

AGENDA ITEM:

REPORT TO:	MERSEYSIDE FIRE & RESCUE AUTHORITY
DATE:	31ST JULY 2012
REPORT NO.	CFO/107/12
REPORTING OFFICER:	DEPUTY CHIEF FIRE OFFICER
CONTACT OFFICER:	DEB APPLETON, DIRECTOR OF STRATEGIC PLANNING
OFFICERS CONSULTED:	
SUBJECT:	INTEGRATED RISK MANAGEMENT PLAN 2013/14 AND PUBLIC CONSULTATION PROCESS

APPENDIX (A)	TITLE	Proposed IRMP and Consultation timetable
(B)		IRMP Consultation forums report 2012

ATTACHED – HARD COPY

Purpose of Report

1. To request that Members consider the recommendations of this report relating to the preparation and publication of the Integrated Risk Management Plan (IRMP) for 2013/14 and the subsequent public consultation process.

Recommendation

2. That Members;
 - a) Approve the timescale for the preparation and publication of the Integrated Risk Management Plan for 2013/14.
 - b) Approve the outline timescale for public consultation associated with the IRMP.
 - c) Note the report on the public consultation forums held in May 2012

Executive Summary

This report proposes a change to the usual IRMP planning timetable to enable the Authority to produce an IRMP following the announcement of the Government grant in December 2012.
The report also sets out the main findings of the five IRMP public consultation forums held in May.

Introduction & Background

The IRMP for 2013/14

3. Members will be aware that since the Authority produced its first three year Integrated Risk Management Plan (IRMP) in 2004 the timescale for publication has remained unchanged. In order to commence the IRMP on 1st April each year and to allow 12 weeks consultation prior to publication, the Authority has approved its draft IRMP in mid October and the final IRMP has been approved in February or March. In the general, these arrangements have worked well in the past because the Authority has already known the details of the grant settlement it will receive and is able to plan its services accordingly. The IRMP has always been a three year, medium term document. Initially, annual supplements were published to capture short term action plans. In more recent years the IRMP has been published annually as a rolling three year plan.
4. Because the Authority will have no official indication of the Government grant settlement for 2013/14 or 2014/15 until early December 2012 and because it is expected that the settlement will require the Authority to make real cuts to services, consideration has been given to how the Authority can publish a IRMP for 2013/14 and ensure that the necessary public consultation takes place.
5. As the current IRMP is a three year document (2012/2015), it is proposed that the Authority publishes an IRMP supplement for 2013/14 that deals in a general way with the implications of the budget cuts on the provision of prevention, protection and response services and that consultation and engagement is carried on the draft IRMP from January 2013.
6. The importance of carrying out meaningful consultation with all stakeholders should not be underestimated, both in its importance in assisting Members make their decisions and in preventing any legal challenge arising from closures or cuts to services. The proposals will allow the Authority to consider the view of stakeholders on the general implications of the budget cuts prior to setting a budget and this is essential. It would then be necessary to undertake a more detailed consultation exercise to consider specific cuts or withdrawal of services (such as station closures) following the agreement of the Budget.
7. If this approach is approved by Members, the preparation of the draft IRMP will commence in the summer and will be drafted based on the recommendations and options resulting from the reviews of response provision and support services which have already been approved by Members.
8. However, the draft IRMP will not be finalised until the full scale of the cuts is known in December. This approach will also consider the outcomes of the five independently facilitated public consultation forums held in May 2012. The forums yielded high quality debate which produced some broad principles that will help to inform Authority decision making. More detail on consultation is provided from paragraph 10 below

9. An outline timetable for the preparation of the IRMP supplement for 2013/14 in line with what is proposed above, including actions already completed (greyed out) to show the context of the 2013/14 IRMP, is set out in appendix A

Consultation

10. The National Framework for the Fire and Rescue Service published on 11th July 2012 sets out the expectations on Fire and Rescue Services to engage with communities regarding the decisions it makes about service provision when stating:

“Fire and rescue authorities are accountable to their communities for their actions and decision making. They need to have transparent processes in place to deliver this and engage with their communities to provide them with the opportunity to influence their local service. Local accountability is a vital check on the services provided by fire and rescue authorities.”

