

**BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY**  
**BUCKINGHAMSHIRE FIRE AND RESCUE SERVICE**

Director of Legal & Governance, Graham Britten  
Buckinghamshire Fire & Rescue Service  
Brigade HQ, Stocklake, Aylesbury, Bucks HP20 1BD  
Tel: 01296 744441



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**Chief Fire Officer and Chief Executive**

Jason Thelwell

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To: The Chairman and Members of the Buckinghamshire and  
Milton Keynes Fire Authority

14 January 2020

**MEMBERS OF THE**  
**PRESS AND PUBLIC**

Please note the content  
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Agenda Pack

Dear Councillor

Your attendance is requested at an Extraordinary Meeting of the **BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY** to be held in Meeting Room 1, Fire and Rescue Headquarters, Stocklake, Aylesbury on **THURSDAY 23 JANUARY 2020 at 11.00 am** when the business set out overleaf will be transacted.

Yours faithfully

Graham Britten  
Director of Legal and Governance

Councillor Clarke OBE (Chairman)  
Councillors Brown, Carroll, Christensen, Clare, Cranmer, Exon, Glover, Hopkins,  
Lambert, Marland, McCall, McLean, Minns, Roberts, Teesdale, Watson



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## **Recording of the Meeting**

The Authority supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public. Requests to take photographs or undertake audio or visual recordings either by members of the public or by the media should wherever possible be made to [enquiries@bucksfire.gov.uk](mailto:enquiries@bucksfire.gov.uk) at least two working days before the meeting.

The Authority also allows the use of social networking websites and blogging to communicate with people about what is happening, as it happens.

## **Adjournment and Rights to Speak – Public**

The Authority may, when members of the public are present, adjourn a Meeting to hear the views of the public on a particular agenda item. The proposal to adjourn must be moved by a Member, seconded and agreed by a majority of the Members present and voting.

Prior to inviting the public to speak, the Chairman should advise that they:

- (a) raise their hands to indicate their wish to speak at the invitation of the Chairman,
- (b) speak for no more than four minutes,
- (c) should only speak once unless the Chairman agrees otherwise.

The Chairman should resume the Meeting as soon as possible, with the agreement of the other Members present.

Adjournments do not form part of the Meeting and should be confined to times when the views of the public need to be heard.

## **Rights to Speak - Members**

A Member of the constituent Councils who is not a Member of the Authority may attend Meetings of the Authority or its Committees to make a statement on behalf of the Member's constituents in the case of any item under discussion which directly affects the Member's division, with the prior consent of the Chairman of the Meeting which will not be unreasonably withheld. The Member's statement will not last longer than four minutes.

## **Petitions**

Any Member of the constituent Councils, a District Council, or Parish Council, falling within the Fire Authority area may Petition the Fire Authority.

The substance of a petition presented at a Meeting of the Authority shall be summarised, in not more than four minutes, by the Member of the Council who presents it. If the petition does not refer to a matter before the Authority it shall be referred without debate to the appropriate Committee.

## **Questions**

Members of the Authority, or its constituent councils, District, or Parish Councils may submit written questions prior to the Meeting to allow their full and proper consideration. Such questions shall be received by the Monitoring Officer to the Authority, *in writing*, at least two clear working days before the day of the Meeting of the Authority or the Committee.

## **COMBINED FIRE AUTHORITY - TERMS OF REFERENCE**

1. To appoint the Authority's Standing Committees and Lead Members.
2. To determine the following issues after considering recommendations from the Executive Committee, or in the case of 2(a) below, only, after considering recommendations from the Overview and Audit Committee:
  - (a) variations to Standing Orders and Financial Regulations;
  - (b) the medium-term financial plans including:
    - (i) the Revenue Budget;
    - (ii) the Capital Programme;
    - (iii) the level of borrowing under the Local Government Act 2003 in accordance with the Prudential Code produced by the Chartered Institute of Public Finance and Accountancy; and
  - (c) a Precept and all decisions legally required to set a balanced budget each financial year;
  - (d) the Prudential Indicators in accordance with the Prudential Code;
  - (e) the Treasury Strategy;
  - (f) the Scheme of Members' Allowances;
  - (g) the Integrated Risk Management Plan and Action Plan;
  - (h) the Annual Report.
3. To determine the Code of Conduct for Members on recommendation from the Overview and Audit Committee.
4. To determine all other matters reserved by law or otherwise, whether delegated to a committee or not.
5. To determine the terms of appointment or dismissal of the Chief Fire Officer and Chief Executive, and deputy to the Chief Fire Officer and Chief Executive, or equivalent.
6. To approve the Authority's statutory pay policy statement.

## **AGENDA**

### **Item No:**

**1. Apologies**

**2. Minutes**

To approve, and sign as a correct record the Minutes of the meeting of the Fire Authority held on 18 September 2019 (Item 2) **(Pages 7 - 16)**

**3. Disclosure of Interests**

Members to declare any disclosable pecuniary interests they may have in any matter being considered which are not entered onto the Authority's Register, and officers to disclose any interests they may have in any contract to be considered.

**4. Chairman's Announcements**

To receive the Chairman's announcements (if any).

**5. Petitions**

To receive petitions under Standing Order SOA6.

**6. Questions**

To receive questions in accordance with Standing Order SOA7.

**7. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) - Buckinghamshire Fire and Rescue Service (BFRS) Inspection Findings Report**

To consider Item 7 **(Pages 17 - 66)**

**8. Fire Protection Board**

To consider Item 8 **(Pages 67 - 108)**

**9. Exclusion of Press and Public**

To consider excluding the public and press representatives from the meeting by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the minutes contain information relating to the financial or business affairs of any particular person (including BMKFA); and on these grounds it is considered the need to keep information exempt outweighs the public interest in disclosing the information:

**10. Exempt Minutes**

To approve, and sign as a correct record the Exempt Minutes of the meeting of the Fire Authority held on 18 September 2019 (Item 10)

## **11. Date of Next Meeting**

To note that the next meeting of the Fire Authority will be held on Wednesday 12 February 2020 at 11am.

If you have any enquiries about this agenda please contact: Katie Nellist (Democratic Services Officer) – Tel: (01296) 744633 email: [knellist@bucksfire.gov.uk](mailto:knellist@bucksfire.gov.uk)

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MINUTES OF THE MEETING OF THE BUCKINGHAMSHIRE AND MILTON KEYNES  
FIRE AUTHORITY HELD ON WEDNESDAY 18 SEPTEMBER 2019 AT 11.00 AM IN  
MILTON KEYNES COUNCIL CHAMBER

**Present:** Councillors Brown, Carroll, Christensen, Clare, Exon, Glover, Hopkins (Vice Chairman), Lambert, McCall, McLean, Minns and Watson

**Officers:** J Thelwell (Chief Fire Officer), M Osborne (Deputy Chief Fire Officer), G Britten (Director of Legal and Governance), M Hemming (Director of Finance and Assets), C Bell (Head of Service Development), D Norris (Head of Service Delivery), S Gowanlock (Corporate Planning Manager), F Pearson (Consultation and Communication Manager), M Crothers (Programme Manager) and K Nellist (Democratic Services Officer)

**Apologies:** Councillors Clarke OBE (Chairman), Cranmer, Marland, Roberts and Teesdale

2 members of the public

(Councillor Hopkins presiding)

**FA16****MINUTES**

RESOLVED –

That the Minutes of the meeting of the Fire Authority held on 19 June 2019, be approved and signed by the Chairman as a correct record.

**FA17****CHAIRMAN'S ANNOUNCEMENTS**

The Vice Chairman welcomed Councillor Noel Brown to his first meeting of the Authority and thanked Councillor Paul Irwin whom he replaced.

Chairman's Announcements had been circulated in advance, but the Vice Chairman wished to highlight that on the 9 February 2019, Crew Commander Chris Millward and his wife were in a café when another customer, a nine year old boy, started to choke. When Chris was unable to dislodge the obstruction and the boy's condition deteriorated, he along with an off duty nurse started CPR. They continued for about five minutes until the paramedics arrived. Due in part to the quick thinking and interventions of Chris and the nurse the boy went on to make a full recovery. Their joint efforts had been recognised, and both were due to receive Royal Humane Society Resuscitation Certificates and had won the personal praise of Andrew Chapman, Secretary of the Society. DCFO Mick Osborne was due to present Chris with his certificate at Amersham Fire Station on Monday 23 September 2019.

Members asked that their thanks be passed on to Crew Commander Chris Millward.

**FA18**

**RECOMMENDATIONS FROM COMMITTEES:**

**OVERVIEW AND AUDIT COMMITTEE – 17 JULY 2019  
PROTOCOL ON MEMBER AND OFFICER RELATIONS**

The Chairman of the Overview and Audit Committee advised Members that this report had been presented at the July meeting of the Overview and Audit Committee and had the support of all three party leaders. It had also been through the Joint Consultation Forum. This was a third refresh of the protocol, the first being in 2011 and the second in 2015.

RESOLVED –

That the Protocol on Member and Officer Relations be approved and adopted.

