

**REPORT TO: POLICY & RESOURCES COMMITTEE - 14 MARCH 2005**

**REPORT ON: FIRE (SCOTLAND) BILL - CONSULTATION ON CHARGING, ADDITIONAL FUNCTIONS AND ADVISORY STRUCTURE**

**REPORT BY: DEPUTE CHIEF EXECUTIVE (FINANCE)**

**REPORT NO: 172-2005**

## **1 PURPOSE OF REPORT**

The purpose of this report is to set out comments on the Fire (Scotland) Bill for submission to the Scottish Executive.

## **2 RECOMMENDATIONS**

- 2.1 The Committee are asked to agree to the comments included in the report being submitted to the Scottish Executive as the Council's response to the consultation exercise on the Fire (Scotland) bill.

## **3 FINANCIAL IMPLICATIONS**

None.

## **4 EQUAL OPPORTUNITIES IMPLICATIONS**

None.

## **5 LOCAL AGENDA IMPLICATIONS**

None.

## **6 CONSULTATION**

### **6.1 Additional Functions**

- 6.1.1 The purpose of the consultation is to clarify the existing role and functions which have developed for Fire and Rescue Authorities in an ad hoc fashion over a number of years. Fire and Rescue Authorities have a statutory function relating exclusively to fighting fires, and this proposed legislation seeks to provide the legislative backing for the non fire-fighting duties they presently carry out. The Executive sees the need to broaden the duty of Fire and Rescue Authorities beyond fire-fighting to include non-fire emergencies to allow them to train, plan and equip themselves.

- 6.1.2 It should be stressed that Fire and Rescue Authorities presently carry out a wide range of emergency non fire-fighting services such as responding to:-

- a Chemical, biological, radiological and nuclear incidents
- b Search and Rescue Incidents
- c Major flooding
- d Major transport incidents

- 6.1.3 The Council agrees that the part of the Fire (Scotland) Bill which provides statutory backing for the provision of non fire-fighting emergency services is required and

reasonable. However, if the new proposed statutory footing increases the level of expenditure currently being expended on these services, then the Scottish Executive should increase its funding for Fire Services.

## 6.2 Charging

6.2.1 Section 15 of the draft Fire (Scotland) Bill enables Scottish Ministers to regulate the services for which the Fire and Rescue Authorities can charge, and specify who might be subject to the charges.

6.2.2 It should be stressed that presently Fire and Rescue Authorities do have the power to decide when to charge. The Fire (Scotland) Bill proposes that Ministers will be given the power to decide what services can be charged for and therefore is a diminution in the current powers of Fire and Rescue Authorities.

6.2.3 The Bill proposes that the power to charge will be limited to cost-recovery. This is a proposal that will restrict the power of Fire and Rescue Authorities from being able to charge at market rates, and could diminish the level of income currently generated, and thus require an increase in the level of requisition from local authorities.

6.2.4 In light of the above point, the Council's view is that Fire and Rescue Authorities should be given full discretion on what services are charged for and at what level, all within the principle that charging should not provide a direct or indirect reduction in public safety. In particular, the principle of charges being set to only recover costs should not be included within the Bill.

## 6.3 Advisory Structure Consultation

6.3.1 The Fire (Scotland) Bill includes a proposal to replace the current advisory structure for Fire and Rescue Services being the Central Fire Brigades Advisory Council (CFAC) with an alternative model. The Council has no strong views on the replacement of CFBAC.

## 7 **BACKGROUND PAPERS**

None.

## 8 **CONSULTATION**

The Chief Executive and Depute Chief Executive (Support Services) were consulted on the contents of this report.

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**07 MARCH 2005**