

REPORT TO: POLICY AND RESOURCES COMMITTEE – 12 JANUARY 2004

REPORT ON: THE SCOTTISH FIRE AND RESCUE SERVICE:
PROPOSALS FOR LEGISLATION

REPORT BY: ASSISTANT CHIEF EXECUTIVE (COMMUNITY PLANNING)

REPORT NO: 13-2004

1. PURPOSE OF REPORT

To inform members that the Scottish Executive has issued a consultation paper on proposed legislation for the Scottish Fire and Rescue Service, and to recommend a response.

2. RECOMMENDATIONS

2.1 It is recommended that the Council's response to the consultation document should:

- i) welcome the emphasis on a planned and risk-managed approach to fire and rescue services and the recognition of the wider community safety responsibilities of the service
- ii) express the view that local government, through COSLA, should be closely involved in the development of any national framework for the priorities and performance of the service, and that any such framework should not be unnecessarily prescriptive but should allow local elected members the flexibility to determine needs and solutions for their area within an agreed broad strategic direction
- iii) express the view that the current structure of eight authorities and brigades remains effective
- iv) suggest that charging for non-core services should be based on a full cost recovery
- v) take this opportunity to reiterate the Council's view that its representation on the Tayside Fire Board should be increased to more equitably reflect the contribution which the Council makes to the Board's expenditure. At present the Council meets 52% of the Board's expenditure but only has 39% of the Board's members

2.2 Members should also note that the COSLA President has already written to Ministers expressing the view that the distribution of resources should not be a matter only for discussion between the Executive and fire and rescue authorities but should be considered by COSLA on behalf of all local authorities.

3. FINANCIAL IMPLICATIONS

None

4. LOCAL AGENDA 21 IMPLICATIONS

None

5. **EQUAL OPPORTUNITIES IMPLICATIONS**

The Executive's proposals include measures to achieve greater diversity in the fire and rescue service workforce.

6. **BACKGROUND**

6.1 **Scottish Executive Consultation Paper**

6.1.1 The Scottish Executive has issued a consultation paper on proposed legislation to modernise the fire service. A copy of the consultation paper is available from group secretaries and in the members lounge.

6.1.2 Specific proposals include:

- to recognise changes in the role of the service by renaming fire brigades as the Fire and Rescue Service, renaming fire authorities as Fire and Rescue Authorities, and replacing the title Firemaster with that of Chief Officer.
- to provide a statutory underpinning for the wide range of activities now undertaken by the service, including the following core duties:
 - fire prevention and reduction of risk
 - fire fighting
 - responding to road traffic accidents
 - responding to other serious non-fire emergencies
 - enforcing new fire safety legislation
- to introduce a National Framework which will provide strategic direction and consistent objectives for the service. This will set out the Executive's expectations for the performance of the service, allowing a uniform measure of progress across the country, but will not change the responsibility of the fire and rescue authorities for delivery at a local level. The Executive proposes to take reserve powers of direction to ensure that delivery of priorities in the National Framework is not undermined.
- to require fire and rescue authorities to produce Integrated Risk Management Plans for their areas, and to consult the public on these plans. These plans are designed to improve community safety and to ensure a balanced approach of prevention and intervention
- to replace existing fragmented fire safety legislation with a new approach which will require the occupiers of non-domestic premises to assess risks and ensure fire safety standards are kept up-to-date. The requirement for fire certificates will be replaced with a requirement to register with the fire and rescue authority which will carry out periodic checks when considered appropriate. Authorities will be expected to liaise closely with local authorities which have enforcement powers under the Building (Scotland) Act. Fire officers will also be given new powers to investigate the causes of fires.
- to give Ministers powers in relation to the ability of the service to respond to the threat of terrorism (e.g. to require authorities to procure particular types of equipment) and to identify areas of work which would be carried out more efficiently on a Scotland-wide basis by a Common Fire Services Agency, similar to those arrangements already in place for the police. Subject to a technical

review, Ministers may also take powers to implement new combined control room arrangements.

- to replace the current Scottish Central Fire Brigades Advisory Council with a small strategic Advisory Group with responsibility for advising Ministers on fire and rescue issues, and to establish a Practitioners Forum which will involve COSLA.
- to introduce new workforce training arrangements through the Integrated Personal Development System; to replace current disciplinary regulations with a system consistent with that for local government employees; and to take steps to achieve greater diversity in the workforce through multi-tier entry and accelerated promotion. On pay, conditions of service and pensions, the Executive remains committed to a UK-wide approach and intends to play its part in the new negotiating arrangements which will be set up.

6.1.3 The Executive specifically requests comments on the following issues raised in the consultation paper:

- an earlier review of the structure of the fire service concluded that no change should be made to the number or geographical coverage of the existing eight brigades. However, the Executive has noted proposals in England to change from 47 fire authorities to 9 regional fire and rescue authorities. They therefore propose to review the earlier decision and seek further views on the most effective arrangements for Scotland.
- under the Local Government in Scotland Act 2003, fire authorities have the 'power to advance well-being'. Through this power, the Act also provides scope for charging, although not in respect of putting out fires. The Executive has invited views on a sensible charging regime which allows authorities to recover their costs when they consider that the service has been misused or is used for commerce. An example given is negotiating the loan of specialist equipment for a particular commercial enterprise.

6.1.4 The consultation document signals an intention to review the formula currently used to arrive at the most appropriate distribution of funding to fire authorities. The Executive says that it will consult directly with Fire and Rescue Authorities on the way forward and, if they conclude that changes should be established on a statutory basis, will take appropriate action in the Bill.

6.2 **Recommended Response**

6.2.1 It is recommended that the Council's response should welcome the emphasis on the wider community safety responsibilities of the fire service and the importance of a planned and risk-managed approach to the service. However, the Council's response should also express the view that:

- local government, through COSLA, should be closely involved in the development of any national framework for the priorities and performance of the service
- any such framework should not be unnecessarily prescriptive but should allow local elected members the flexibility to determine local needs and solutions within an agreed broad strategic direction

- 6.2.2 On the question of the structure and geographic coverage of fire authorities, it is felt that the current structure of eight authorities and brigades has been effective and should continue.
- 6.2.3 On the distribution of resources, members should note that the President of COSLA, following discussion at the Leaders' Meeting, has already written to Ministers expressing the view that the distribution of resources should not be a matter only for discussion between the Executive and fire and rescue authorities but should be considered by COSLA on behalf of all local authorities.
- 6.2.4 Regarding charging for non-core services, it is suggested that charges should be based on a full cost recovery. For example, in cases where specialist equipment is loaned to commercial organisations, the charge should reflect the purchase price, maintenance and appropriate proportion of administration costs.
- 6.2.5 Finally, although the issue is not addressed in the consultation document, it is suggested that this would be an opportunity to re-iterate the Council's view on the issue of representation on the local fire authority. Tayside Fire Board consists of 18 members – 7 appointed by Dundee City Council, 6 by Perth and Kinross Council and 5 by Angus Council. However, despite having only 39% of Board members Dundee City Council pays 52% of the Board's expenditure. The Council has previously written to the Executive requesting that representation on the Board more equitably reflect the financial responsibilities of each Council, and it is proposed that the opportunity is taken to raise this issue again, and request that the Council's representation be increased to reflect its financial responsibility.

7. **CONSULTATION**

The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Assistant Chief Executive (Management) and Director of Planning Transportation have been consulted in the preparation of this report.

8. **BACKGROUND PAPERS**

The Scottish Fire and Rescue Service: Proposals for Legislation
Scottish Executive – October 2003

Chris Ward

Assistant Chief Executive (Community Planning)..... 30/12/03