**FA19**

**LEAD MEMBER RESPONSIBILITIES**

The Director of Legal and Governance advised Members that as per the minutes of the Annual Meeting, the allocation and appointment of Lead Members roles was deferred pending a review of the structure of the Senior Management Team. The high level phase of that restructure had been completed and Members would hear about that from the Deputy Chief Fire Officer in the next agenda item. The purpose of this report was for the Authority, firstly, to agree the allocation of Lead Member roles, and secondly to appoint duly nominated Members into those roles.

As detailed in the report, as far as the Director of Legal and Governance could ascertain, the Authority had appointed Members into Lead Member roles since 2004. Annex B showed how the numbers and types of Lead Member responsibilities had changed over the years, with there being only two occasions when they had remained the same from one year to the next.

The proposals for 19/20 were set out in Annex A, which also showed the changes from 18/19. The proposals included the deletion of the Lead Member role for Collaboration and Transformation on the basis that since the implementation of the Policing and Crime Act 2017, the collaboration mind-set had become embedded and the governance structures had matured.

The Director of Legal and Governance advised that it was proposed that the Property and Resource Management Lead Member role was deleted and instead encompassed within an expanded Finance and Assets portfolio. However, to ensure the necessary focus and oversight it was proposed that there remained a separate portfolio for the Blue Light Hub during its build phase.

RESOLVED –

That the following Lead Member responsibilities be approved:  
a) Service Delivery, Protection and Collaboration;



- b) People, Equality and Diversity, and Assurance,
- c) Health and Safety and Corporate Risk,
- d) Finance and Assets, Information Security and IT, and
- e) Blue Light Hub (build phase).

That the following Members having been proposed and seconded be appointed as Lead Members for 2019/20 as follows:

<b>Responsibility</b>	<b>Lead Member</b>
Service Delivery, Protection and Collaboration	Councillor Clarke OBE
People, Equality and Diversity and Assurance	Councillor Lambert
Health and Safety and Corporate Risk	Councillor Teesdale
Finance and Assets, Information Security and IT	Councillor Hopkins
Blue Light Hub (build phase)	Councillor Carroll

**FA20**

**SENIOR MANAGEMENT TEAM RESTRUCTURE**

The Deputy Chief Fire Officer advised that following on from the February Executive Committee meeting, Members had tasked officers with a review of the senior management team structure, in light of the opportunities presented by the retirement of the Director of People and Organisational Development and matters around collaboration and the recent HMICFRS Inspection of fire and rescue services, and also taking into account the current financial restraints that were in place.

The Chief Fire Officer advised Members it was worth noting that following the reduction of numbers on the senior management team the reallocation of funding was going into the front line in terms of firefighters on fire stations.

RESOLVED –

That the changes to the structure of the Senior Management Team be noted.

**FA21**

**DRAFT 2020-2025 PUBLIC SAFETY PLAN – FOR PUBLIC CONSULTATION**

The Vice Chairman advised Members that in front of them were replacement pages 30 and 31 of the Draft Public Safety Plan, this was to reflect a funding update based on an announcement made by the government in the 2019 spending round.

The Chief Fire Officer advised Members that the Public Safety Plan was a statutory duty for all fire authorities which set out its plan going forward to manage the risk within the community.

This draft public safety plan focused on continuing the direction of travel the Authority had adopted over the last number of years. It was worth noting that the finances of the Authority were stretched and although the Authority provided an excellent service, it was not sustainable without additional funding moving forward.

The Head of Service Development advised Members that the Public Safety Plan (PSP), which was what the Integrated Risk Management Plan (IRMP) was called, set out the Authority's strategic approach to the management of risk in the communities it served. There was a statutory requirement for all fire and rescue authorities in England to produce an IRMP that conformed to National Framework requirements. The requirement was for IRMPs to include identification, analysis and mitigation of risks, cover at least a three year period and be subject to public consultation with the community, the fire and rescue services' workforce, representative bodies and partner organisations.

The Head of Service Development advised Members that the design philosophy behind the draft 2020-25 PSP was very similar to that underlying the current 2015-20 PSP. As Members would have seen, it identified and defined the main strategic challenges that the Authority faced over the life of the plan, and how it intended to approach them. The aim was to provide the Authority with strategic room for manoeuvre against a very uncertain financial and political context over the medium term. In particular, it gave the flexibility to respond to differing funding contexts under which the Authority could have more or less money than currently envisaged by the medium term financial plan.

The Head of Service Development advised Members that from the draft PSP, they would have seen that it also considered factors that could potentially affect its ability to maintain and deliver services. In particular, workforce and funding pressures as well as factors that would affect the scale and nature of the demand and range of risks and potential contingencies that it would likely to experience or need to plan for.

The Director of Finance and Assets advised Members that with regard to the updated pages 30 and 31, on 4 September 2019 the government spending round for 2019 was announced, this was around the time this report was written. The Director of Finance and Assets had now produced this addendum, with the latest financial position, to give Members, the public and the Authority's staff the best information available. Prior to spending round 2019 the Authority was forecasting a 5% reduction in settlement funding assessment (business rates and revenue support grant) on a cash basis each year, on trends seen before. The report was showing the pre 2019 forecast and update forecast having now seen the announcements in spending round 2019. There was also an unofficial announcement afterwards that

the pension grant funding received this year worth approximately £1.2M would continue into next year.

The Director of Finance and Assets advised Members, that whilst this picture looked more positive, he would urge caution as this was only a one year spending round. There was no certainty beyond one year and it may all change if there was a general election.

The Head of Service Development advised Members that the Authority had scheduled an eight week consultation which it was aiming to initiate from Monday 23 September 2019. At the heart of the consultation was the qualitative engagement with a representative sample of the public, via the focus groups, which enabled participants to offer an informed perspective on the Authority's plans by giving them the opportunity to ask questions, debate and deliberate over the proposals.

In addition, Members would have seen that the Authority proposed to distribute the draft plan to a wide range of other stakeholders including its own staff, the representative bodies, neighbouring fire and rescue services, other blue light services, all layers of local government, MPs, voluntary sector organisations and business organisations. An online consultation channel would also be open throughout the eight week period to facilitate stakeholder feedback via completion of a structured questionnaire.

The Head of Service Development would also circulate links for the online consultation to Members for them to distribute to any other parties that might have an interest in participating in the consultation. Obviously, the plan was in draft form at this stage and, irrespective of any comments Members may have today, officers would welcome further input from Members during the consultation process alongside that received from other stakeholders. Feedback from the consultation would be reported to the February Authority meeting along with any recommended changes to the PSP for Members to approve as a result of the consultation outcomes and/or the findings of the Authority's HMICFRS report which would be published in December.

A Member asked if the response times which had increased by 15 seconds in the current plan were being addressed and asked if comments on what the Authority was doing to redress that negative move could be included and was advised that there was a national trend around attendance times increasing and there was a number of factors which affected this. The Authority was looking at it more scientifically through data analysis, including where appliances needed to be based at different time of the day. The good news story was that because incidents were reducing and these were average attendance times, there were less incidents in urban areas where attendance times were generally quicker and disproportionately increasing in rural areas where travel times were longer and slower.

A Member asked a question regarding the challenges ahead summary and workforce pressures and felt it would be helpful to add some of the ways this was being addressed and was advised that this was agreed and more narrative would be added.

A Member asked a question regarding the financial pressures summary and was advised that although the picture looked more positive, the Authority was still going to be stretched, but if the Authority could increase local council tax, it would be a much more secure source of funding. As part of the consultation going out to the public, a question would be asked regarding if the Authority could increase council tax would people be prepared to spend £10, £5 or a few per cent to get a better service. It was really important that the Authority got that feedback from the public and it would continue to push government for that flexibility.

A Member asked if the word 'adequately' resource our front-line services (page 29) under 'What does Success look like?' could be changed to 'appropriately' and this was agreed.

A Member asked why there was no reference in the plan to the Safer MK Partnership Board and was advised that one of the Authority's Group Commanders sat on the board of this partnership, and they would be included in the consultation.

A Member asked a question regarding the challenges ahead, the number of automatic fire alarms (AFA) and were alarms getting more sophisticated, and was advised that the Authority still saw the benefit in attending these for the crews to give assurance of a presence and also getting information on the site and to help educate.

A Member asked a question regarding the map in the consultation and asked why it did not show Bletchley and Great Holm Fire Stations and was advised that although these were historical incidents, it was a future look at where the Authority's resources were going to be based.

A Member asked a question regarding road traffic collisions and electric vehicles as a new risk and was advised that the Authority kept abreast of all new technologies and the trainers and crews were well trained on electric vehicles. The mobile data terminals on appliances carried this information by putting in vehicle registrations/vehicle types and giving this information back to the crews.

The Chief Fire Officer advised that finances had improved compared to what the Authority was looking at before the spending review two months ago, but that was the issue, everything had changed in two months and it could change again. The Service itself had modernised and changed to adapt to the financial challenge and staff had met the challenge and certainly that should be reflected in the inspection report when it's published. There was still uncertainly looking forward, the

Authority had the lowest council tax of any combined fire authority in the country and the Authority had been lobbying government for a number of years. Until the increase in council tax was capped in percentage terms, the gap between the highest council tax and the lowest council tax continued to widen. The only certainty the Authority could get within the budget was through the council tax precept moving forward and that would give the Authority an opportunity to invest in the Service with the modernised approach it had taken over the last few years.

