

**DELEGATE DECISION BY THE DEPUTY LEADER
– 17 December 2019**

**Primary Authority Scheme Partnership with Social Housing
Provider provided by Fire and Rescue Service**

Report by Director for Community Safety Services.

RECOMMENDATION

1. **The Deputy Leader is RECOMMENDED to approve The Fire and Rescue Service entering into a formal Primary Authority agreement with Green Square Group Ltd as detailed in this report.**

Executive Summary

2. Oxfordshire County Council's Fire and Rescue Service (OFRS) have been approached by Green Square Group Ltd (GSG) requesting that the Service become their Primary Authority Scheme partner. GSG provide social housing in Oxfordshire and across other local authority areas (Gloucestershire and Wiltshire) and are responsible for 12000 premises, 780 of which are covered by the Fire Safety Order. This partnership will enable the housing provider to receive all fire protection advice from OFRS.
3. OFRS have reached an advanced stage of discussion surrounding a potential partnership which would involve GSG meeting all costs.
4. This report explains the background to Primary Authority partnerships, the benefits and risks of entering into a partnership with GSG and seeks approval in principle to enter into this partnership should agreement be reached between the parties.

Background

5. OFRS is an appropriate partner for GSG as we are the enforcing authority for the Regulatory Reform (Fire Safety) Order 2005 (RRFSO) in an area in which GSG operates. Primary Authorities play a valuable role in leading and shaping the regulation of businesses that partner with them. In doing so, they deliver benefits for the regulatory system. Philip Hampton's report 'Reducing administrative burdens: effective inspection and enforcement'¹, identified that businesses should be able to receive authoritative regulatory advice, and too often the advice of one local authority could be challenged by another local authority adopting a different interpretation to legislation.

¹ http://www.hm-treasury.gov.uk/media/AAF/00/bud05hampton_641.pdf

6. The Primary Authority Scheme is overseen by The Office for Product Safety and Standards Office (OPSSO) on behalf of the Secretary for State for Department for Business, Energy & Industrial Strategy. Once a business and a regulator have agreed to form a Primary Authority partnership and have agreed the basis of this relationship, they apply to the OPSSO for the regulator to be 'nominated' as the business's Primary Authority. Having satisfied itself that the local authority is suitable for the partnership concerned, OPSSO will nominate that local authority as the Primary Authority for that business. The OPSSO also appoint an account manager to assist the partnership.
7. Primary Authority partnerships are available in respect of several regulatory fields; Trading Standards, Environmental Health and Fire Safety. A Primary Authority partnership can cover the full scope of the business's regulated activities in these fields or be limited to specific aspects of the business's activity. The scope and detail of each partnership is determined by the business and the regulator concerned.
8. Once a partnership has been accepted by the OPSSO, the Primary Authority assumes responsibility for providing advice and guidance to the business in respect of the regulated functions within the scope of the partnership.
9. Primary Authority allows local authorities to make an offer of valuable support, on a full cost recovery basis, to their business community, aligning their regulatory role with corporate commitments to ensure that the local economy thrives.
10. In determining whether a business is suitable as a potential partner, OFRS have completed a due diligence process as laid out in the Primary Authority handbook. In researching the suitability of partnering with GSG, a Senior Fire Safety Inspector has extensively assessed the company, including carrying out full fire safety audits at a sample of their premises.
11. This assists OFRS in establishing if a Primary Authority is right for our organisation, identifies the level of work required so that OFRS can determine whether we have capacity to fulfil that requirement, and enables OFRS to prioritise our work in specific areas. It also gives an indication of a business's level of 'self-awareness' of their current compliance standards and provides the opportunity to assess the managerial culture of the business, which would be intrinsic to the success of a partnership.
12. Work has begun on developing an overarching strategy for Primary Authority partnerships within OFRS, following the request to enter into a partnership from GSG.
13. The main findings of the due diligence process conclude that GSG are an appropriate Primary Authority Scheme partner. It identified that the current level of resources in OFRS's Fire Protection department can support the PAS partnership without further increases in staff and that accurate cost recovery is achievable under OCC policies. Furthermore, a partnership with GSG would

provide OFRS an opportunity to better safeguard a larger and wider group of vulnerable persons due to most of the building stock falling outside of the service's current risk-based inspection programme. The recommendation to seek cabinet approval was agreed at Community Safety Service's Strategic Leadership Team.

