

FIRE AND RESCUE SERVICES ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Administration

Fire and Rescue National Framework

Section 21: Fire and Rescue National Framework

42. This section requires the Secretary of State to consult on and prepare a Fire and Rescue National Framework (“the Framework”), to which fire and rescue authorities must have regard in carrying out their functions. The Secretary of State must keep the Framework under review and must consult on any significant revisions made to it. Parliament will have the opportunity to scrutinise the Framework before it takes effect.
43. A draft Framework was published for consultation on 11 December 2003 and the 2004/05 Fire and Rescue National Framework was published on 16 July 2004. The purpose of the Framework is to provide strategic direction from central government while ensuring that authorities continue to make local decisions. The Framework sets out the Government’s objectives for the Fire and Rescue Service and what fire and rescue authorities should do to achieve these objectives. The Framework also sets out the support the Government will provide to fire and rescue authorities.

Section 22 and 23: Intervention by Secretary of State and intervention protocol

44. This section gives the Secretary of State the power to intervene if fire and rescue authorities fail to act in accordance with the Framework. The best value powers in Part 1 of the Local Government Act 1999 already make provision for the Secretary of State to intervene where an authority is failing to comply with the requirements of Part 1 of that Act. However, some wider Fire and Rescue Service performance issues covered by the Framework, such as measures to make provision for resilience in the face of a terrorist attack, may not be covered by the 1999 Act.
45. **Section 22** provides the Secretary of State with the power to require, by order, a fire and rescue authority to act in accordance with the Framework where he considers that the authority is failing to do so, or is likely to fail to do so. Before making such an order the Secretary of State must give the authority an opportunity to make representations to him.
46. Any use of the Secretary of State’s powers under section 22 will be governed by an “intervention protocol”. Section 23 requires the Secretary of State to consult on and publish this protocol.

Section 25: Report

47. The Secretary of State will report to Parliament, at least once in every two years, on the extent to which fire and rescue authorities are acting in accordance with the Framework

and any action he has taken to ensure they do so. He will not report on individual fire and rescue authorities.

Supervision

Section 26: Information

48. This section applies a power equivalent to section 230 of the Local Government Act 1972 to all fire and rescue authorities and not just those to which section 230 applies. The power could, for example, be used for collecting incident by incident information on primary fires (those involving property, rescues, casualties or fatalities), the number and location of fires and the number of fire-related casualties and fatalities. This information is in fact already collected from fire and rescue authorities, as is information on false alarms, attendance at road traffic accidents and information on staffing levels. This section formalises the requirement to supply such information.

Section 27: Inquiries

49. **Section 27** re-enacts in an amended form section 33 of the Fire Services Act 1947. The Secretary of State will be able to hold an inquiry into the performance of a fire and rescue authority or its handling of a particular incident.

Section 28: Inspectors

50. This section re-enacts the power in the Fire Services Act 1947 that determines the arrangements for appointing inspectors of the Fire and Rescue Service.

Supplementary

Section 29: Equipment, facilities, services and organisations

51. This section enables the Secretary of State to provide equipment, services and facilities to fire and rescue authorities, to maintain anything so provided or to contribute towards the cost of such provision or maintenance. For example, this section gives the Secretary of State authority to provide equipment to prepare authorities to deal with civil resilience incidents and to provide standardised systems for radio communications and control rooms. This will help to ensure consistency of approach in the case of major emergencies, such as a terrorist incident.
52. **Section 29** empowers the Secretary of State to establish and maintain any organisation he considers appropriate if it promotes the economy, efficiency or effectiveness of authorities or to contribute towards the costs of such an organisation. Where he establishes or maintains such an organisation or provides anything under this section, authorities may be charged for the use of the associated equipment, facilities and services.
53. This section also allows the Secretary of State, by order following consultation, to require authorities to use specified services or to use and maintain specified equipment and facilities.

Section 30: Directions for public safety purposes

54. This section provides the Secretary of State with the power to give directions, by order, to fire and rescue authorities as to the use and disposal of their property or facilities for the purposes of public safety. Such a direction may cover all kinds of property and facilities, whether or not they have been provided as part of a national procurement exercise under section 29. An example of when this power might be used is during a period of industrial action when emergency cover provided by a fire and rescue authority is insufficient and in order to ensure public safety their equipment needs to be used by others providing emergency cover.

Section 31: Training institution and centres

55. The Act provides for training for fire and rescue authority employees (and others) to be delivered centrally, regionally or locally. This section re-enacts and enhances provision allowing the Secretary of State to set up and maintain central or local (including regional) training centres.
56. The Fire Service College at Moreton in Marsh is the central training institution for the Fire and Rescue Service. It provides specialist, operational incident and New Dimension training which is considered most effectively delivered at a national level. Other training (for example, that which needs to be carried out regularly) is considered best delivered at a regional or local level.