The Director of Finance and Assets advised Members that as well as the updated financials on pages 30 and 31, the consultation questions had also been rewritten to reflect the updated position.

A Member asked that the consultation report should show that the spending review was not definite and that there could be more uncertainty and was advised the reason there were pre and post figures, was to try and demonstrate that uncertainly and how quickly things could move in a couple of months and could potentially move again.

RESOLVED –

(Recommendation 1 having been proposed and seconded to be amended to include the text 'subject to the requested amendments'):

1. That the draft 2020-2025 Public Safety Plan at Annex A be approved, subject to the requested amendments, for public consultation;
2. That the consultation plan at Annex B be approved;
3. That the Chief Fire Officer be granted discretion to finalise the presentation of the 2020-2025 Public Safety Plan in readiness for the consultation and to determine the consultation questions.

**FA22**

**P HOLLAND V BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY**

The Director of Legal and Governance advised Members that this report was being presented to the Authority so that the findings of the Employment Tribunal in a case resulting from claims brought against the Authority by its former Area Commander could be brought to the attention of Members. Mr Holland alleged that the actions and decisions of the Authority's former Head of HR, and the Chief Fire Officer and the Deputy Chief Fire Officer amounted to unfair dismissal; unlawful disability discrimination; failure to make reasonable adjustments; and victimisation by and on behalf of the Authority.

The Director of Legal and Governance advised Members that as mentioned in the report, the Employment Judge's decision and

reasons set out at great length how the actions of the Authority's senior officers were, in fact, proper and correct in every single respect. Mr Holland brought proceedings against the Authority when, after having crashed his car while intoxicated, and having been convicted of drunk driving, he was dismissed by the Deputy Chief Fire Officer and lost his internal appeal to the Chief Fire Officer. As well as claiming compensation from the Authority, Mr Holland also included a claim to be reinstated as an Area Commander in charge of the Blue Light Hub project in Milton Keynes. Part of Mr Holland's unfair dismissal claim comprised 13 separate legal arguments, alleging that the internal procedures, followed by the Deputy Chief Fire Officer and the Chief Fire Officer were unlawful. Mr Holland withdrew five of those allegations on the second day of the tribunal and a further one on the last day of the tribunal. Of the seven remaining allegations the tribunal found that in fact the procedures followed by the Chief Fire Officer and Deputy Chief Fire Officer were fair and lawful.

Due to the complexity of defending a claim in which discrimination arising out of disability is alleged, legal support and advice was sought from a national law firm and from a barrister. The legal costs in defending the case since receipt of the claim brought against the Authority amounted to £98,155.14. Although the judgment had been issued and published on the internet, and is resoundingly in favour of the decisions taken by officers, it would not be possible to recover the legal costs from Mr Holland. Moreover, the litigation was still 'live' in that it was not yet known if Mr Holland had lodged an appeal to the Employment Tribunal. On that latter point, the possibility of an appeal by Mr Holland could not be ruled out, so the timing of this report enabled Members, should they wish, to consider whether they would support officers in defending an appeal.

Members discussed the report and gave officers their full support to defend any future claims by Mr Holland.

A Member asked what the cost of legal fees for an appeal would be and was advised that it would be in the region of £10k.

A Members asked what the cost would be if the Authority lost the appeal and was advised that if the Authority lost the appeal and it got remitted back to the Employment Tribunal, they may be directed to consider the matter again which would cost further resources in terms of legal expenses. If it then went to a Remedies Hearing, as mention in the report, the Authority had put provision aside for £250k, based on the prudent estimate of a law firm who looked at typical awards in this type of case. That said, as Mr Holland was found to be disabled, the statutory cap was lifted and it would be a considerable sum.

An amendment having been proposed and seconded:

RESOLVED –

That the report be noted and Members give authority and support to officers in defending any appeal.

**FA23**

## **STATEMENT OF ACCOUNTS 2018/19**

The Director of Finance and Assets advised Members that those Members who were present at the Executive Committee and Overview and Audit Committee meetings in July would be familiar with the issues experienced with the Auditors. Namely, the lack of resource from the external auditors to complete the audit, which meant the Authority was unable to sign off its accounts within the deadline. The plan at the time was to bring the accounts back to today's meeting for approval. However, at the time of publication of the papers, not all the audit work had been completed and the Director of Finance and Assets was therefore reluctant to publish a set of accounts that may, unlikely as it may be, need amending. As it was today, the audit was still not complete.

The Director of Finance and Assets advised Members that this was a national issue, not just with Ernest & Young but with other Auditors. Audit companies were struggling with recruitment and retention of staff and Members sitting on other Authorities would probably be experiencing this issue as well. It was nothing the Authority had done, its accounts had been prepared well in advance. Councillor Marland in his role on the LGA had also represented the Authority's views in that respect. A letter of complaint had been sent to Ernest & Young as requested by Members, but no response had been received to date, despite chasing and a response being promised.

The Director of Finance and Assets advised Members that the plan was to now take the adoption of the accounts to the November meeting of the Overview and Audit Committee, where it would be finalised there.

A Member asked that this matter be escalated and a letter sent to the government and was advised that when the Authority originally thought of writing a letter of complaint, it was to be sent to the Public Sector Audit Appointments (PSAA) who were the body commissioned by the government to carry out this procurement process. However, when looking at their complaints procedure, they won't consider any complaint until it's been through the relevant audit body's complaint procedure first. So once the Authority had exhausted the E&Y procedure, if the Authority was not satisfactorily reassured they are going to rectify the situation, then it would escalate the complaint to the PSAA.

Members asked that the Director of Finance and Assets also wrote to the local Members of Parliament, expressing the dissatisfaction of the audit service the Authority had been receiving.

**FA24 BLUE LIGHT HUB FOR MILTON KEYNES – 2<sup>ND</sup> FLOOR INVESTMENT**

The Vice Chairman asked Members if they had any questions before the exclusion of press and public.

A Member asked if a tenant had been found for the 2<sup>nd</sup> Floor of the Blue Light Hub, and was advised that no, nothing had been agreed formally yet with a tenant, but there was a lot of interest.

A Member asked if there was an intention to build the 2<sup>nd</sup> Floor in the budget and was advised that yes, the original budget contained an amount for building a 'shell' so mainly the external structure of the top floor. It was always the intention to bring back a proposal to Members as to how it was fitted out for the future whether that was for one of the blue light services to expand into or for another public sector body, or a commercial let. The purpose of the report was for Members' approval to bring it up to the standard required to let it out.

An amendment having been proposed and seconded:

RESOLVED –

That the works required to bring the 2<sup>nd</sup> Floor of the Blue Light Hub into a full leasable condition, for commercial value rental opportunities, be commenced as soon as possible, within the budget set out in Annex 1 (Table 1).

**FA25 EXCLUSION OF PRESS AND PUBLIC**

RESOLVED –

By virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contains information relating to the financial or business affairs of any particular person (including BMKFA); and on these grounds it is considered the need to keep information exempt outweighs the public interest in disclosing the information.

**FA26 BLUE LIGHT HUB FOR MILTON KEYNES – BUDGET UPDATE**

The Authority considered the report and appendices, details of which were noted in the confidential/exempt minutes.

**FA27 DATE OF NEXT MEETING**

The Authority noted that the next meeting of the Fire Authority was to be held on Wednesday 11 December 2019 at 11am.

THE CHAIRMAN CLOSED THE MEETING AT 12:55 PM





# Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Extraordinary Fire Authority
<b>DATE OF MEETING</b>	23 January 2020
<b>OFFICER</b>	Dave Norris, Head of Service Delivery
<b>LEAD MEMBER</b>	Councillor Lesley Clark OBE
<b>SUBJECT OF THE REPORT</b>	<b>Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) – Buckinghamshire Fire and Rescue Service (BFRS) Inspection Findings Report</b>
<b>EXECUTIVE SUMMARY</b>	<p>Following completion of the first inspection round of all 45 fire and rescue services, HMICFRS published the report into Buckinghamshire Fire &amp; Rescue Service on 17 December 2019, as part of the final tranche of reports.</p> <p>The inspection methodology covers three pillars (effectiveness, efficiency and people) against each of which a judgement is given; outstanding, good, requires improvement or inadequate. There is no overall judgement covering service performance.</p> <p>The Service was judged:</p> <p>Effectiveness – requires improvement</p> <p>Efficiency – requires improvement</p> <p>People – good</p> <p>Depending on the severity of matters found, HMICFRS may provide suggested areas for improvement, causes for concern and recommendations. A recommendation will always accompany a cause for concern.</p> <p>The report for this Service identifies 11 areas for improvement, one cause for concern accompanied by two recommendations.</p> <p>The Fire and Rescue Service National Framework document requires fire and rescue services to give due regard to HMICFRS reports and recommendations. Where recommendations are made, the receiving Service is required to prepare, update and regularly publish an action plan detailing how such recommendations are actioned (Fire and Rescue National Framework, section 7.5).</p> <p>This Service has built an effective relationship with HMICFRS, which it intends to maintain. Matters raised in the report will be addressed through internal governance structures and reported to Members</p>

