



# Buckinghamshire & Milton Keynes Fire Authority

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**Meeting and date:** Executive Committee, 8 February 2024

**Report title:** 2025 – 2030 Service Planning Update

**Lead Member:** Councillor Simon Rouse: Service Delivery, Protection and Collaboration

**Report sponsor:** Mick Osborne, Chief Operating Officer / Deputy Chief Fire Officer

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**Action:** Decision.

**Recommendations:** That the Executive Committee approve the changes to the timing of the 2025 – 2030 planning process.

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## Executive summary:

At its meeting on 7 December 2022 (see Background Papers) the Fire Authority resolved that:

1. the successor plan to the 2020 – 2025 Public Safety Plan, be known as the ‘2025 – 2030 Community Risk Management Plan’;
2. the provisional timescale for preparation of the 2025 – 2030 Community Risk Management and Corporate Plans be approved;
3. any changes to the sequencing and timing of the 2025 – 2030 planning process be delegated to the Executive Committee for approval.

To date, the Community Risk Management Plan (**CRMP**) scope has been agreed, the listening and engagement research completed, and the outcomes of that exercise were reported to the Executive Committee and Fire Authority at their meetings on 13 September 2023 and 11 October 2023 respectively (see Background Papers).

However, one of the risks noted in the report presented to the Fire Authority on 7 December 2022 was of “competing priorities resulting in the diversion of key resources onto other projects or tasks.”

On 19 October 2023 the Service received the outcomes of its most recent inspection and was then required to produce an action plan addressing the causes for concern raised within the report. Furthermore, it was confirmed on 22 November 2023 that the Service would be moved into enhanced monitoring by His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). These events have resulted in work that wasn’t foreseen at the time the original 2025 – 2030 Service planning

timing was approved, which diverted many of the resources away from preparing the draft 2025-2030 CRMP for a number of months. Although the CRMP hazard and risk analysis has been substantially completed there is further work still to be done on the content of the main document.

It is therefore recommended that the revised timing of the planning process as shown in Appendix 1 is approved. This will result in the CRMP being approved later than the original plan (now December 2024) following a proposed 12-week consultation period once the draft has been approved by the Authority, but still well in advance of its proposed implementation date of 1 April 2025.

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### **Financial implications:**

No direct impacts resulting from this report.

### **Risk management:**

The leading case which considered the substantive and procedural requirements of a CRMP is [R. \(on the application of Islington LBC\) v Mayor of London \[2013\] EWHC 4142](#) in which the High Court determined an application for judicial review brought against LFEPA (the, then, fire and rescue authority for Greater London) concerning the adoption of its IRMP 2013-16. (The new Service Plan has been designated a 'Community Risk Management Plan' (CRMP), rather than 'IRMP', to align with the 2021 Fire Standards Board Fire Standard).

The London Boroughs argued that (1) the formulation of the IRMP should have commenced with a comprehensive risk assessment of "all foreseeable risks" before considering how those risks were to be addressed. If that had been done, certain vulnerable sections of the community would have been identified as being at higher risk than others elsewhere in London. Instead, it was said that LFEPA had adopted an approach to the IRMP predicated on seeking to achieve uniform attendance time targets, contrary to the Fire and Rescue National Framework, and had failed to take into account local risk factors; and (2) the consultation process leading to the adoption of the IRMP was flawed, in that misleading information had been conveyed in relation to a predicted increased in fatality rates under the proposals. Further, it was alleged that insufficient information had been made available about the impact of the proposals on attendance times at ward level.

The High Court refused the application, finding in favour of LFEPA for, i.a., the following grounds:

(1) The National Framework was not prescriptive as to the means by which all foreseeable risks were to be identified; those risks merely had to be addressed at a level of detail that enabled proper planning of a response to the needs identified. On the evidence, that had been done. Accordingly, the need to consider all foreseeable

local risks in the formulation of the IRMP had been met [see paras 195-196, 207, 227-229 of judgment].

(2) The consultation had fulfilled its purpose of enabling consultees to draw to the attention of the decision-makers any reasoned objection to the proposals advanced [paras 292-293, 307,310 – 311], the High Court noting that care is required should proposals be changed after consultation [340].

(3) Certain sections of the population were more likely to suffer a fire and it was appropriate to consider the effect on them as future users of the fire service when assessing whether there would be indirect discrimination against them under the Equality Act 2010 s.149. LFEPA had complied with the obligation to have due regard to the Act by focusing at borough level on those most likely to experience fire as a legitimate means of considering those with protected characteristics [paras 365-366, 370-372].

