**EXPLANATORY MEMORANDUM TO**

**THE FIRE AND RESCUE SERVICES (APPOINTMENT OF INSPECTOR) (ENGLAND) ORDER 2013**

**2013 No. 1120**

**1.** This explanatory memorandum has been prepared by the Department for Communities and Local Government. It is not laid before Parliament because the Order is not subject to any Parliamentary procedure.

**2. Purpose of the instrument**

This Order appoints Peter Michael Holland as an inspector for the purpose of obtaining information about functions carried out by fire and rescue authorities. The Order also revokes the 2007 which appointed his predecessor, Sir Kenneth John Knight.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None (the Order is not subject to scrutiny by the Committee because it is not subject to any Parliamentary procedure).

**4. Legislative Context**

4.1 This instrument is required as the previous inspector appointed by Her Majesty, Sir Kenneth John Knight, has retired from the position and it is necessary to revoke his appointment as inspector, and appoint his successor, Peter Michael Holland. The purpose of appointing an inspector is to obtain information about functions carried out by fire and rescue authorities. Inspectors appointed for this purpose are also inspectors of premises owned or occupied by the Crown, under article 25(e) of the Regulatory Reform (Fire Safety) Order 2005.

**5. Territorial Extent and Application**

5.1 This instrument applies to England.

**6. European Convention on Human Rights**

As the instrument is not subject to any Parliamentary procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

- What is being done and why

7.1 The Government is responsible for setting clear priorities and objectives for fire and rescue authorities and for ensuring that the right framework is in place to enable authorities to respond to the challenges of today and tomorrow.

The Department for Communities and Local Government works with fire and rescue authorities and a range of national partners at the strategic level on matters of national resilience, to improve fire safety and to support local accountability and transparency.

The inspector appointed by Her Majesty is known as 'the Chief Fire and Rescue Adviser' (although Her Majesty may appoint more than one inspector, in practice only one inspector has been appointed at any one time). The Chief Fire and Rescue Adviser has two key roles.

One role is to advise government: DCLG in terms of fire policy and provision of advice on emergencies and in respect of national resilience issues; and working closely with other government departments, notably the Cabinet Office's Civil Contingencies Secretariat, on fire and rescue issues, and, to contribute to the Government's wider resilience agenda.

The other responsibility of the Chief Fire and Rescue Adviser is the management of fire safety enforcement for premises falling within article 25(e) of the Regulatory Reform (Fire Safety) Order 2005.

- Revocation

7.2 This Order revokes the Order which appointed Sir Kenneth John Knight, the Fire and Rescue Services (Appointment of Inspector) Order 2007.

## 8. Consultation outcome

8.1 No consultation has been undertaken as this is a like for like replacement of the former Chief Fire and Rescue Adviser.

## 9. Guidance

9.1 No guidance has been produced as the change in Chief Fire and Rescue Adviser does not change the requirements placed on fire and rescue authorities.

## 10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The only impact on the public sector is the cost of the Chief Fire and Rescue Adviser's part time salary..

10.3 An Impact Assessment has not been prepared for this instrument.

## 11. Regulating small business

11.1 The legislation does not apply to small business.

## 12. Monitoring & review

12.1 A review of the function of the Chief Fire and Rescue Adviser was undertaken in 2012 by the Department for Communities and Local Government, which concluded that the role of the Chief Fire and Rescue Adviser was deemed still to be necessary. Whilst there are no planned further reviews of this area at present the Department for Communities and Local Government may undertake such a review in the future.

## 13. Contact

Elise Laker at the Department for Communities and Local Government Tel: 0303 444 1331 or email: elise.laker@communities.gsi.gov.uk can answer any queries regarding the instrument.