	through the Overview and Audit Committee.
<b>ACTION</b>	Noting
<b>RECOMMENDATIONS</b>	That Members note the HMICFRS report and the Service’s approach to addressing the report findings.
<b>RISK MANAGEMENT</b>	There were reputational corporate risks to the organisation should we have been graded as inadequate. The Service had already taken steps to mitigate this through having extensive internal and external audits of a number of areas of the Service. Notably, our operations have been subject to external independent assurance. Our Health, Safety and Wellbeing function has been independently audited by the Royal Society for the Prevention of Accidents and received a Gold Award.
<b>FINANCIAL IMPLICATIONS</b>	Fire and rescue services are not funded for the burden and preparation resource implications of HMICFRS visit, nor is the Service charged. This round of inspections was funded by the Home Office. The Police are top sliced from their government grants to fund the HMICFRS inspections of Constabulary. There has been no mention yet that this might be a future funding model for the inspection of fire and rescue services.
<b>LEGAL IMPLICATIONS</b>	The powers of inspection for fire and rescue services are established by the Policing and Crime Act 2017.. There are no specific legal risks or liabilities anticipated at this time.
<b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</b>	Officers have developed our approach to inspection with our Thames Valley Fire and Rescue Service partners, and with ‘peer’ support from Thames Valley and Gloucestershire Police Forces.
<b>HEALTH AND SAFETY</b>	There are no Health, Safety or Wellbeing implications from this report.
<b>EQUALITY AND DIVERSITY</b>	There are no Equality and Diversity implications as part of the report.
<b>USE OF RESOURCES</b>	<p>Prior to this Service’s inspection, a preparation plan was devised for the Service and presented to the Authority on 14 February 2018 with a number of updates prior to inspection.</p> <p>The preparations for the on-going relationship with HMICFRS and future HMICFRS inspections are now being led by the Head of Service Delivery, as the designated Service Liaison Officer.</p> <p><b>Communication with stakeholders;</b></p> <p>Engagement and briefings have regularly been carried</p>

	<p>out and points of communication with Members and staff have been programmed.</p> <p><b>The system of internal control;</b></p> <p>Specific areas identified for service improvement have been identified through a number of workshops. These are being captured in relevant departmental plans and in the Operational Assurance Plan. These will be reported on in the usual way and ultimately to the Overview and Audit Committee.</p> <p><b>The medium-term financial strategy;</b></p> <p>No direct implications for the strategy are identified at this time. There may be future implications depending on the long-term funding model for HMICFRS.</p> <p><b>The balance between spending and resources;</b></p> <p>No new capability requirements have been identified as being required to prepare for, and support an inspection. The Corporate Planning Manager oversees preparation of evidence gathering with support from the Service’s Resilience and Business Continuity Manager. The Viper system has been designed to capture evidence on an ongoing basis. This allows managers to provide evidence as part of their usual reporting process. Performance Management Board provides further scrutiny of progress towards the delivery of the corporate plan.</p> <p>The ethos of the Service will be to continue to deliver the Service’s vision and strategic aims and gather the relevant evidence for the HMICFRS on a business as usual basis, rather than as an extra burden. While we develop an understanding of the inspection process and monitor the experience and effect on other Services we will revisit the resourcing needs. We have identified that preparations for aspects of the new Public Safety Plan (PSP) due in 2020 need to be closely aligned with preparations for the HMICFRS. This is reflected in the PSP.</p>
<p><b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b></p>	<p><b>Background</b></p> <p>Chapter four of the Policing and Crime Act 2017 established the legal framework for the inspection of English Fire and Rescue Services. Wales and Scotland have their own mechanisms for assuring Services. The Home Office subsequently awarded a contract to Her Majesty’s Inspectorate of Constabulary and consequently they changed their name to Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services. Our preparation plans together with our response to HMICFRS’ consultation on the inspection methodology was presented to, and considered at, the 14 February 2018 Fire Authority</p>

	<p>meeting (see pages 131 – 162):  <a href="https://bucksfire.gov.uk/files/9615/1782/8239/FIRE_AUTHORITY_AGENDA_AND_REPORTS_140218-min.pdf">https://bucksfire.gov.uk/files/9615/1782/8239/FIRE AUTHORITY AGENDA AND REPORTS 140218-min.pdf</a></p> <p>14 February 2018 – Fire Authority Paper:  <a href="https://bucksfire.gov.uk/files/5315/1782/9364/ITEM_10_HMICFRS_Report_and_Appendices-min.pdf">https://bucksfire.gov.uk/files/5315/1782/9364/ITEM 10 HMICFRS Report and Appendices-min.pdf</a></p> <p>14 November 2018 O &amp; A preparation update:  <a href="https://bucksfire.gov.uk/files/3515/4108/8758/ITEM_15_HMICFRS_Update_Appendices.pdf">https://bucksfire.gov.uk/files/3515/4108/8758/ITEM 15 HMICFRS Update Appendices.pdf</a></p> <p>13 February 2019 – Fire Authority preparation update:  <a href="https://bucksfire.gov.uk/files/4315/4894/2713/ITEM_13_HMICFRS_Update_FA_12_2_2019_Appendix-min.pdf">https://bucksfire.gov.uk/files/4315/4894/2713/ITEM 13 HMICFRS Update FA 12 2 2019 Appendix-min.pdf</a></p>
<b>APPENDICES</b>	HMICFRS report into Buckinghamshire Fire and Rescue Service
<b>TIME REQUIRED</b>	1 hour
<b>REPORT ORIGINATOR AND CONTACT</b>	<p>David Norris – Head of Service Delivery</p> <p>01296 744627</p> <p><a href="mailto:dnorris@bucksfire.gov.uk">dnorris@bucksfire.gov.uk</a></p>

# Fire & Rescue Service

## Effectiveness, efficiency and people 2018/19

An inspection of Buckinghamshire Fire and Rescue Service



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# About this inspection

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This is the first time that HMICFRS has inspected fire and rescue services across England. Our focus is on the service they provide to the public, and the way they use the resources available. The inspection assesses how effectively and efficiently Buckinghamshire Fire and Rescue Service prevents, protects the public against and responds to fires and other emergencies. We also assess how well it looks after the people who work for the service.

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In carrying out our inspections of all 45 fire and rescue services in England, we answer three main questions:

1. How effective is the fire and rescue service at keeping people safe and secure from fire and other risks?
2. How efficient is the fire and rescue service at keeping people safe and secure from fire and other risks?
3. How well does the fire and rescue service look after its people?

This report sets out our inspection findings. After taking all the evidence into account, we apply a graded judgment for each of the three questions.

## What inspection judgments mean

Our categories of graded judgment are:

- outstanding;
- good;
- requires improvement; and
- inadequate.

**Good** is our 'expected' graded judgment for all fire and rescue services. It is based on policy, practice or performance that meet pre-defined grading criteria, which are informed by any relevant national operational guidance or standards.

If the service exceeds what we expect for good, we will judge it as **outstanding**.

If we find shortcomings in the service, we will judge it as **requires improvement**.

If we find serious critical failings of policy, practice or performance of the fire and rescue service, we will judge it as **inadequate**.

# Service in numbers

## Public perceptions

Buckinghamshire    England

Metric	Buckinghamshire	England
Perceived effectiveness of service Public perceptions survey (June/July 2018)	86%	86%



## Response

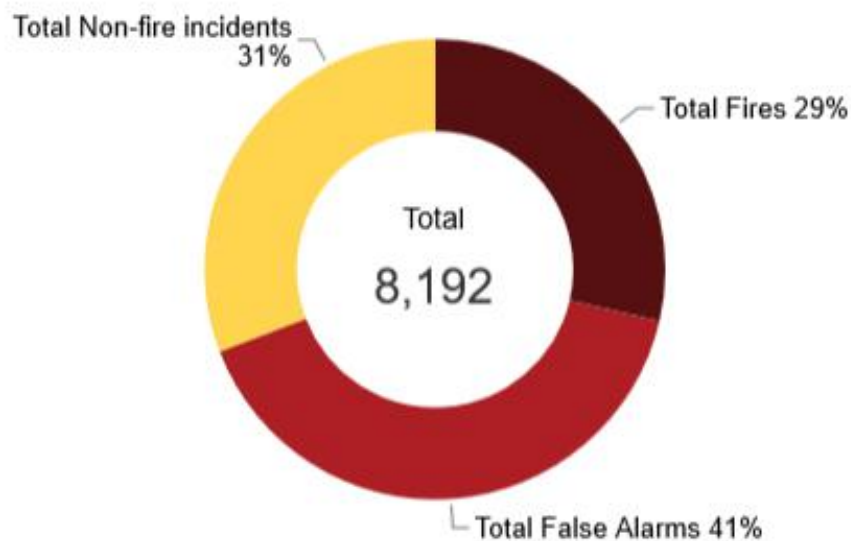
Buckinghamshire    England

Metric	Buckinghamshire	England
Incidents attended per 1,000 population 12 months to 31 December 2018	10.2	10.4

