



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 2

### FIRE REFORM

#### *Further amendments of 2005 Act*

#### **115 Local fire and rescue plans**

After section 41C of the 2005 Act (inserted by section 114), insert—

*“Local fire and rescue plans*

#### **41D Provision of local services**

- (1) SFRS must ensure that there are adequate arrangements in place for the carrying out of its functions in each local authority area.
- (2) SFRS must involve each local authority in determining priorities and objectives for SFRS in connection with the carrying out in the local authority’s area of SFRS’s functions.

#### **41E Local fire and rescue plans**

- (1) As soon as is reasonably practicable after a strategic plan is approved under section 41A, SFRS must prepare a local fire and rescue plan for each local authority area.
- (2) A local fire and rescue plan is a plan setting out—
  - (a) priorities and objectives for SFRS in connection with the carrying out in the local authority’s area of SFRS’s functions,
  - (b) the reasons for selecting each of those priorities and objectives,
  - (c) how SFRS proposes to deliver those priorities and objectives,

- (d) in so far as is reasonably practicable, outcomes by reference to which delivery of those priorities and objectives can be measured,
  - (e) how those priorities and objectives are expected to contribute to the delivery of any other relevant local outcomes which are identified by community planning,
  - (f) such other matters relating to the carrying out of SFRS’s functions in the local authority’s area as SFRS thinks fit.
- (3) In preparing the local fire and rescue plan, SFRS must—
- (a) have regard to the framework document and the strategic plan approved under section 41A,
  - (b) consult
    - (i) such persons as SFRS considers represent employees of SFRS, and
    - (ii) such other persons as SFRS considers appropriate.
- (4) SFRS must submit a plan prepared under subsection (1) for approval to the local authority for the area to which the plan relates.
- (5) If the plan is approved under subsection (4), SFRS must publish it.
- (6) In this section “community planning” means the community planning processes described in Part 2 of the [Local Government in Scotland Act 2003 \(asp 1\)](#).

#### **41F Power to review plan**

- (1) This section applies where a local fire and rescue plan is published under section 41E(5), subsection (4) or section 41G(5).
- (2) SFRS may at any time review the plan.
- (3) Following a review, SFRS may revise the plan.
- (4) Subsections (3) to (5) of section 41E apply in relation to a plan revised under subsection (3) as they apply in relation to a plan prepared under subsection (1) of that section but subject to the modification in subsection (5).
- (5) The modification is that the reference in section 41E(3)(a) to a plan approved under section 41A is to be read as if it were a reference to a plan approved under section 41A or, as the case may be, a new plan approved under section 41B.

#### **41G Mandatory review**

- (1) This section applies where a local fire and rescue plan is published under section 41E(5), section 41F(4) or subsection (5).
- (2) SFRS must review the local fire and rescue plan if—
  - (a) the Scottish Ministers make an order under section 40(4),
  - (b) a new strategic plan is approved under section 41B, or
  - (c) the plan is not revised under section 41F(3) or subsection (3) during the period of 3 years beginning with the publication of the plan.
- (3) Following a review under subsection (2)(a) or (b), SFRS may revise the plan.

- (4) Following a review under subsection (2)(c), SFRS must revise the plan.
- (5) Subsections (3) to (5) of section 41E apply in relation to a plan revised under subsection (3) or (4) as they apply in relation to a plan prepared under subsection (1) of that section but subject to the modification in subsection (6).
- (6) The modification is that the reference in section 41E(3)(a) to a plan approved under section 41A is to be read as if it were a reference to a plan approved under section 41A or, as the case may be, a new plan approved under section 41B.

#### **41H Provision of information to local authority**

SFRS must give to a local authority such information or reports relating to the carrying out of SFRS's functions in the authority's area (including reports given by reference to any local fire and rescue plan in force for the area) as the authority may reasonably request.

#### **41J Local Senior Officers**

- (1) After consulting the local authority, SFRS must designate an employee of SFRS as Local Senior Officer for each local authority area for the purpose of carrying out on behalf of SFRS the delegated functions.
- (2) The delegated functions are—
  - (a) SFRS's functions under sections 41E to 41H,
  - (b) SFRS's function in relation to the provision of feedback to it under section 41K(1),
  - (c) SFRS's functions under section 16(1)(d) of the [Local Government in Scotland Act 2003 \(asp 1\)](#) (duty to participate in community planning),
  - (d) any other functions of SFRS which SFRS delegates to the Local Senior Officer.
- (3) The duty imposed on SFRS by subsection (1) must be carried out by the Chief Officer.
- (4) A person may be designated under subsection (1) in relation to more than one local authority area.
- (5) Subsection (1) does not affect—
  - (a) SFRS's responsibility for the carrying out of the delegated functions,
  - (b) SFRS's ability to carry out the delegated functions.

#### **41K Monitoring by local authority**

- (1) A local authority may monitor and provide feedback to SFRS on the manner in which SFRS carries out its functions in the authority's area and (in particular) may provide to SFRS—
  - (a) its views on any matter concerning or connected to the manner in which SFRS carries out those functions in the authority's area,
  - (b) any recommendations for improvements in the manner in which SFRS carries out those functions in the authority's area that it thinks fit.

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*Status: This is the original version (as it was originally enacted).*

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- (2) A local authority may provide feedback by reference to any local fire and rescue plan in force for its area.”.