

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

11TH APRIL 2005

1. **CIVIL CONTINGENCIES ACT 2004 – CHANGE OF NAME OF FIRE AUTHORITY**

Report of the Clerk.

RECOMMENDED

- (1) THAT the report be noted;
- (2) THAT the West Midlands Fire and Civil Defence Authority hereafter be known as the West Midlands Fire and Rescue Authority;
- (3) THAT the West Midlands Fire And Rescue Authority delegates to its Chief Fire Officer and Statutory Officers the powers set out in the attached Appendix.

2. **PURPOSE OF REPORT**

This report is submitted to inform the Authority of the coming into force on 1st April, 2005 of the provision of the Civil Contingencies Act, 2004 [the Act], by which metropolitan county fire and civil defence authorities shall be known instead as metropolitan county fire and rescue authorities, and to ask the Authority in its new identity to confirm the delegation of powers to officers agreed in July 2004.

3. **BACKGROUND**

- 3.1 The Civil Contingencies Act 2004 received the Royal Assent on 18th November, 2004. The various provisions of the Act were to be brought into force by statutory instrument.
- 3.2 Paragraph 10 of Schedule 2 of the Act provides that metropolitan county fire and civil defence authorities shall be known instead as metropolitan county fire and rescue authorities.
- 3.3 Statutory Instrument 2005 No. 772 [The Civil Contingencies Act 2004 (Commencement No 2) Order 2005], made on 17th March,

2005, provides that paragraph 10 of Schedule 2 (change of name of metropolitan county fire and civil defence authorities) shall come into force on 1st April 2005.

- 3.4 The Act provides for continuity in that it states that references to the fire and civil defence authority shall be treated as a reference to the fire and rescue authority [sub-paragraph (2) of Section 10].
- 3.5 Work is ongoing, however, to ensure that all references to the 'West Midlands Fire and Civil Defence Authority' in legal and other official documents are amended as necessary to the new title. The existing 'branding' of the Brigade as the 'West Midlands Fire Service' will not be affected.
- 3.6 The West Midlands Fire and Civil Defence Authority at its meeting on 26th July, 2004 approved a list of powers delegated to the Chief Fire Officer and Statutory Officers. It would be advisable for the Authority as Fire and Rescue Authority to confirm those delegations, which are set out in the attached Appendix. Some minor amendments have also been included [shown in italics] to reflect new legislation which has come into force since July 2004.
- 3.7 The Chief Fire Officer will need, in turn, to renew his delegation of powers to subordinate officers.

4. **EQUALITY AND DIVERSITY**

There are no equality and diversity implications arising from this report.

5. **CORPORATE AIMS SUPPORTED**

The principal corporate aim supported by the information in this report is as follows:

- 1. To meet the Fire Authority's statutory duties, standards and expectations.

6. **LEGAL IMPLICATIONS**

- 6.1 The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.
- 6.2 The report outlines action necessary to comply with new legislation.

7. **FINANCIAL IMPLICATIONS**

- 7.1 The financial implications of any changes necessary as a result of the change of name of the Authority will have to be met from the existing budget.
- 7.2 As the existing branding of the Brigade is to be retained the financial implications should be minimal.

BACKGROUND PAPERS

None.

F. N. SUMMERS
CLERK