

IRMP Guidance note 2 final version

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1 Introduction

1.1 The purpose of this Guidance Note is to provide advice to fire authorities on the consultation arrangements the Government expects to be undertaken when developing an Integrated Risk Management Plan (IRMP) for their area and in implementing the outcomes from that process.

1.2 Section 19 (4) of the Fire Services Act 1947, as amended, provides that a fire authority may not close a fire station or reduce the number of fire appliances or firefighting posts without the consent of the Secretary of State. Fire Service Circular 5/1992 offers guidance to fire authorities on the more detailed arrangements to be followed before an application is submitted to the Secretary of State for approval. The Government does not believe that in a modern fire service the Secretary of State should take these decisions. It believes that democratically accountable fire authorities should take them, acting on the professional advice of chief fire officers, and taking account of the views of the local communities.

1.3 The Local Government Bill currently before Parliament therefore seeks to repeal section 19 (4). The repeal will not alter the statutory responsibility of a fire authority under section 1 (1) of the 1947 Act to secure for their area a fire brigade and such equipment as may be necessary to meet efficiently all normal requirements. Nor does it change the requirement on fire authorities to consult under the Best Value provisions of the Local Government Act 1999.

1.4 This Note puts the requirement to consult into the context of the new Fire Authority Integrated Risk Management Planning process (see Guidance Note 1). It brings the earlier guidance up to date, and sets out the Secretary of State's expectation that consultation about each fire authority's arrangements for managing the risks from fire and other non-fire emergency incidents will continue to be undertaken after section 19 (4) is repealed. It also takes into account advice on the principles of managing risks to the public provided by the Government's own Strategy Unit.

1.5 The content of this Note is limited to the specific issues referred to in this section. In making arrangements for consultation, you should take into account the 'best practice' advice issued under cover of Fire Service Circular 2/2001. For information on further guidance that is available on consultation, see paragraphs 4.5 and 4.6. Each fire authority should be open and transparent about its understanding of the risks to the public and about the process it is following in handling them.

2 Why should fire authorities consult?

2.1 Fire authorities have a statutory duty to consult the public in respect of the Best Value requirements embodied in the 1999 Local Government Act. Section 3 of this Act requires fire authorities to consult council tax and business ratepayers, service users and others with an interest, to help decide how to fulfil the duty of securing continuous improvement and to take a broader view of needs and priorities. This will be the means by which fire authorities will routinely inform and consult their communities about how they are meeting the targets and standards set.

2.2 The Fire Services Act 1947 contains no explicit statutory requirement to consult on any proposal to make any variation in the establishment that requires approval under section 19 (4). However, Secretaries of State have long considered it desirable that any such proposal should have been sufficiently widely publicised, in sufficient detail and with adequate time allowed to enable any interested party to make representations.

2.3 Applications to reduce fire cover, for example by closing a fire station, or by reducing the number of firefighting appliances and/or firefighters available, can frequently raise issues of genuine concern among communities and employees. Some people might be prepared to accept a substantive case for reducing fire cover locally in order that resources might be redeployed elsewhere. Others may regard any reduction in cover, even if the current use of the resource is limited, as a challenge to local safety that must be resisted as a matter of principle. Proposals to alter or even increase fire cover, for example by constructing a fire station in a new area, can also attract opposition for other reasons.

2.4 As with all Best Value authorities, fire authorities are expected to collaborate with other public and private sector agencies to improve their efficiency and effectiveness, and in particular, to promote and take part in community safety partnerships extending beyond the traditional 'fire safety' role.

2.5 The Secretary of State considers, therefore, that fire authorities should consult widely as part of the process of preparing their IRMPs because this will help to ensure that Plans draw on the widest possible range of data and views and represent the best possible response to local needs and wishes. Effective consultation can act as a catalyst for greater community participation. If members of the public think they are being listened to they are more likely to make suggestions for improving services or ask for information. Where authorities maintain an ongoing dialogue with communities, local opinion about options for change can be canvassed at an early stage. Consultees presented with a fait accompli are more likely to react negatively to proposals for change.

