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This circular is	For consultation	Respond by	20 August 2004
This circular is	Not relevant to the National Framework		
Status	Consultation as required by section (1)(4) of the Fire Services Act 2003.		

*Consultation on possible directions by the
First Secretary of State to fire authorities on
the disposal of their property or facilities in
the event of industrial action by fire-fighters*

Issued by:

Mark Doran
Fire and Rescue Service Directorate

Addressed to:

Chief Fire Officers	Members of the Practitioners' Forum
Chief Executives and Chairs of Fire Authorities	Members of the Business and Community Safety Forum
The Commissioner of the London Fire and Emergency Planning Authority	Association of Chief Police Officers
Local Government Association	Finance and Leasing Association

Summary

In light of the proposed industrial action by members of the Fire Brigades' Union and the need to put in place sufficient contingency arrangements to ensure public safety during this action, the First Secretary of State is minded to make an Order directing fire authorities to make appliances and equipment available for the use of the Secretary of State. The detailed requirements of this Order are shown in the attached tables.

**Owing to the urgency of the situation, your comments are invited by no later than
Friday, 20 August 2004.**

For further information, contact:

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1.0 Background

- 1.1 The Government has put in place new contingency arrangements to provide emergency fire cover in the event of industrial action by fire-fighters. These arrangements will require some of the appliances and equipment belonging to fire authorities to be made available to the Secretary of State. This will significantly reduce the reliance on Green Goddesses and ensure that the public is better protected through the use of modern vehicles and equipment.

2.0 Legal basis

- 2.1 Section (1)(1)(b) of the Fire Services Act 2003 gives the Secretary of State power to give specific or general directions to fire authorities about the use of their property or facilities. The Deputy Prime Minister is minded to make an Order under this section to ensure that the necessary appliances and equipment are available when required in every part of the country to ensure public safety. It is the duty of a fire authority to comply with any directions contained in an Order made by the Secretary of State under that section.
- 2.2 A Regulatory Impact Assessment (RIA) has not been completed for this proposal, as any impact would only be on the public sector and any such impact would be significantly less than the £5m per annum threshold for public sector RIAs.
- 2.3 This Order would apply to Fire Authorities in England and Wales only.

3.0 Proposals

- 3.1 The Order would require fire authorities to make specified appliances and equipment listed in the Schedule to the Order available for the use of the Secretary of State at the time and in the place specified. The Order would require the appliances to be delivered in a roadworthy condition and the equipment to be delivered in proper working order.

4.0 Use of appliances and equipment

- 4.1 The appliances and equipment made available to the Secretary of State would be used to provide emergency fire cover during the proposed period of industrial action by fire-fighters.

5.0 How to respond

- 5.1 Your comments are invited on the proposed requirements, details of which are attached. Comments should be directed to Mark Doran at ODPM. Given the necessarily short deadline for a response, you may wish to reply by fax on 020 7944 5599, by e-mail to fsa2003.order@odpm.gsi.gov.uk or by calling 020 7944 5220.

6.0 What will happen to your response

- 6.1 The Department might wish to publish responses to this consultation in due course, or deposit them in the libraries of the Houses of Parliament or the Department's library, unless we are asked specifically to treat a response as confidential. Confidential responses will be included in any published statistical summary of comments received and views expressed.