14. Once a partnership has been accepted by the OPSSO, the Primary Authority assumes responsibility for providing advice and guidance to the business in respect of the regulated functions within the scope of the partnership. The Primary Authority also assumes responsibility for providing advice and guidance to other local authorities in relation to how the other authorities should exercise their enforcement functions in respect of that business.
15. Other local authorities considering formal enforcement action against the business concerned must inform the Primary Authority before taking that enforcement action. If the action proposed by the enforcing authority is inconsistent with any advice or guidance given by the Primary Authority in respect of that aspect of the business's activity, the Primary Authority may direct the enforcing authority not to take that enforcement action. In the event of a dispute arising between enforcement authorities and Primary Authorities, the matter may be referred to the OPSSO. In this respect the OPSSO has a statutory role to make the final determination on whether enforcement action can proceed or whether the Primary Authority's direction not to take formal action should be upheld.
16. Primary Authority partnerships may also result in the publication of inspection plans. Inspection plans are agreed by the business and Primary Authority and contain information on the aspects of the regulated business that should be considered by other local authorities when conducting inspections of that business's operation. They are intended to allow the business to focus regulator's activities on business processes or risks that they would wish to be closely monitored. This provides the business with more information about how particular aspects of their procedures are actually operating in their premises.
17. In a secure section of the OPSSO website, Primary Authorities can publish documents relating to their partnerships. This may include, with the business's consent, company procedures and policies. In publishing such documents, the business may reduce burdens arising from repeated requests from regulators to provide certain information.

Primary Authority Partnership with Green Square Group Ltd

18. Discussions have taken place between OFRS and GSG concerning a potential primary Authority partnership. Final agreement is yet to be reached. However, all parties have agreed the broad detail of a potential partnership. The proposed Primary Authority partnership with GSG is as follows:

19. OFRS proposes to enter into a Primary Authority partnership with GSG to provide advice and guidance on all aspects of this business's fire safety that falls within the regulatory scope of the RRFSO.
20. OFRS recognises that the benefits of improving the fire safety arrangements for thousands of residents justifies the need to reallocate the workloads of senior fire protection staff to create the capacity within the team to deliver the partnership. This will enable suitably qualified and experienced staff to provide advice within the contract. The proposed contract is limited to the involvement of one officer for one day per week. OFRS can create enough capacity and resilience within this team to approach this opportunity on a full cost recovery basis without impacting other priority work.
21. The service's Primary Authority officers will work closely with GSG to provide advice and guidance on product specific issues, allowing compliance with fire protection legislation and will be a first point of contact for any other fire and rescue service with questions or issues relating to GSG.

Benefits of a Primary Authority Partnership with Green Square Group

22. A Primary Authority partnership with GSG meets Community Safety Service's purpose in ensuring that vulnerable residents are moved from harm towards safer living allowing them to thrive. OFRS will have a greater reach in working directly with the business to ensure that they are broadly compliant with the RRFSO and are informed about changing regulations as they are released. We will be able to influence the standards of fire safety for 1400 individuals, many of whom would not currently benefit from our involvement as many of the buildings they reside in are not covered by the RRFSO or are inspected infrequently.

Risks

23. **Equality and Inclusion Implications** Entering into a formal partnership does not introduce additional risks for the Council.
24. **Professional negligence claims.** Although OFRS already provides advice and guidance to businesses, doing so under a formal partnership arrangement which is paid for by the business concerned introduces a professional negligence liability. This risk is limited under the formal agreement to the total amount paid by the business for the service in a single year. This financial risk will be transferred through appropriate insurance.
25. **Legal / Contractual / Financial Implications** Primary Authority partnerships are underpinned by service level agreements. If these service levels are not met there is a potential consequence for OFRS. This risk has been mitigated by the assessment of resources required to perform the service under the agreement and will be further managed by ensuring that the service level agreement is consistent with that assessment. Financial liability is again

limited under the formal partnership agreement. The most likely consequence of failing to fulfil the contractual arrangements will be a termination of the contract.

26. **Reputational Implications** A Primary Authority Scheme Business could suffer a fire that leads to either serious injury or death. Fire safety remains the responsibility of the partner and is clearly recorded in the contract. OFRS will keep full and accurate records of all communication and advice on file.
27. **Environmental Implications** – reducing our carbon footprint.
The Primary Authority Scheme allows OFRS to work closely with GSG in harmonising all fire safety policies, procedures training and compliance. This allows a senior fire protection officer to improve the fire protection arrangements in thousands of homes. OFRS are already providing electric cars to the Fire Protection teams and will embrace video conferencing for routine meetings to avoid unnecessary travel. In turn, the partnership will reduce the environmental impact of other fire and rescue services as a result of reduced inspection.

Rob MacDougall, Chief Fire Officers and Director for Community Safety Services

Background papers: None

Contact Officer: Grahame Mitchell, Deputy Chief Fire Officer

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