

NORTH WALES FIRE AND RESCUE AUTHORITY

27 MARCH 2006

IRMP – THIRD YEAR ACTION PLAN

Report by the Clerk

Purpose of Report

- 1 This supplementary report provides additional advice and guidance for members in the light of the publication on 21 March of the Welsh Assembly Government's guidance "Fire and Rescue Service Risk Reduction Plan – Wales a Safer Country".

Background

- 2 The Risk Reduction Plan guidance has no direct implications for the Third Year action plan: it requires the publication of a risk reduction plan no later than 31 October each year which will relate to the following financial year (e.g. 31 October 2006 in respect of 2007-08). There should be a minimum 12 week period for consultation and authorities "must informally discuss proposals and options within their RRP and annual action plans with the Minister for Social Justice and Regeneration prior to the FRA commencing its public consultation". The implications of this timetable are considered below.
- 3 The Risk Reduction Plan guidance states that "service standards will be introduced" but does not set any out. WAG officials have confirmed that Service Standards for Fires in the Home will be issued by circular shortly and have shared with us a near final draft. The key paragraph is:

"This Service Standard aims to provide 80% of Welsh homes with an attendance to a fire in the home within 10 minutes. The Service Standard also recognises that as a result of local population numbers, population density and population types some areas will attract a 5-minute attendance to a fire in the home. **The deciding factor for the introduction of the 5 minute attendance would be where the Fire**

Service Emergency Cover (FSEC) computer models predicts a casualty rate greater than 6.”

Advice

- 4 The guidance has no statutory force at the present time because the Fire and Rescue National Framework which was adopted by the National Assembly in 2005 refers extensively to integrated risk management plans in paragraphs 2.6 to 2.17. Amendments to the National Framework would require a statutory instrument to be approved by the Assembly following consultation since this change would seem to require a significant revision as defined in section 21(5) of the Fire and Rescue Services Act 2004. The Welsh Assembly Government has no other powers in the 2004 Act to give statutory guidance to authorities in respect of the discharge of their functions.
- 5 Likewise the service standards will not have statutory force unless they are incorporated in the National Framework (“The Assembly may consider incorporating the guidance in a revision of this Framework.”) Again they would seem to represent a significant revision even though the possibility of service standards is explicitly mentioned in paragraph 4.3 of the Framework.
- 6 None of the proposals in the 3rd year action plan appear inconsistent with the National Framework or with the Risk Reduction Plan guidance or proposed services standards for fires in the home. For example, no indication has been given of any service standards proposed with respect to aerial ladder platforms or specialist equipment.
- 7 The authority is reminded that it has to operate within a complex web of statutory duties, which are not always mutually consistent:
 - There are duties under the Fire and Rescue Services Act 2004 to make provision for promoting fire safety, extinguishing fires and protecting life and property in the event of fire, rescuing people in the event of road traffic accidents etc. Some of these duties are limited: for example in respect of fire-fighting, the authority is required to “secure the provision of the personnel, services and equipment necessary **efficiently to meet all normal requirements**”. The highlighted words are not defined;
 - in discharging its functions, the authority must have regard to the Fire and Rescue National Framework. The Framework must set priorities and objectives for fire and authorities and may contain guidance in connection with the discharge of their functions. The Welsh Assembly Government

- has powers of intervention if WAG considers the authority is failing, or is likely to fail, to act in accordance with the Framework;
- There are duties in respect of best value under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.
- 8 It could be considered unreasonable of the authority, and at odds for example with its duty to deliver best value, to delay changes if they were consistent with the guidance and service standards even though (as noted above) they do not have statutory force at present.
- 9 The guidance does not specify what equipment should be deployed to particular incidents, making clear that this is a matter for consideration by individual fire and rescue authorities; and requires fire authorities to present evidence on how the proposed changes will reduce risk and demonstrate how they intended to monitor and review the implemented proposals. This is already the authority’s practice in respect of the change in shift times at day-crewed stations.
- 10 The principal issues therefore arising from the guidance are:
- 10.1 does the authority wish to make representations to the Assembly calling for it to be placed on a statutory footing by making amendments to the National Framework? This is unlikely to be achieved in time for plans for 2007-08, since public consultation on them would have to commence by early June given the timing of the authority’s meeting in September;
 - 10.2 arising from the timetable, does the authority wish to delegate to the Executive Panel the task of preparing a draft risk reduction plan for consultation for 2006? Given the requirement for prior consultation with the Minister, there is already very little time to produce a draft RRP for 2007-08;
 - 10.3 Does the authority wish for 2006 or later years to consider moving its autumn meeting to October, to allow more time for the consultation process and/or to allow the full authority to approve the document for consultation in June?
 - 10.4 Does the authority want to express concern about the requirement for prior consultation with the Minister, which seems to be unique among local government service plans, including seeking advice on mounting a legal challenge as to its reasonableness if this were to become a statutory requirement as part of the National Framework?

Recommendation

11 The Fire Authority is invited to consider the information in this report, and to reach decisions on the issues raised in paragraph 10.