Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 3

ADMINISTRATION

Fire and Rescue National Framework

21 Fire and Rescue National Framework

(1) The Secretary of State must prepare a Fire and Rescue National Framework.

(2) The Framework—

(a) must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;

(b) may contain guidance to fire and rescue authorities in connection with the discharge of any of their functions;

(c) may contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.

(3) The Secretary of State must keep the terms of the Framework under review and may from time to time make revisions to it.

(4) The Secretary of State must discharge his functions under subsections (1) and (3) in the manner and to the extent that appear to him to be best calculated to promote—

(a) public safety,

(b) the economy, efficiency and effectiveness of fire and rescue authorities, and

(c) economy, efficiency and effectiveness in connection with the matters in relation to which fire and rescue authorities have functions.

(5) In preparing the Framework, or any revisions to the Framework which appear to him to be significant, the Secretary of State—

(a) must consult fire and rescue authorities or persons considered by him to represent them;

(b) must consult persons considered by him to represent employees of fire and rescue authorities;

(c) may consult any other persons he considers appropriate.

(6) The Framework as first prepared, and any revisions to the Framework which appear to the Secretary of State to be significant, have effect only when brought into effect by the Secretary of State by order.

(7) Fire and rescue authorities must have regard to the Framework in carrying out their functions.

22 Intervention by Secretary of State

(1) This section applies if the Secretary of State considers that a fire and rescue authority is failing, or is likely to fail, to act in accordance with the Framework prepared under section 21.

(2) For the purpose of securing that the authority acts in accordance with the Framework the Secretary of State may by order require the authority—

(a) to do something;

(b) to stop doing something;

(c) not to do something.

(3) The Secretary of State may make an order under subsection (2) only if he considers that making the order would promote—

(a) public safety,

(b) the economy, efficiency and effectiveness of the fire and rescue authority in respect of which the order is made, or

(c) economy, efficiency and effectiveness in connection with the matters in relation to which fire and rescue authorities have functions.

(4) Before making an order under subsection (2) the Secretary of State must give the authority an opportunity to make representations about the order proposed.

23 Intervention protocol

(1) The Secretary of State must prepare, and may revise, a protocol about the exercise of his power to make an order under section 22(2).

(2) The protocol must in particular make provision about persons or descriptions of persons that the Secretary of State will consult before exercising that power.

(3) The Secretary of State must have regard to the protocol in exercising that power.

(4) In preparing the protocol, or any revisions to it which appear to him to be significant, the Secretary of State—

(a) must consult fire and rescue authorities or persons considered by him to represent them;

(b) must consult persons considered by him to represent employees of fire and rescue authorities;

(c) may consult any other persons he considers appropriate.

(5) The Secretary of State must publish the protocol for the time being in force in the manner he considers appropriate.

24 Best value

(1) Sections 10 to 13 of the Local Government Act 1999 (c. 27) (best value inspections) apply in relation to a fire and rescue authority's compliance with section 21(7) as they apply in relation to a best value authority's compliance with the requirements of Part 1 of that Act.

(2) As applied by subsection (1), those sections have effect as if, in section 13(2)(b) and (4), for "give a direction under section 15" there were substituted "make an order under section 22 of the Fire and Rescue Services Act 2004".

25 Report

(1) The Secretary of State must report to Parliament on—

(a) the extent to which fire and rescue authorities are acting in accordance with the Framework prepared under section 21;

(b) any steps taken by him for the purpose of securing that fire and rescue authorities act in accordance with the Framework.

(2) The first report under subsection (1) must be made before the end of the period of two years starting on the date when the Framework as first prepared is brought into effect.

(3) Every subsequent such report must be made beforethe end of the period of two years starting on the date on which the last such report was made.