Home fire risk checks carried out by FRS per 1,000 population 12 months to 31 March 2018	3.9	10.4
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Fire safety audits per 100 known premises 12 months to 31 March 2018	2.9	3.0
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### Incidents attended in the 12 months to 31 December 2018







## Cost

Buckinghamshire

England

Firefighter cost per person per year  
12 months to 31 March 2018

£18.06

£22.38



## Workforce

Buckinghamshire

England

Number of firefighters per 1,000 population  
As at 31 March 2018

0.4

0.6

Five-year change in workforce  
As at 31 March 2013 compared with 31 March  
2018

-30%

-14%

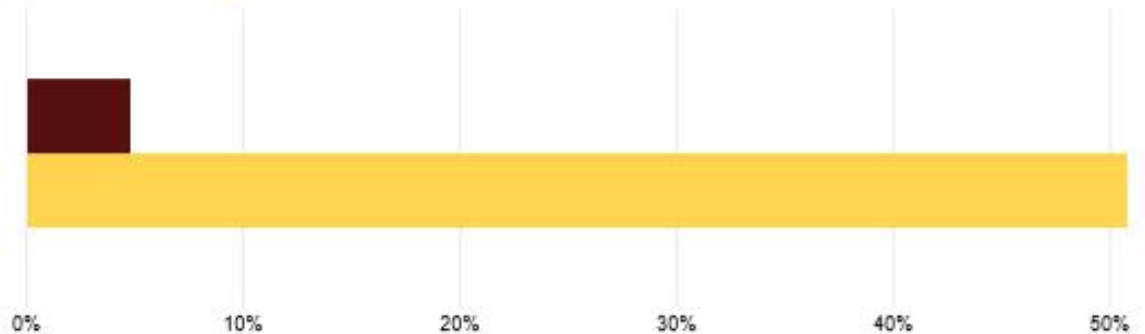
Percentage of wholetime firefighters  
As at 31 March 2018

71%

70%

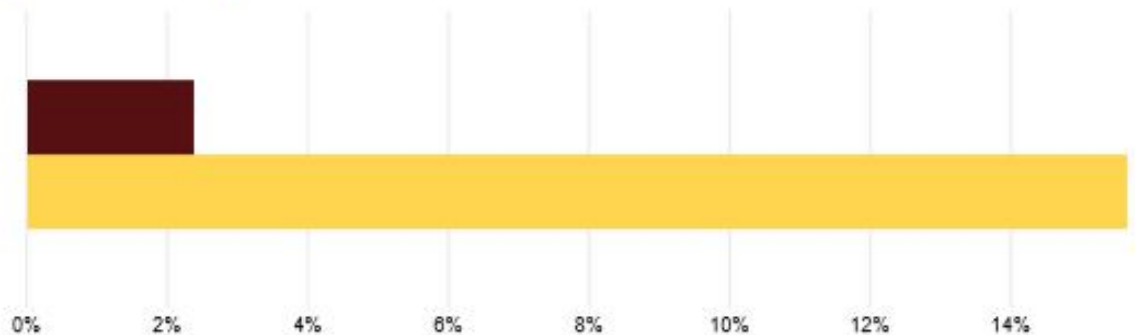
Percentage of female firefighters as at 31 March 2018

● Female firefighters ● Female residential population














Percentage of black, Asian and minority ethnic firefighters as at 31 March 2018

● BAME Firefighters ● BAME residential population



Please refer to annex A for full details on data used.

# Overview

 <b>Effectiveness</b>	 <b>Requires improvement</b>
Understanding the risk of fire and other emergencies	 Good
Preventing fires and other risks	 Requires improvement
Protecting the public through fire regulation	 Requires improvement
Responding to fires and other emergencies	 Requires improvement
Responding to national risks	 Good
 <b>Efficiency</b>	 <b>Requires improvement</b>
Making best use of resources	 Requires improvement
Making the fire and rescue service affordable now and in the future	 Requires improvement



**People**



**Good**

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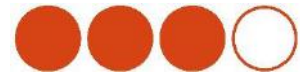
Promoting the right values and culture



Good

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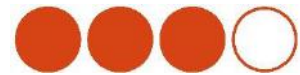
Getting the right people with the right skills



Good

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Ensuring fairness and promoting diversity



Good

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Managing performance and developing leaders



Requires improvement

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## Overall summary of inspection findings

We are satisfied with some aspects of the performance of Buckinghamshire Fire and Rescue Service (FRS). But there are some areas where the service needs to make improvements.

The service is facing significant financial constraints and to its credit has developed and implemented an innovative, flexible and graduated approach to operational resourcing. It has adopted an intelligence-led risk and demand model which resources for low level daily demand and infrequent high risk. We recognise that this approach has the potential to be effective. However, the service is not able to sustain this model with the financial challenges it must work with and is ultimately not able to resource its prevention, protection and response activities.

The service requires improvement in its effectiveness. It could be better at how quickly and reliably it:

- responds to fires and other emergencies;
- protects the public through fire regulation; and
- prevents fires and other risks.

But the service is good at understanding the risk of fires and other emergencies. We have no concerns about how it deals with incidents. And its response to national risks is good.

For efficiency we have graded the service as requires improvement. This is fundamentally because it does not have enough people and money. It also requires improvement at making its service affordable now and in future.

The service is good at looking after its people. It is good at:

- promoting the right values and culture;
- getting the right people with the right skills; and
- ensuring fairness and promoting diversity.

But the service requires improvement to the way it manages performance and promotes leaders.

Overall, we would like to see improvements in the year ahead, but without increased funding, it is difficult to see where progress can be made.

# Effectiveness



# How effective is the service at keeping people safe and secure?



## Requires improvement

### Summary

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An effective fire and rescue service will identify and assess the full range of foreseeable fire and rescue risks its community faces. It will target its fire prevention and protection activities to those who are at greatest risk from fire. It will make sure businesses comply with fire safety legislation. When the public calls for help, the fire and rescue service should respond promptly with the right skills and equipment to deal with the incident effectively. Buckinghamshire Fire and Rescue Service's overall effectiveness requires improvement.

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The service has dealt with budget and workforce reductions over the past ten years. It continues to provide its main functions – namely prevention, protection and response – in increasingly tight financial constraints, striving to provide more with less. To its credit, it has reshaped its emergency response resources so they can meet current risk and demand. To do this it developed a unique risk and demand-led response model. The service has undertaken extensive research to understand where and when demand is greatest and has put in place a flexible workforce plan to achieve its priorities. Despite the service's innovative approach, this model is ultimately unsustainable due to the financial constraints placed on the service.

The service understands the risk of fire and other emergencies and uses a wide range of data to inform this understanding. The service has an effective rolling five-year public safety plan. It collects and uses information effectively. But it could do more to assure itself that it completes all site inspections within the agreed timeframes.

The service requires improvement in the way it prevents fires and other risks. It shares data with other organisations to identify people particularly at risk. The service does attempt to visit those most at risk from fire. But its approach falls far short of the national average. The service does not evaluate its fire and wellness visits and can't measure the impact of such work. It promotes community safety effectively and collaborates well with others such as Thames Valley Police and local authorities.

The service must improve the way it protects the public through fire regulation. Its audit and inspection rates are broadly in line with the average for England. But it is unclear whether the service completes pre-planned audit programme (PAP) inspections of identified high-risk properties within the stated timeframe. The service should ensure it effectively evaluates its current attendance policy on automatic fire alarms and consider, in particular, the impact on operational resourcing and the public. It does work with other organisations but its interaction with local businesses to educate them about complying with fire regulations is limited.

The service requires improvement to how it responds to fires and other emergencies. It has developed and implemented an innovative, flexible and scalable approach to operational resourcing based on an intelligence-led risk and demand model which embraces both immediate response and wider resilience requirements. However, it cannot consistently respond to risk with the resources appropriate to its public safety plan. Commanders have a good understanding of national guidance for decision making. The service holds debriefs and shares information to improve the way it works with staff.

The service is good at responding to national risks. It holds national assets for dealing with a variety of incidents. It works well with Thames Valley police and local authorities and has officers trained to support incidents that involve attacks by marauding armed terrorists.

## Understanding the risk of fire and other emergencies



### Good

All fire and rescue services should identify and assess all foreseeable fire and rescue-related risks. They should also prevent and mitigate these risks.

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

### Understanding local and community risk

Buckinghamshire FRS has built a well-developed and wide-ranging local and community risk profile. It used this risk profile to develop its most recent [integrated risk management plan](#) (IRMP), known locally as the Public Safety Plan 2015–2020.

The service appointed an independent company to consult the public and interested parties when it last produced its IRMP. This generated 232 responses, including 50 people attending public focus groups across Milton Keynes and Buckinghamshire. It used this feedback to shape proposals.

The service uses a wide range of data to inform its risk profiling. This includes information about age, ethnicity, deprivation, health and welfare. It also shares information with other Thames Valley partner organisations such as the police, other fire services and the [local resilience forum](#) (LRF). It works closely with others such as

local housing associations, mental health teams and other blue light organisations to reduce the risk of fire and promote community safety.

