to form its first partnership with Hydes Brewery Ltd. It approved a second proposal in September 2016 for the Service to form a partnership with Certas Energy (UK) Ltd.
19. Both partnerships have progressed well with the Service targeting specific areas of compliance or areas of the business operation at the request of the company.
20. The Service has assisted its partners through the completion of compliance visits highlighting areas of non-compliance and subsequent improvements at organisational and local level. The Service then provides a written compliance report to the business and provides support in achieving a satisfactory level of compliance.
21. A number of compliance visits are planned each year with the business and Service agreeing the areas of compliance and premises which will be sampled in advance.
22. The Service has also reacted to a number of requests for information from both the partners and also from other enforcing authorities throughout the year. The requests can be as a result of non-compliance at local level, due to an incident or to secure guidance on a particular area of compliance.
23. Quarterly meetings are also undertaken with both partners to progress issues and plan for the future requirements of each business.

24. The Service's existing partnerships operate on a cost recovery basis where only the hours spent performing work for the partner are charged back to the partner.
25. As of 5th June 2018 the Service had recovered costs totalling £19,266 arising from work with both partners.
26. All businesses entering into a new Primary Authority Partnership with the Service will be required to commit to a package of hours to be provided over the course of a year with a minimum of 80 hours per year stipulated. This forms part of the partnership agreement signed by both parties.
27. Unused hours are non-refundable unless this is due to a lack of capacity on the part of the Service in relation to staff shortages or sickness; in such circumstances unused hours will be credited to the next financial year. Additional hours may be purchased at the hourly rate of £64.00. This rate is calculated by the Finance Department to ensure accurate recovery of costs
28. The Service is currently drafting new partnership arrangements incorporating the package formula described in paragraphs 26 and 27 above for its existing partnerships.
29. If all existing and future business partners were to request the minimum package, then the Service would need a further four partnerships in order to fully cover the cost of the dedicated primary authority technical officer post.

Partnership approval process

30. The process of forming a new partnership currently requires the Head of Protection and Organisational Performance obtaining approval from the Fire Authority.
31. Once approval has been given by the Fire Authority the Service must then negotiate partnership arrangements with the business before formally seeking nomination from the Secretary of State.
32. The current process of seeking approval to form a partnership can be impacted due to the timing/frequency of Fire Authority meetings. A delay could put the Service at a disadvantage against other competing partnership providers and mean that it might lose a potential partner.

Proposal

33. The provision of Primary Authority partnerships has become competitive and businesses looking to enter into a partnership will often meet with a number of different fire and rescue services. To ensure that the Service can compete with other partnership providers it is recommended that the authorisation process is streamlined. Members are therefore asked to

authorise The Chief Fire Officer and Chief Executive, the Treasurer and the Director of Governance and Commissioning to deal with the approval of future Primary Authority partnership arrangements if they are satisfied with them.

Financial implications

34. Due to the nature of business partnerships and the varying needs of a partner business during the lifetime of a partnership, potential income (on a cost recovery basis) could increase or decrease. This could affect the funding of the dedicated post.

Legal implications

35. It is important that a suitable scheme of delegation exists. Now that the Primary Authority Scheme arrangements have become embedded and understood it appears appropriate for officers to handle decision-making associated with new partnerships.

Equality and Diversity implications

36. There are no equality and diversity implications arising from this paper.

Environmental implications

37. There are no environmental implications arising from this paper.

BACKGROUND PAPERS: NONE