11. In addition, the Localism Act provides much greater opportunity for the public to scrutinise and challenge the decisions made by local authorities. For this reason it is essential that the public are fully and effectively consulted with as a FRA develops and delivers proposals for changes to its services.
12. The Authority’s IRMP Scrutiny Panels in March and May 2012 approved the continuation of an externally facilitated deliberative consultation process for IRMP; i.e public forums. In addition it was agreed to continue with on line surveys to solicit wider public responses.
13. The report on the outcomes of the 2012/13 IRMP consultation forums is attached at appendix B. The forums were very successful and resulted in some high quality comments and views that Members and officer will find useful as they continue to assess the implications of future budget cuts.
14. The major areas considered by the forums are set out below:
 - **“Reducing the number of fire stations (and thus fire-fighters and fire engines)”**
 - The forums were asked to select the criteria they believed to be most important
 - Participants considered life risk Emergencies and Special Risks to be the most important criteria, followed by Deprivation, Volume of Incidents, Demographics and, lastly, Distance from Other Stations.
 - Also, when looking at the maps of fire stations and relative risk across Merseyside, participants noticed the varying numbers of fire stations in each area
 - **“Re-defining response times (for example, adopting a single response standard of, say, ‘attending 90% of life incidents with at least one fire engine within eight minutes’)”**

- eight-in-ten participants supported the adoption of a single response standard – providing it states ‘within [eight] minutes’, and that the Service continues to endeavour to get to incidents as quickly as possible
 - **“Introducing alternative crewing systems to match variations in ‘demand’”**
 - The vast majority of participants across all five forums thought that MFRS should consider more flexible crewing systems / arrangements to match variations in demand
 - **“Reducing support services (including prevention and protection activities)”**
 - A majority of participants agreed that, given its diminishing resources, MFRS should target its prevention work towards higher risk areas, higher risk people (in low risk areas), and areas that have slower response times.
 - Charging for providing smoke alarms in low risk/affluent areas was also endorsed by a large majority, who felt that those who can afford to pay should expect to have to do so
 - **“Raising council tax levels beyond the capping level.”**
 - Although several participants felt that they themselves could support a large council tax rise, it was widely felt that the population at large would not do so in the current economic climate
 - There was also concern that a large Council Tax increase could set two undesirable precedents – that is, it could:
 - Be a precedent for other authorities to make similar increases in Merseyside
 - Encourage central government to think that more central taxation could be transferred to the local level.
 - Even those participants who supported the idea of an increase felt that the Authority would not win the five referendums needed to authorise such a policy
15. All the views contained within the report will be considered as officers develop the IRMP and complete the support services and response reviews.
16. Due to the consistently high standard of response the Authority receives from the forums it is proposed that this approach continues as the core of IRMP consultation for 2013/4. However, due to the anticipated scale and implications of the budget cuts for 2013/14, additional consultation following the setting of the Budget, will be required to ensure that a wide variety of stakeholders have an opportunity to comment on any proposals to close stations or cut or withdraw services. This includes:
- Public meetings – as listening exercises
 - Partner meetings – as listening exercises
 - Individual meetings between the Chief Fire Officer and Chair of the Authority and local leaders and chief executives.

Equality & Diversity Implications

17. An Equality Impact Assessment is not required for this report but full EIAs will be prepared in relation to the IRMP and the recommendations contained within it.

Staff Implications

18. There are no staff implications arising from this report.

Legal Implications

19. The Fire and Rescue National Framework for England (published 11/7/12) requires each Fire and Rescue Authority to produce an Integrated Risk Management Plan.

“Each fire and rescue authority integrated risk management plan must:

- be easily accessible and publicly available
 - reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners
 - cover at least a three year time span and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework
 - reflect up to date risk analyses and the evaluation of service delivery outcomes”
20. Legal challenges to local authority decisions often focus on a perceived lack of consultation. It is important in avoiding any application for Judicial Review by members of the public that public consultation can be shown to have been “meaningful”. This means that no decisions should be made before the outcomes of any consultation are known and have been properly considered.

The so-called Gunning Principles (1985) have been cited by those challenging decisions made by public sector bodies.

Those principles state that consultation programmes should be:

- At a ‘formative stage’
- Give people ‘sufficient reasons’ to allow intelligent consideration
- Allow ‘adequate time’ for responses
- Be taken ‘conscientiously into account’.

Therefore the wider the consultation and the better informed the consultees, the lower the opportunity for challenge.