The service uses geographical software to identify where those at greatest risk of fire are located. To do this it inputs a range of datasets, including historical incident, demographic and health and lifestyle data. The software enables the service to highlight the properties and individuals who are at the highest risk from fire. So, the service can target prevention and protection work where it is most needed.

The service has an ongoing process to understand future risk factors. These might include the built environment, infrastructure (for example HS2) and the county's population and demographic changes.

### **Having an effective risk management plan**

The service's public safety plan effectively sets out how the service will manage and reduce risk in the county. The plan identifies current and future risk factors within the service area such as:

- the ageing population;
- the M40 corridor; and
- house fires caused by risk factors associated with deprivation.

The service has introduced a premises risk management system (PRMS). This gives operational firefighters access to information about prevention, protection and response to help them effectively respond to incidents. It also holds a comprehensive risk register that is linked to the regional risks held by the Thames Valley LRF, of which the service is a member.

The service's public safety plan is in line with the requirements of the [Fire and Rescue National Framework for England](#). It reviews its risk information regularly to ensure it is current. It uses these reviews to update the safety plan in response to any changes to the nature and level of local risks.

The service's aims are to:

- prevent incidents that cause harm;
- protect homes, public buildings and businesses from the effects of fire;
- provide a timely and proportionate response to incidents by allocating assets and resources in relation to risk and demand; and
- offer best value for money to Buckinghamshire and Milton Keynes residents and ensure that the service is compliant with regulatory requirements.

### **Maintaining risk information**

Buckinghamshire FRS uses its latest incident data and operational activity information effectively to ensure its firefighters understand risk within its area. Each fire station has a TV monitor which provides firefighters with live information on site-specific risk, operational incidents and incident response times.



Firefighters collect information about certain buildings as well as permanent and temporary risks to operational activity. This information is then used to plan firefighting activity. The resulting site-specific risk information (SSRI) is held on [mobile data terminals](#) (MDTs) on fire engines. The service has recently installed a new database which stores all risk information from prevention, protection and response activity. The new system allows staff to access, via an MDT, accurate risk information for all domestic and commercial premises. We found this ensures there is a common understanding of risk throughout the organisation and effective sharing of information between departments and functions. As part of our inspection, we carried out a survey of FRS staff to get their views of their service (please see Annex A for more details). Of 93 firefighters who completed the survey, 91 percent stated that they had a good understanding of the risks they were likely to face when attending operational incidents.

The service undertakes site visits each year. As at 31 March 2019, the service had 1,487 sites that required visiting. In the year ending 31 March 2019, the service had carried out 445 visits on these sites. The service stated that it inspects premises that it defines as “very high risk” annually. High-risk premises get a visit every three years. And the service will then visit medium and low-risk premises every five years. The service expects operational staff to complete site visits each month. But we found limited management of this activity. So, we couldn’t determine whether the service is on track to complete all its site visits within the agreed timeframes.

Operational crews receive a range of information about changing risk at the beginning of every shift. This includes weather conditions, road closures, health and safety information, and recent operational incident activity. The service prioritises health and safety, and staff receive regular update bulletins via email.

The service works well with its neighbouring fire and rescue services, Oxfordshire and Royal Berkshire, to achieve operational alignment. A senior manager attends regional meetings to discuss and plan for managing local, regional and national risks.

## Preventing fires and other risks



### Requires improvement

#### Areas for improvement

- The service should evaluate its prevention work, so it understands the benefits better.
- The service should understand the reasons for its reducing number of prevention visits and consider how it can better target those who are most at risk to fire.

We set out our detailed findings below. These are the basis for our judgment of the service’s performance in this area.

## Prevention strategy

Buckinghamshire FRS's approach to prevention requires improvement. The service has a clear vision, namely to ensure Buckinghamshire and Milton Keynes are the safest places in England in which to live, work and travel. Furthermore, it aims to improve the health, safety and wellbeing of the community, by identifying those groups who are at greatest risk. And it aims to work effectively with health and housing partner organisations to help prevent fires and other incidents from occurring as well as [safeguarding](#) those who are most [vulnerable](#).

The service's prevention strategy focuses on four pillars:

- safer homes;
- fires;
- road safety; and
- fire service as a health and wellbeing asset.

Its prevention framework details how the service will target those most at risk of fire. It uses a risk scoring system to prioritise those at greatest risk. It effectively records this information on its premises risk management system.

In the year to 31 March 2018, the service carried out 3,171 [home fire safety checks](#), known locally as 'fire and wellness visits'. This equates to 3.9 visits per 1,000 population which is below the national average of 10.4 visits per 1,000 population. They are available to people at greatest risk from fire or who are deemed more vulnerable from other societal or health and wellbeing risks. During these visits prevention-trained staff provide advice on fire safety and fitting fire alarms. They also give advice on social welfare, and preventing slips, trips and falls. The staff can make referrals to local partners if necessary.

The service is not effective at targeting people who are most at risk from fire. In the year ending 31 March 2018, the service targeted 34.8 percent of fire and wellness visits at households occupied by an elderly person and 12.6 percent to households occupied by a person declaring a disability. These are below the England rate although they have improved since 2016/17. This low percentage is surprising considering the service aims to target those most at risk of fire and use a range of data – including [Exeter data](#) – to understand their communities.

Fire and wellness appointments are booked by the service delivery administration team. Operational staff and community safety co-ordinators make the visits. We heard from staff making visits that co-ordination and management could be improved. This would maximise productivity and support better prioritisation.

The service has not evaluated this work, so it can't determine how successful its prevention activity is.

## Promoting community safety

Buckinghamshire FRS has several effective programmes supporting its prevention strategy.

The service backs national prevention campaigns run by the [National Fire Chiefs Council](#) (NFCC) and the Home Office. These are locally managed, but we found little senior management oversight.

The service carries out targeted prevention work, too. For example, the service attended local schools in October 2018 during student safety week. It also worked with local boating communities, providing safety advice and checking carbon monoxide alarms.

We found good engagement between the service and with the diverse communities across Milton Keynes and Buckinghamshire. Operational staff told us how they had specifically educated local communities about home fire safety and the dangers of deliberate fire-setting. They used multi-lingual information tools to communicate their message effectively.

The service's prevention team works with a wide range of partners including district and county councils. It will refer households who identify themselves at risk from fire to the appropriate organisation. The service identifies the risk to people using oxygen cylinders in the home. It works with a local provider to identify the premises concerned and gives bespoke safety advice to those individuals.

The service receives referrals from others such as the local police force, ambulance service and housing associations. It effectively provides safety advice to those who are at greatest risk from fire. The prevention team told us how they have trained PCSOs and local housing officers in home fire safety. They have also made joint safety visits targeting those most at risk from fire.

The service hosts blood donation sessions at Aylesbury fire station, working closely with NHS Blood and Transplant. People attending as donors received fire safety advice from the service.

The service effectively engages with other partner organisations to promote the Community Card initiative. This is a multi-agency event at local schools to raise awareness of the role of public sector organisations and promote safer communities across Milton Keynes and Buckinghamshire.

The service trains staff effectively to recognise vulnerable children and adults and to make safeguarding referrals where necessary. It does this through online e-learning packages and face-to-face workshops. We found the service had a good system and staff were confident in identifying safeguarding issues to other agencies. The service managers attend safeguarding board meetings, risk assessment multi-agency panels and [multi-agency risk assessment conferences](#).

## **Road safety**

Buckinghamshire FRS is part of the Thames Valley Road Safety Forum. It works closely with other forum members including Thames Valley Police, Buckinghamshire County Council and Milton Keynes Council.

The service's road safety initiatives are targeted and aligned to NFCC themes and with Thames Valley Police data. For example, staff visit local schools to educate young people in road safety. Operational staff took part in the BRAKE road safety week, the NFCC road safety week and walk to school week. Road safety officers also offer the 'Safe Drive, Stay Alive' programme for schools with children in years 12 and 13.

Fire stations host road safety initiatives such as checking tyre safety, child car seat fitting and [Biker Down](#), which provides first aid and safety advice to motorcyclists during the NFCC road safety week.

## Protecting the public through fire regulation



### Requires improvement

#### Areas for improvement

- The service should ensure it allocates enough resources to a prioritised and risk-based inspection programme.
- The service should review its response to false alarms to ensure operational resources are used effectively (termed 'unwanted fire signals').
- The service should ensure it works with local businesses and large organisations to share information and expectations on compliance with fire safety regulations.

All fire and rescue services should assess fire risks in buildings and, when necessary, require building owners to comply with fire safety legislation. Each service decides how many assessments it does each year. But it must have a locally determined, risk-based inspection programme for enforcing the legislation.

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

### Risk-based approach

While Buckinghamshire FRS carries out its statutory duties in relation to protection, more can be done to improve how it ensures compliance with fire safety regulations.

The service has identified three factors in its IRMP and protection strategy that determine the risk focus of the service's proactive audit work. These factors are:

- life risk;
- history of poor compliance; and
- whether the premises are of economic, social or historic impact.

