

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE – 12 APRIL 2005

FIRE AND RESCUE FRAMEWORK FOR SCOTLAND

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise the Committee on a Scottish Executive Consultation Paper entitled 'Fire and Rescue Framework for Scotland' and to seek authority to submit an appropriate response on behalf of the Council.

2. BACKGROUND

- 2.1 In April 2002, the Scottish Executive published a policy paper 'The Scottish Fire Service of the Future', which was the pre-cursor to the Fire (Scotland) Bill which is currently before Parliament.
- 2.2 Section 36 of the Bill requires Scottish Ministers to prepare and consult on the Fire and Rescue Framework for Scotland, to keep the Framework under review and to consult on any proposed significant revisions. Section 37 requires Fire and Rescue authorities to have regard to the Framework when carrying out their functions. In the event of failure Scottish Ministers have powers of intervention although it is stressed that this is a matter of last resort.

3. DISCUSSION

- 3.1 The Consultation Paper is therefore based on the roles and responsibilities of Fire and Rescue authorities and the Scottish Executive. These can be respectively summarised as follows:-

- 3.1.1 Fire and Rescue authorities will be expected to:-

- ✦ Ensure that enforcement of the fire safety legislation and an associated programme of inspection and audit forms part of their Integrated Risk Management Plans;
- ✦ Ensure that their fire safety enforcement programme is targeted to address risk, with the premises which pose the greatest risk to people from fire receiving the highest priority;
- ✦ Fulfil their enforcement role in line with the provisions of the fire (Scotland) Bill and the Regulations and Guidance issued by Scottish Ministers;

- ✦ Engage in partnership working, relevant stakeholders such as other enforcing authorities, licensing authorities and other registration organisations;
- ✦ Collaborate with the other Scottish Fire and Rescue Authorities to assist in achieving consistent enforcement within Scotland and as an aid to achieving Best Value;
- ✦ Embrace the principles of good enforcement as specified in the Cabinet Office Enforcement Concordat.

3.2 Through the Fire (Scotland) Bill, the Scottish Executive is simplifying, rationalising and consolidating existing legislation. It is providing for a risk based approach to fire safety allowing more efficient, effective enforcement by the Fire and Rescue Service and other enforcing authorities.

3.2.1 The Scottish Executive will:-

- ✦ Following consultation with stakeholders, issue and keep up to date, guidance documents for the purpose of providing practical advice to relevant businesses and other duty holders;
- ✦ In consultation with stakeholders, keep the regime under review and ensure that, where necessary through regulation, changes are brought forward to maintain and improve fire safety standards and conform with our EC obligations;
- ✦ Ensure that obligations under the Fire (Scotland) Bill e.g. Determination of Disputes, are carried out in line with the provisions of the Bill and associated regulations and guidance.

3.3 There has already been considerable debate with Local Authorities, Fire and Rescue Services and the Convention of Scottish Local Authorities on the proposals and whilst they are generally welcomed and supported it is felt that the following points should be included in the response to the Scottish Executive:-

3.3.1 There are concerns that the consultation draft fails to present the desired strategic direction and instead deals in too much detail with procedural and operational aspects of the service. Given the influence the final framework will have over how the fire service functions in future, it is essential that it does not undermine local democratic control of those services.

3.3.2 The draft national framework proposes 27 separate powers that would allow Ministers to intervene in 'failing' fire authorities. As in other areas of policy, the Executive has provided assurance that these powers would only be used as a last resort. However, there are concerns that their

- introduction would represent a direct threat to local democratic control of the fire service.
- 3.3.3 Any proposals for structural change to the existing Fire Board structure must be justified by robust evidence that it would deliver improvements in service delivery and local accountability. There are therefore concerns that the Bill grants Ministers powers to amalgamate Fire Boards. This potentially represents a further instrument of central control, since it would allow Ministers to proactively reorganise the organisational structure of the Fire and Rescue Services, without requiring the support of the authorities themselves.
- 3.3.4 The Bill makes no reference to Fire Control Rooms and COSLA has been informed that the control rooms decision has been postponed indefinitely for now.
- 3.3.5 The Bill contains a proposal to establish a Common Fire Services Agency. The Executive suggests that this would improve service delivery for specific functions, such as procurement, which would be delivered through this agency on a Scotland-wide basis and would promote the economy, efficiency and effectiveness of Fire and Rescue authorities in line with Best Value. COSLA has opposed this provision both on the grounds of efficiency and governance arguments. In respect of efficiency considerations, COSLA's view has been that efficiencies can be achieved without the need for the structural change that a new Common Fire Services Agency would represent. Local government, including Fire and Rescue authorities already has an established track record of effective collaborative working across services and sectors, particularly through community planning. Equally, local government has a proven track record in relation to the delivery of Best Value. In respect of governance, COSLA is concerned that the introduction of a Common Fire Services Agency could signal a significant first step towards a centralised National Fire Service for Scotland. It is felt that the position taken by COSLA is correct and should be supported.
- 3.4 The comments contained in paragraphs 3.3.1 – 3.3.5 are broadly consistent with the views of the Task Group established by COSLA to consider the Fire (Scotland) Bill.

4. FINANCIAL AND POLICY IMPLICATIONS

- 4.1 None arising directly from this report although the Community Safety theme of the Community Plan relates to a number of proposals contained in the Consultation Paper.

5. LEGAL IMPLICATIONS

- 5.1 Following consideration by Parliament, the new Fire (Scotland) Act will be enacted in due course.

6. CONCLUSION

- 6.1 The proposals contained in the Consultation Paper are generally welcomed and supported subject to the caveats outlined in paragraphs 3.3.1 – 3.3.5. However, the proposals are less strategic than was originally anticipated but still provide a degree of clarity on the future of a modern Fire and Rescue Service.

7. RECOMMENDATIONS

- 7.1 It is recommended that the Committee:-
- (i) Consider the terms of this report;
 - (ii) Remit to the Executive Director of Neighbourhood Services to respond to the Consultation Paper having regard to the specific comments contained in section 3 of this report; and
 - (iii) Otherwise note the terms of this report.

William Stafford
Executive Director of Neighbourhood Services

WS/JS

15th March 2005

LIST OF BACKGROUND PAPERS

1. Letter and consultation draft 'Fire and Rescue Framework for Scotland' from Scottish Executive dated 27th January 2005.

Any person wishing to inspect the background papers should telephone 01563 576023 and ask to speak to William Stafford, Executive Director of Neighbourhood Services.

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