

The Legislative Overview

1. The Fire and Rescue Services Act 2004

1.1 The 2004 Act provides the legal basis establishing fire and rescue authorities (FRAs) - the political bodies responsible for overseeing the work of fire and rescue services. It also sets out details of the statutory community safety-orientated duties that fire authorities have. These are referred to as 'core functions' and can be summarised as follows:

- promoting fire safety
- extinguishing fires, and protecting life and property when fires do occur
- minimising damage to property arising from firefighting operations
- rescuing people involved in road traffic collisions
- ensuring necessary training for firefighters
- ensuring that (999) calls for assistance can be dealt with effectively
- obtaining information needed to respond safely and effectively to emergencies.
- ensuring the provision of the resources necessary to meet all normal requirements (the 2004 Act does not define what constitutes 'normal', it is a matter for local determination)
- dealing with other types of emergencies, as specified by the Secretary of State in Statutory Instruments (Orders).

1.2 Currently, a single Order has been issued, requiring fire authorities to make provision to attend the following types of incident:

- chemical, biological, radiological or nuclear emergencies
- emergencies involving the collapse of a building or other structure
- emergencies involving trains, trams or aircraft

1.3 As well as the duties outlined above, the 2004 Act provides FRAs with a power to exercise their discretion in responding to other emergencies that constitute a risk to life and/or the environment. It is under this power, for example, that fire and rescue services respond to flooding emergencies.

1.4 The 2004 Act also introduced the Fire and Rescue National Framework. Under Section 21 of the Fire and Rescue Services Act 2004 ("the 2004 Act"), the Secretary of State must prepare a Fire and Rescue National Framework. The Framework:

- must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
- may contain guidance to fire and rescue authorities in connection with the discharge of any of their functions; and
- may contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.

1.5 The latest National Framework was published in May 2018 and the Secretary of State must keep the document under review, and report to Parliament every two years on the extent to which it is being complied with.

2. National Framework 2018

2.1 The 2018 National Framework seeks to embed the Home Office fire reform programme which includes the following reforms:

- enabling mayors and police crime commissioners to take responsibility for fire & rescue services (FRSs) in their area;
- establishing Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) as an independent inspection regime for FRSs;
- developing professional standards to drive sector improvement;
- supporting services to transform through more efficient procurement and collaboration;
- increasing transparency by publishing performance data and creating a new national fire website; and
- workforce reform, which includes enhancing professionalism, management and leadership; training and development; equality and diversity; culture; and options for flexible working.

2.2 There are two mechanisms in the National Framework to assist FRAs in addressing these priorities: integrated risk management planning (IRMP) and the preparation of an annual Statement of Assurance.

3. Integrated Risk Management Planning (IRMP)

3.1 The term 'integrated' is used to reflect the fact that community risk is managed by balancing service delivery interventions across three disciplines:

- Prevention – trying to prevent emergencies from happening in the first place;
- Protection – ensuring that fire safety standards in buildings are appropriate;
- Response – minimising the impact of emergencies through well-trained, well-equipped firefighters who respond quickly and effectively.

4. Statements of Assurance

4.1 A Statement of Assurance is required to be produced annually by each FRA, and published after scrutiny.

5. The Regulatory Reform (Fire Safety) Order 2005

5.1 The Regulatory Reform (Fire Safety) Order 2005 (the 'RRO') is the legislation under which fire safety standards in almost all buildings are controlled. Single private dwellings are specifically excluded, although the common areas (access corridors, staircases, etc.) in blocks of flats do fall within the scope of the RRO.

5.2 Note. The Grenfell Highrise Fire Public Enquiry and the Dame Judith Hackett Report has refocused attention of the need to look at the 'end to end' management and regulations associated with the management of risk within the built environment. Dame Judith Hackett's interim report sets out a comprehensive analysis of the current system of building regulations and fire

safety and provides recommendations for how it can be improved. Future changes to the RRO may occur as a result of the Hackett Report and these are likely to have an impact on the Council.

6. The Policing and Crime Act 2017

6.1 The Policing and Crime Act 2017 created a statutory duty on FRAs, police forces and ambulance trusts to:

- keep collaboration opportunities under review;
- notify other emergency services of proposed collaborations that could be in the interests of their mutual efficiency or effectiveness; and
- give effect to a proposed collaboration where the proposed parties agree that it would be in the interests of their efficiency or effectiveness and that it does not have an adverse effect on public safety.

7. The Crime and Disorder Act 1998 (CDA)

7.1 FRAs are designated as 'responsible authorities' under the CDA. This means that they are required to work alongside other responsible authorities (police, local authorities, the probation service and clinical commissioning groups) on community safety partnerships (CSPs).

8. The Civil Contingencies Act 2004 (CCA)

8.1 The Civil Contingencies Act (CCA) was introduced to establish a coherent framework within which organisations would work together to plan for dealing effectively with major emergencies.

8.2 Under the CCA, fire and rescue authorities are designated as 'category 1 responders'. As such, they are members of multiagency groups known as local resilience forums (LRFs). These LRFs – which cover geographical areas matching the boundaries of police forces – are required to collaborate in undertaking a range of functions:

- assessing the risk of emergencies occurring, and using this risk assessment to compile a community risk register, and inform contingency planning activity
- putting in place emergency plans
- putting in place business continuity management arrangements
- putting in place arrangements to make information available to the public about civil protection matters, and maintain arrangements to warn, inform and advise the public in the event of an emergency
- sharing information with other local responders to enhance co-ordination
- co-operating with other local responders to enhance coordination and efficiency
- providing advice and assistance to businesses and voluntary organisations about business continuity management (this applies to local authorities only)