3 Who should be consulted, and about what?

3.1 The guiding principle in deciding how extensively you consult is that any person or organisation that might have a legitimate interest in the proposals under consideration, or who may be affected by those proposals, should have the opportunity to express their views.

3.2 The scope of the consultation you undertake will be proportionate to the nature and extent of any changes proposed. The public is clearly most interested in those aspects that impinge directly on the service provided to them, and their perception of its impact upon their safety. This will include those instances when proposed changes will improve the service provided as well as when the reverse occurs, e.g. when resources are permanently redeployed from one location to another to meet identified needs. Staffing and related issues are usually of lesser importance to the public, but of course are of great importance to employees and their representatives.

3.3 Section 19 (4) of the Fire Services Act, as amended by section 7 (1) of the Fire Services Act 1959, currently includes a requirement to obtain prior approval from the Secretary of State for closure of a fire station as well as any reduction in appliances and crews. For approval to be given, you have had to be able to demonstrate that adequate consultation has been undertaken and the responses considered.

3.4 Part of the new approach to integrated risk management planning is to improve the availability of appliances and crews in the right place at the right time to meet the identified risk requirements and the response standards set by the fire authority. This may require some appliances to change location at different times of the day and night to meet the dynamic nature of the risks. The use of premises to house appliances and crews providing this modern and more flexible approach to emergency response cover is a matter for determination by the fire authority, taking into account its employment and other obligations. There may be many ways in which it can meet the domestic, catering, and other requirements. For these reasons, you will be expected to consult about any changes in the provision of appliances and crews.

3.5 There are three principal areas on which you will be expected to consult, although local circumstances may suggest consultation on other issues could be beneficial to the authority and/or the communities it serves. The principal areas for consultation are:

3.5.1 The draft IRMP and initial Action Plan

The IRMP will form the strategic 'blue-print' on which the fire authority will base its decisions about future service provision and how it intends to improve community safety. As a matter of expediency, you will need to consult on the initial Action Plan concurrently with the IRMP. Before final decisions are made on either document, you will be expected to have consulted:

- The general public, council tax payers, households, etc,
- Community organisations, including specific community groups, such as ethnic minority and other often excluded groups,
- Public representatives, e.g. Members of Parliament,
- Business organisations,
- Local authorities, public agencies, and other emergency services,
- Employees (uniformed and non-uniformed) and their representatives,
- The Office of the Deputy Prime Minister,
- Any other interested parties.

3.5.2 The annual Action Plans

You will also be expected to consult on subsequent annual Action Plans if these include any changes in the fire authority's standards and/or provision of resources for intervention services. As the Action Plan is likely to form part of the authority's business planning process for its fire and rescue service, you may find it will achieve the best effect if consultation is co-ordinated. You will need to decide on the extent of consultation dependent upon the issues contained within the Action Plan. The principle set out in paragraph 3.1 above should form the basis for decisions about those who should be consulted. Examples of the sort of situations that might arise, and those you might be expected to consult, are given in Figure 1.

3.5.3 Changes in intervention standards and/or resources not included in an annual Action Plan

Circumstances may arise in which the fire authority might deem it appropriate to amend the policies/standards it has set for prevention and/or intervention activities, or the provision/location of resources, which have not been included in annual Action Plans. You will therefore need to make arrangements to consult those who may be affected by the changes. These issues are likely to be similar in nature to one or more of those listed in Figure 1, and the guidance given there should form the basis for your decisions about the extent of consultations.