21. If the Authority is challenged by way of an application for Judicial Review it would be necessary to instruct Counsel – probably a QC which costs approximately £400.00 per hour. In one reported case concerning a local Authority one day alone which incorporated travel to London (necessary for such an application to be defended), drafting and preparation beforehand, cost £21,000.
22. Given that the Authority has a statutory duty to have a three year IRMP, MFRA, by publishing a supplement at this stage and until the decisions of the Government

regarding budget allocation are known, will be complying with its legal duties and also ensuring that any prospects of an application for judicial review are minimised

Financial Implications & Value for Money

23. A single deliberative forum costs in the region of £3,000. The proposed forum for January 2013 has already been approved by the IRMP Scrutiny Panel as it falls within 2012/13. The five forums proposed for May 2013 would cost in the region of £15,000 and this is line with current expenditure. Public meetings could be entirely externally facilitated, chaired by an independent chair at an MFRA or other location or run entirely in house. Proposals on the most appropriate approach will be presented to Members when the scale of the financial challenge and resulting implications are known. The costs will therefore depend on the options chosen at that time.
24. The cost of this investment needs to be considered in light of the substantial financial and reputational risks associated with challenge if the service does not consult properly.

Risk Management, Health & Safety, and Environmental Implications

25. Meaningful and effective consultation is essential to reduce the reputational (and potentially legal) risk associated with closure of fire stations or withdrawal of services.

Contribution to Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Firefighters”

26. The IRMP for 2013/14 will be the most challenging the Authority has produced. It will deal with cuts to services and the potential closure of fire stations and set out how to balance those against the need to delivery statutory services and comply with statutory responsibilities. This report proposes a timetable of preparation and consultation that will assist the Authority in making the difficult decisions it faces, having taken into account the views of stakeholders.

BACKGROUND PAPERS

CFO/42/12 – Public Consultation 2012/13

CFO/065/12 – Public Consultation - Key Areas of Focus.

***Glossary of Terms**

Please list any acronyms used within this Report and appendices, including their meaning.

Proposed IRMP and consultation timetable

Greyed out areas show actions already completed

Action	Start	Finish
The Authority approved reviews of response provision and support services in anticipation of significant budget cuts in 2013/14 and 2014/15 – Phase 2 of the budget challenge	November 2011	November 2011
CFO and Chair discussed broad implications of the anticipated cuts with local leaders and chief executives	December 2011	February 2012
Members considered the broad implications at the Budget Strategy Day		
The Authority approved the 2012/13 budget	February 2012	February 2011
Principal Officers presented the broad implications to all staff through briefings	February 2012	March 2012
Authority approved IRMP consultation based on the broad implications	May 2012	May 2012
5 district consultation forums considered broad implications	May 2012	May 2012
Principal Officers presented updates on the broad implications to all staff through briefings	May 2012	June 2012
Work continues on the reviews of response provision and support services	January 2012	December 2012
Preparation of the draft IRMP supplement and 2013/14 action plan	August 2012	December 2012
Release of grant settlement details	December 2012	December 2012
Implications of the grant settlement used to finalise the draft IRMP for consultation and consider the implications of the support services review	December 2012	January 2012
Authority agrees draft IRMP for 12 weeks consultation	3 rd January 2013	27 th March 2013

Copies of the IRMP sent to partners and other stakeholders for feedback	3 rd January 2013	27 th March 2013
Representative body consultation on the IRMP 2013/14	3 rd January 2013	27 th March 2013
One public forum made up of existing forum members to consider the draft IRMP	January 2013	January 2013
Budget Strategy Days for Authority Members – Consider the IRMP in more detail?	30 th January 2013	31 st January 2013
The Authority approves the budget for 2013/14	26 th February 2013	
Authority considers potential fire cover changes eg. closures, changes to duty systems, removal of appliances etc Approve final IRMP	7 th May 2013	
Full consultation on proposed fire cover changes eg. closures, changes to duty systems, removal of appliances etc	From date of the Authority meeting agreeing the proposals	
Consultation to include: 5 public consultation forums Stakeholders consultation forums Specific public meetings in potentially affected areas – listening exercises Partners/other stakeholders meetings – listening exercises Staff consultation (in addition to any statutory employee consultation with representative bodies) On line surveys	From date of the Authority meeting agreeing the proposals	c. October 2013
Authority approves final closures and withdrawal of services	c. October 2013	
Begin implementation of any closures and withdrawal of services	C. October 2013	2014/15