

# Fire and Rescue Service Monthly Bulletin

**Bulletin number: 11** 

06 June 2011

#### Addressed to:

The Chair of the Fire and Rescue Authority
The Chief Executive of the County Council
The Clerk to the Fire and Rescue Authority
The London Commissioner
The Chief Fire Officer

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### Title: Update on the progress of the Localism Bill

This provides and update on the Localism Bill, which completed Report and 'Third Reading' in the House of Commons on 16 and 17 May 2011.

## **Title: Business Continuity**

This is to remind Fire and Rescue Authorities of their statutory responsibilities to have effective business continuity plans in place to deal with possible disruptions to the performance of its functions.

## Title: Opportunities within the Office of the Chief Fire and Rescue Adviser

Highlights secondment opportunities within the Office of the Chief Fire and Rescue Adviser.

# Update on the process of the Localism Bill

#### 1. Background

- 1.1 In December 2010 the Coalition Government published the Localism Bill, reflecting the decentralisation of power away from Government and Whitehall to localities.
- 1.2 The Bill provides significant freedoms and flexibilities to the 31 stand-alone fire and rescue authorities (combined, metropolitan and London) by empowering them with a comparable power to the general power of competence:

Empowers stand-alone fire and rescue authorities to undertake any activities linked to their functions. The relationship between the activity and the function does not have to be a direct one. This preserves their single-purpose status.

- 1.3 The Bill also removes Department for Communities and Local Government's role in amending and implementing charging options (all fire and rescue authorities) and enables for the first time charging for attending persistent false alarms.
- 1.4 Existing trading provisions have not been amended.

#### 2. General power of competence

2.1 Principal local authorities, including county councils will have access to the general power of competence. This includes the 15 county councils who are also fire and rescue authorities, as they are the principal local authority for the county and exercise significantly wider functions than standalone fire and rescue authorities.

#### 3. Stand alone Fire and Rescue Authorities: General power

- 3.1 The general power of competence takes the starting position of what an individual can do, limited by legislation, rather than a single purpose body which is defined by its functions. This is because the 31 stand-alone Fire and Rescue Authorities are constituted specifically to focus on a core set of functions limited by Statue.
- 3.2 Instead stand-alone Fire and Rescue Authorities benefit from a comparable general power to the general power of competence. For example, the general power as drafted would enable Fire and Rescue Authorities to engage in activities, ruled by the Court of Appeal in the "London Authorities Mutual Limited" case as outside the existing "incidental" power, such as providing mutual selfinsurance.
- 3.3 The new power would also for **example** enable stand-alone Fire and Rescue Authorities to:
  - Enter into commercial joint ventures for profit to redevelop redundant fire buildings with sale proceeds being ploughed back into new or updated buildings
  - Enter into innovative arrangements with public sector agencies, private sector providers, or not for profit organisations to deliver more integrated, economical services leading to better outcomes for citizens
  - Make greater use of assets, premises, and capacity to support Big Society through more innovative working with partners and local citizens.

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# Update on the progress of the Localism Bill

- 3.4 The general power for Fire and Rescue Authorities mirrors the limitations of the general power of competence:
  - No power to raise taxes or borrow money other than in line with existing arrangements
  - No power to override existing legislation
  - Inclusion of a provision to prevent fire and rescue authorities from, or impose conditions on fire and rescue authorities in, using the general power in circumstances to be specified by the Secretary of State (delegated powers).

## 4. Update on progress of the Localism Bill

- 4.1 The Bill completed Report and Third Reading on 16 and 17 May 2011 (full debate in the House of Commons). Three Government amendments relating to the fire and rescue provisions in the Bill were successfully tabled resulting in changes to the Bill as published:
  - Added conditions on the use of the Secretary of State's delegated powers (5CA) for the general power and equivalent (5C) general power of competence. This reflects comments raised during Bill Committee Debate on the breadth of the powers
  - Extends the general power for the 31 stand-alone Fire and Rescue Authorities and charging provisions (all) to Welsh Fire and Rescue Authorities. Follows a request from the National Assembly for Wales. And
  - Omits the option of charging for attending persistent automatic fire alarms false reports in domestic premises. This reflects the small number of domestic premises with these sophisticated alarm systems, responses during Bill Committee and fire industry representatives. The wider charging provisions for non-domestic premises have not been amended and are not limited to automatic fire alarms.
- 4.2 The Bill now moves to the House of Lords.
- 4.3 Royal Assent for the Bill remains on track for autumn 2011.
- 4.4 You can follow progress of the Bill at: http://services.parliament.uk/bills/2010-11/localism.html.

**END** 

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# **Business Continuity**

#### 1. Background

1.1 This note is to remind Fire and Rescue Authorities of their statutory responsibilities to have effective business continuity plans in place to deal with possible disruptions to the performance of its functions.

## 2. Business Continuity Management Reminder

- 2.1 It is a requirement of the Civil Contingencies Act 2004 that fire and rescue authorities have business continuity plans in place to deal with emergencies such as adverse weather, industrial action and pandemics. Responsibility for having these plans in place rests with the respective Fire and Rescue Authority. As a consequence fire and rescue authorities are strongly encouraged to review the plans their officers have put in place, and assure themselves of their adequacy.
- 2.2 Similarly fire and rescue authorities should be aware of the requirement under Section 13 of the Fire and Rescue Services Act 2004, to:
  - As far as practicable, have reinforcement schemes in place with other Fire and Rescue
    Authorities. Again Fire and Rescue Authorities will wish to assure themselves that such
    arrangements are in place, and that these arrangements will continue to operate during periods
    of potential disruption
  - Notify the Secretary of State of the making, variation or revocation of the scheme.

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# Opportunities within the Office of the Chief Fire and Rescue Adviser

### 1. Background

1.1 There are a number of secondment opportunities in the Office of the Chief Fire and Rescue Adviser within the Crown Fire Inspection team for a Team Leader and fire safety inspectors.

### 2. Opportunities Details

- 2.1 The Crown Premises Fire Safety Enforcement Team's inspectors are part of the Office of the Chief Fire and Rescue Adviser and are responsible for the inspection and enforcement of fire safety legislation in all non-MoD, Crown owned or occupied premises in England.
- 2.2 These inspectors work on their own, working from home and travelling to various locations across several counties. There are a number of secondment opportunities in the Team in both the Inspector role, and also in the Team Leader role.
- 2.3 The secondments would normally last for no more than two years, and are likely to be of interest to Fire and Rescue Service staff already working in fire safety at Station Manager or Watch Manager level who wish to broaden their fire safety experience.

More detail about the secondment opportunities, the roles and the application process can be found at: <a href="http://www.civilservice.gov.uk/jobs/">http://www.civilservice.gov.uk/jobs/</a>.

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