Figure 1

Examples of proposals for change	Who should be consulted?
Alteration in the policies/standards set by the fire authority for attendance to specific types of emergency incident	<ul style="list-style-type: none"> ■ Communities, business organisations, and local authorities in the area covered by the appliance(s) concerned ■ Employee representatives
Alteration in the standards and/or targets set for preventative activities to achieve improvement in community safety	<ul style="list-style-type: none"> ■ Communities, business organisations, and local authorities in the area covered by the appliance(s) concerned ■ Employee representatives
Removal from service of pumping and/or special appliances	<ul style="list-style-type: none"> ■ Communities, business organisations, and local authorities in the area covered by the appliance(s) concerned ■ Employee representatives
Permanent relocation of pumping appliances (other than to meet day-to-day operational requirements and pre-determined movement to meet the changing nature of risk by time of day)	<ul style="list-style-type: none"> ■ Communities, business organisations, and local authorities in the area covered by the appliance(s) concerned ■ Employee representatives
Permanent relocation from one fire station to another of a special appliance providing cover across part or all of the brigade's area	<ul style="list-style-type: none"> ■ Employee representatives
Changes in the number of personnel provided to crew appliances	<ul style="list-style-type: none"> ■ Employee representatives
Change in crewing patterns of one or more appliances, e.g. shift crewed to day-crewed, constant crewed to variable crewed, etc	<ul style="list-style-type: none"> ■ The community, business organisations, and local authorities in the area covered by the appliance(s) concerned ■ Employee representatives

4 What is the best way to consult?

4.1 All forms of consultation whether face to face or more remotely managed, require a degree of expertise if you are to obtain as many helpful comments as possible from consultees. Some methods require technical and analytical skills that may not be immediately available within fire authorities, particularly when dealing with more complex or wide ranging issues, e.g. large sample surveys may require an understanding of sampling techniques and quantitative analytical skills. You might also consider whether, for example, in seeking to prevent or minimise the effects of road traffic accidents, consultation would be more effective if done jointly with the police, ambulance service, and/or other relevant local agencies. Many of these other agencies have considerable experience of public consultation that you might find to be of benefit.

4.2 There are many ways in which you can draw your proposals to the attention of the community and other interested parties, and gather views and comments. Whichever methods are selected, it will be important to ensure that sufficient information is made available to consultees to allow them to make informed decisions. This might include:

- Details of the proposed changes in standards and/or resource allocation,
- Why these proposals are being made, including alternative options considered by the authority to achieve improved performance/community safety ,
- How the net effect will improve community safety, and what the local impact will be on consultees,
- Any additional actions planned to be taken to ensure the proposed changes will deliver the improvements expected,
- The timescales in which it is expected that the changes will be implemented and the benefits realised.

4.3 You will be able to select the most appropriate technique for consultation by considering the complexity of the subject matter and its relevance to the people being consulted, and putting this into the local context. The key measure is the effectiveness of the process in gathering views and opinions about the proposals for consideration by the fire authority.

4.4 You may wish to use some or all of the following techniques:

- Advertising/articles in local newspapers
- Leaflets delivered to households
- Letters to other agencies, public/business representatives, MPs, etc
- Fire authority/brigade web site
- Public meetings and meetings of specific community groups
- Focus groups, citizens' juries, etc
- Displays in libraries, public buildings, etc
- Meetings with local authority representatives and other agencies
- Meetings with employees and/or representatives

4.5 Sufficient time should be allowed for considered responses from all groups with an interest. Cabinet Office guidelines (www.cabinet-office.gov.uk/servicefirst/index/consultation.htm) provide useful information on best practice in conducting consultation exercises. This includes the Code of Practice on consultation documents issued by government which suggests that, other than in

exceptional circumstances, a minimum period of twelve weeks should be allowed for written consultation. It is recommended that you adopt a similar timescale for consultation on the draft Integrated Risk Management Plan because of its potential scope and complexities. For consultation about subsequent changes in standards and/or provision, you will need to make a judgement about the time to be allowed for consultees to respond, taking account of all relevant factors.

4.6 If there is in any doubt as to the extent of consultation desirable in any case, or the time which should be allowed for consultations, fire authorities may wish to seek the advice of the Office of the Deputy Prime Minister.

5 What happens after consultation?

5.1 At the conclusion of the consultation exercise, all responses received must be evaluated and formally considered by the fire authority before it reaches a final decision about implementing any proposals. The process should be open and transparent with all relevant factors and views taken into account, including perceptions of risks faced and public concerns and values. In due course, you should make available a summary of the responses received, along with your response to the points raised.