### **Legal implications:**

The requirement to produce an IRMP has a statutory basis as it is specified in the National Framework. Section 21 of [Fire and Rescue Services Act 2004](#) (FRSA 2004) requires that:

*“(1) The Secretary of State must prepare a Fire and Rescue National Framework.*

*(2) The Framework—*

*(a) must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;*

*(b) may contain guidance to fire and rescue authorities in connection with the discharge of any of their functions;*

*(c) may contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.”*

Moreover section 21 (7) of the FRSA 2004 requires that: *“(7) Fire and rescue authorities must have regard to the Framework in carrying out their functions.”*

A key concept within the National Framework is the IRMP. For example, at paragraph *“3.6 Fire and rescue authorities are required to assess the risk of emergencies occurring and use this to inform contingency planning. To do this effectively, fire and rescue authorities are expected to assess their existing capability and identify any gaps as part of the integrated risk management planning process. This gap analysis needs to be conducted by fire and rescue authorities individually and collectively to obtain an overall picture of their ability to meet the full range of risks in their areas.”*

### **Privacy and security implications:**

No direct impact.

### **Duty to collaborate:**

The National Framework requires every fire and rescue authority to produce its own IRMP / CRMP. However, officers share thinking on approaches to plan development

and consultation practices with other fire and rescue services, including neighbouring services.

All neighbouring fire and rescue authorities and Thames Valley blue light partners would be included as part of the public consultation process associated with the production of the new CRMP.

**Health and safety implications:**

No direct implications arising from the production of the draft CRMP and Corporate Plan. Any proposals for change arising from the Plans will include evaluation of any health and safety implications.

**Environmental implications:**

None arising from the planning process itself. However, any changes to service provision proposed in the CRMP will be subject to environmental impact assessments where appropriate.

**Equality, diversity, and inclusion implications:**

These will be identified and evaluated as the plans are developed, in line with the FSB CRMP Fire Standard; relevant legislative requirements; best practice; and guidance, for example: [Integrated risk management planning: equality and diversity guidance, Home Office 2008](#)

**Consultation and communication:**

All consultations will be undertaken in compliance with National Framework and FSB CRMP Fire Standard requirements. A consultation and communication plan will be prepared as part of the project planning. All consultation findings will be reported to the Authority. The release of the draft 2025 – 2030 CRMP for public consultation will be subject to Fire Authority approval as specified at Appendix 1.

The period between the closure of the consultation and the proposed date for approval by the Authority in December is to allow for the subsequent analysis of responses, in accordance with the [Gunning Principles](#) which set out the legal tests that define what constitutes a legitimate consultation. These include, amongst other things, that: “3 there is adequate time for consideration and response” and “4 ‘conscientious consideration’ must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account”.

The outcomes of the consultation are not binding on the Authority. However, it is required to have regard to them in reaching decisions associated with the IRMP / CRMP planning process where relevant.

**Background papers:**

2025 – 2030 Service Planning, 7 December 2022, Fire Authority, <https://bucksfire.gov.uk/documents/2022/11/item-10-fire-authority-meeting-7-december-2022-2025-2030-service-planning.pdf/>

2025-30 CRMP Listening and Engagement Consultation Outcomes, 11 October 2023, Fire Authority, <https://bucksfire.gov.uk/documents/2023/09/fire-authority-meeting-11-october-2023-item-13b-2025-2030-crpm-listening-and-engagement-consultation-outcomes.pdf/>

Appendix	Title	Protective Marking
1	Updated 2025 – 2030 Service Planning Timeline	

## Appendix 1 - Updated 2025 – 2030 Service Planning Timeline

Activity	2023				2024				2025	Status
	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	
Define & agree 2025-2030 CRMP scope & objectives	■									Complete
Listening & engagement research (public & other stakeholders)		■								Complete
Listening & engagement outcomes to Fire Authority			■							Complete
Prepare draft 2025-2030 CRMP (inc. Hazard & Risk Analysis)		■	■	■	■	■				Delayed
Fire Authority approve draft 2025-2030 CRMP for public consultation					■	■				Not Started
12-week public consultation					■	■	■			Not Started
Evaluate consultation findings & finalise CRMP							■	■		Not Started
Fire Authority review consultation outcomes & approve 2025-2030 CRMP *							■	■		Not Started
Develop 2025 – 2030 Corporate Plan								■	■	Not Started
Fire Authority approve 2025 – 2030 Corporate Plan									■	Not Started

\* Original plan showed this as September, but as there is no Fire Authority meeting in that month it would have necessarily been October