The number of fire safety protection audits completed by the service in the year to 31 March 2018 is the lowest since 2010/11: 364 compared to a peak of 1,433 in the year ending 31 March 2013. However, this equates to 2.9 audits per 100 known premises which is broadly in line with the England rate of 3.

The service has a complex definition of 'high risk'. Premises are scored based on elements such as age of the building, means of escape, occupancy, management of building, active fire prevention systems etc. Should the score be high enough, the premises are added to the service's pre-determined audit programme (PAP). However, there is no provision within this process to identify new or converted buildings or those which have not already been audited.

The service has no target for the number of high-risk premises it has to audit each year. As at 31 March 2019, the service had 952 known high-risk premises and, in the year ending 31 March 2019, had conducted 203 audits (21.3 percent). Protection activities are largely reactive, and the service undertakes limited proactive inspections from their pre-determined audit programme. Audits are mostly completed because of fire safety complaints and following fires in certain buildings. The service engages in a Thames Valley collaborative arrangement with other Thames Valley FRS to provide out-of-hours specialist fire safety advice and take urgent [enforcement actions](#) to protect people who are at risk.

The service now has fewer qualified fire regulation inspectors. Numbers fell from 16 as at 31 March 2013 to 10 as at 31 March 2019. Managing this workload with a limited number of qualified inspection officers seriously reduces the service's ability to do proactive work at the highest risk buildings and to fulfil its pre-determined audit programme.

The protection strategy aims to comply with the NFCC competency framework for business fire safety advisers. This is a good model to ensure staff are suitably trained and have the practical experience needed to undertake systematic, consistent and robust fire safety audits.

The service received 1,802 building regulation consultations in the year to 31 March 2019. Of these, 81.7 percent were completed within the required timeframe. This level has remained broadly stable over the last two years.

## **Enforcement**

The service's use of enforcement powers to ensure compliance with fire safety regulations is limited. The number of enforcement notices is low, given the number of audits resulting in an unsatisfactory outcome. Of the 364 audits carried out in the year to 31 March 2018, 66 percent were unsatisfactory. This is high compared to the England average, which is 32 percent. It demonstrates the service is targeting its activities in the right area. But the service should do more to address the overall volume of audits and inspection, which remains low.

A factor behind the service's low levels of enforcement activity is the limited resource available for investigation and prosecution. While we recognise these resourcing concerns, this should not be a reason to avoid acting if necessary, to ensure compliance with fire safety legislation.

In line with the [Regulators' Code](#), the service's main approach is to work with businesses to support compliance rather than using its powers to prosecute. While we recognise this approach, we would still expect services to use their enforcement powers if building owners don't make enough progress.

### Working with others

The service has arrangements in place to share information and intelligence with relevant local partner organisations such as the police force and housing providers.

The only local businesses it engages with about fire safety regulations are those involved with [primary authority schemes](#).

The service attends all automatic fire alarm (AFA) activations. This is unusual. Most services now challenge AFA calls to ascertain whether there is an actual fire before [mobilising](#) resource. It has appointed an officer to work with responsible persons in commercial premises to reduce the likelihood of further occurrences. In the year to 31 March 2019, the service received 2,264 requests for assistance to AFAs. Of these, they attended all but three of them. The service's work to reduce these alarms is having some success with repeat offending premises. But overall, we didn't see evidence of sustained improvement. So, the service should consider what more can be done to reduce the pressure of AFA activations on emergency resources.

### Responding to fires and other emergencies



#### Requires improvement

##### Areas for improvement

- The service should ensure it has a sustainable system to provide its operational response model.
- The service should improve the availability of its on-call fire engines to respond to incidents.

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

### Managing assets and resources

In the year to 31 December 2018, the service responded to 8,192 incidents. This equates to 10.2 incidents per 1,000 population which is comparable to the England rate of 10.4 over the same period. As at 31 March 2018, the service has 20 fire stations and 30 fire engines. Data provided by the service shows it has two swift water rescue boat teams and four [urban search and rescue](#) vehicles.

Since 2010, the service has seen a reduction in revenue and its workforce and has introduced an innovative risk and demand-led model which resources against low level daily demand and infrequent high risk. The service has undertaken analysis of its incident data and knows that it will need:

- up to 12 wholetime fire engines deployed to operational incidents simultaneously in the same hour on 99 percent of occasions; and
- 13 or more fire engines deployed to operational incidents simultaneously in the same hour on only 1 percent of occasions.

This resourcing model is designed to provide enough fire engines to cover all incidents from predicted low-level daily demand. It also lets [fire control](#) increase resources as required to meet infrequent high risk.

The chief fire officer, strategic management board and representative bodies are fully aware of the financial challenges the service faces in managing its resources and have worked constructively to implement the risk and demand-led model. But despite its willingness to do more with less and its potential to be an effective resourcing model, it does not consistently have enough firefighters to crew the minimum number of fire engines to meet this model.

In the year to 31 March 2019, its overall fire engine availability was 47.8 percent which is very low compared to other services. While its 12 wholetime crewed fire engines were almost always available during this same period, the service relies on [wholetime](#), flexible duty and [on-call](#) staff to work overtime shifts to keep these fire engines available. As a result, its 18 on-call fire engines were only available 13.6 percent of the time. This reflects the difficulty the service has in recruiting on-call firefighters. This is experienced nationally. The service has introduced a formalised bank shift system to maintain appliance availability, however it cannot afford within its current budget the number of firefighters it needs to resource its risk-based demand-led crewing model.

The Thames Valley Fire Control Service manages emergency calls across Buckinghamshire, Oxfordshire and Royal Berkshire. The three fire services respond to calls across borders, to ensure the quickest fire engine is always sent, no matter where the incident occurs. The three services have agreed standard pre-determined attendances for most incidents. The training for control room staff is well managed and mobilisation generally good.

## Response

Buckinghamshire FRS is not meeting the response standards it has set itself. The service told us this is because in trying to align reduced resources to areas of greatest demand it does not always reach the outlying areas of Buckinghamshire and Milton Keynes within the agreed standard. The agreed service standard states that the first operational resource for all emergency incidents would arrive on scene at all incidents within 10 minutes of being mobilised on 80 percent of occasions and 99 percent within 20 minutes. In the year ending 31 March 2019, the first operational resource arrived at the scene of an incident within 10 minutes 73.1 percent of the time and arrived within 20 minutes 97.7 percent of the time.

In July 2018, the service agreed with its [fire and rescue authority](#) a different approach to reporting attendance times. This approach better suited the capacity of the risk-based demand-led model to work to an average attendance time no worse than ten seconds more than the average of the previous five-year period. In the year ending 31 March 2019, the service was meeting this new measurement. But this agreement means the response could potentially get worse and the service will still meet its response standards.

The Home Office collects and publishes data on response times by measuring the time between the call being made and the first fire engine arriving at the scene. This provides consistent data across all 45 services. But services measure their own response times in different ways and Buckinghamshire FRS excludes call handling times as part of their response standards.

In the year to 31 March 2018, the service's average response time to [primary fires](#) including call handling was 10 minutes and 13 seconds. This is an increase of 12 seconds from the previous year. The service's average response time to primary fires is broadly similar to the average for other significantly rural services.

## **Command**

The service's incident commanders can command assets effectively. Incident commanders receive regular training on thematic-based scenarios such as building fires, road traffic collisions and hazardous materials. The service's training team assesses them. After the assessments, incident commanders receive a score and a development plan. The service assesses commanders for command competence every two years. It provides regular training to all operational personnel for managing incidents and scenario-based training.

Senior officers attend regular training days to review operational incidents, share learning and report findings to operational staff.

The service's policy for incident command reflects [national operational guidance](#). We found commanders at all levels had a good understanding of command including the decision-control process and how to apply [operational discretion](#). Operational staff showed how the incident command pack documents on fire engines assist with and inform decision making during operational incidents.

## **Keeping the public informed**

The service is good at telling the community about incidents. Its communications team can provide information about incidents using the service's social media platforms and local media outlets. The service encourages stations to have their own social media accounts, although we found the use of this varied across stations.

The service has recently run a social media campaign with other Thames Valley LRF partners to advise on preparing for an emergency. In total, according to data provided by the service, the campaign provided 30 pieces of information and guidance.

We found operational staff to be confident in identifying vulnerable people and in recording and reporting safeguarding concerns where necessary. Operational staff could give examples of feedback that came back about referrals.



## Evaluating operational performance

The service has a good approach to reviewing incidents, evaluating performance and sharing what it has learned with staff and partner agencies.

Operational staff stated that there are [hot debriefs](#) for most incidents. These include other blue light responders where appropriate. For larger incidents, the service holds bigger debriefs. This includes both command debriefs, and multi-agency debriefs for larger and protracted incidents. The service demonstrates good practice when collecting operational information. Its operational assurance team identifies areas for improvement.

We saw examples where important learning points were shared with staff through a variety of means including:

- operational bulletins and newsletters;
- quizzes to test knowledge and understanding of recognised themes;
- an operational assurance newsletter providing monthly information on the previous month's incident activity, referencing relevant policy and procedures along with operational recommendations linked to national operational guidance; and
- an online learning site – the Hub of Education and Training (HEAT) – that includes case studies on [national operational learning](#) from incidents across the UK.

The service expects operational staff to record all learning to confirm knowledge and understanding of the subject matter. The service also shares learning nationally. For example, it recently shared information about how it managed a service-wide issue with moisture in breathing apparatus cylinders. This issue could have had a significant impact on the health and safety of operational staff.

## Responding to national risks



### Good

All fire and rescue services must be able to respond effectively to multi-agency and cross-border incidents. This means working with other fire and rescue services (known as intraoperability) and emergency services (known as interoperability).

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

### Preparedness

Buckinghamshire FRS has assessed its needs and developed clear plans to supplement resources during a major or long-lasting incident. The Thames Valley Fire Control Service has an overview of the available fire engines. We saw how it can mobilise the quickest fire engine using its mobilisation system. Staff told us that the service provides comprehensive incident command training with incident management skills.

The service has urban search and rescue capability and swift water rescue capability at two different sites. It can deploy these nationally as required.

We found that operational staff can access key risk information on sites across the service area.

### **Working with other services**

The service's intraoperability with Oxfordshire and Royal Berkshire FRSs is good. The services have started to procure the same fire engines. This will improve how each service operates at cross-border incidents because staff will be familiar with the equipment on each engine.

We also saw close working with its other neighbouring services. For example, with Northamptonshire Fire and Rescue Service at Silverstone Circuit, a motor racing track which the service considers a cross-border risk. The service has carried out live and table-top exercises in the last 12 months to ensure both services understand the risk. The service has recently carried out training on [Joint Emergency Service Interoperability Principles](#). It ran workshops for staff with Royal Berkshire FRS about how blue light services can work together in a more effective and efficient manner.

### **Working with other agencies**

Buckinghamshire FRS works closely with other agencies. It is an active member of the Thames Valley LRF. The LRF meets each month to build and test plans against risk within the region. It recently ran an exercise about a terrorist threat within the county. The service is well prepared to respond to a multi-agency incident and has arrangements to respond to a terrorist threat. The service has specially trained personnel who will respond and support a strategic co-ordinating group helping other agencies to deal with large-scale incidents.

In October 2018, the service hosted a national chemical, biological, radiological and nuclear defence exercise. It and other agencies tested local resilience, strategic incident command and cross-border arrangements. Between 1 April 2018 and 31 March 2019, the service completed two exercises with other fire services, six joint exercises with multi-agency partners and 17 national resilience training events.

The service has effective arrangements to respond to a community risk identified by the LRF including a marauding terrorist attack. It has [national inter-agency liaison officers](#) to support incident commanders and the response provided by specialist teams.

# Efficiency



# How efficient is the service at keeping people safe and secure?



## Requires improvement

### Summary

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An efficient fire and rescue service will manage its budget and spend money properly and appropriately. It will align its resources to its risk. It should try to keep costs down without compromising public safety. Future budgets should be based on robust and realistic assumptions. Buckinghamshire Fire and Rescue Service's overall efficiency requires improvement.

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However, in one sense, it is highly efficient: it has an innovative deployment model which, if better funded, would be a cost-effective way of keeping people safe.

Management and representative bodies deserve much credit for the design and operation of this model. So too does the workforce, on whose goodwill and professionalism it relies. But the service cannot consistently sustain its available resources to meet both daily demand and provide additional resilience to meet infrequent high-risk events in accordance with its risk and demand-led model. It needs to ensure other departments' productivity is not reduced to support the staffing model. The demand-led model has the potential to be effective, but it currently relies too much on its bank-based additional shift system.

The service is good at collaborating with others and has worked to operationally align with neighbouring services and with other blue light partners. This has improved effectiveness and efficiency, reduced costs and made savings.

The service knows its main financial risks. But, despite being aware of these risks, it can't show plans for meeting the potential funding gaps. If any of the risks come about, it will have a significant impact on the service's operation and its future sustainability.

The service collaborates effectively. It has joined with other Thames Valley fire services in procuring fire engines. And it has shared estates with other blue light partners.

## Making best use of resources



### Requires improvement

#### Causes of concern

We have serious concerns as to whether Buckinghamshire FRS has the resources it needs to meet its foreseeable risk. As a result of the financial position the service finds itself in, it doesn't have enough operational firefighters to resource its prevention and protection functions and crew the minimum number of fire engines it says it needs.

#### Recommendations

At the earliest opportunity, the service should:

- ensure it has the capacity and capability to support its activity in its public safety plan; and
- consult with the people of Buckinghamshire and Milton Keynes on options to have the most effective and efficient response against the financial environment in which it operates.

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

#### How plans support objectives

Buckinghamshire FRS is clear about the financial challenges it faces and refers to these risks in its corporate risk register. It recognises the importance of aligning resource to risk and has been creative in achieving more with less. But, despite its innovation, the service will not be able to sustain its activity in prevention, protection and response with the resources it has been allocated due to the financial challenges it faces. The council tax precept (£64.57 per annum for a band D property) was frozen for several years and decreased by 1 percent in 2015/16. As such, the service precept is significantly lower than the national average and is the lowest precept of any non-metropolitan combined authority.

The service has a medium-term financial plan for the period to 2024/25. Its annual budget for 2019/20 is £30.3m. The service's efficiency plan seeks savings of £4.5m between 2015/16 to 2019/20. However, the service told us it forecasts to exceed this amount, anticipating total savings of £5m over the period of the plan. But these savings are being used to cover increased costs.

The service has sound budgetary mechanisms. These reflect the priorities of the public safety plan. Buckinghamshire FRS has allocated resources for prevention and protection across the service at multiple sites. As previously mentioned, the service operates a demand-led model in relation to its operational firefighters. This is designed to allow the service to balance day-to-day demand with extraordinary demand.

It needs to meet normal day-to-day low-level demand for emergency response while maintaining a proportionate and cost-effective response capability for infrequent large-scale high-risk incidents. The service's [on-call](#) staff can respond to emergency incidents immediately or in staged incremental time slots. This allows the service to resource appropriately for periods of infrequent high risk and quickly increase the number of fire engines it needs during an operational incident.

But we found the service cannot consistently maintain the number of firefighters and provide the number of fire engines it has committed to in its public safety plan. The service has committed to 12 wholetime appliances and three on-call appliances being available each day.

In the year to 31 March 2018, the firefighter cost per head of population was £18.06. This is considerably lower than the England rate of £22.38. It is one of the lowest costs per head across all fire and rescue services in England and reflects that around a third of its firefighters are on-call.

### **Productivity and ways of working**

As at 31 March 2018, the service had the full-time equivalent of 244 [wholetime](#) staff, 101 on-call staff and 104 support staff. This provides a range of working models to support the service in fulfilling its public safety plan.

The service has seen the full-time equivalent total workforce reduce by 30 percent between 2012/13 and 2017/18. It therefore relies on a bank system to offer a flexible resource designed to maintain appliance availability in the event of crewing shortfalls. But, in reality, it struggles to do this. The service recognises it needs to increase the number of firefighters to improve availability and, as at 31 March 2018, the service has recruited 30 wholetime firefighter apprentices.

We heard the service removed operational personnel from protection duties to staff under-resourced fire engines. This affected fire protection duties.

We recognise the service has been creative in doing more with less. But the service does not have enough staff for the risk and demand-led model. And the current budget does not allow additional staffing to increase resilience and sustainability of the system.

The service monitors performance at a strategic level. But we found that station performance management was limited. So, the service can't measure the impact of its prevention and protection work. This information would help it to assure itself that it is targeting resources effectively.

### **Collaboration**

Buckinghamshire FRS proactively meets its statutory duty to consider emergency service collaboration. It is a member of the Thames Valley Emergency services steering group, which includes representation from the police, fire and ambulance services.

The service is leading a partnership with South Central Ambulance Service and Thames Valley Police. This will see all three services co-locating to one purpose-built 'blue light hub' in Milton Keynes. The move to the hub will see the three services moving out of five different sites to work under one roof. It will provide savings to the taxpayer and reduced running costs of £180,000 per year, according to the service's data.

Working with Royal Berkshire and Oxfordshire FRSs, Buckinghamshire FRS now has a single control room covering all three services. It will provide staff savings of £521,000 per year and reduce running costs by £85,000 per year, as well as providing savings to other services.

For each of the projects mentioned, the service and its Thames Valley Fire and Rescue service partners effectively evaluate the work. They ensure a common approach so that they can measure the efficiency and effectiveness of the services they provide to the public.

### Continuity arrangements

The service has robust and up-to-date business continuity arrangements. This includes cyber-attack and the resourcing of fire engines. Each department must run an exercise each year to test its business continuity plan. The service's business continuity plan was tested when the resource management team relocated from its Aylesbury headquarters site to Haddenham. The [LRF](#) also works with the service and tests against major incidents such as terrorist attacks, industrial action or pandemic flu.

## Making the fire and rescue service affordable now and in the future



### Requires improvement

#### Areas for improvement

- The service should use sound financial management to ensure all additional costs such as pensions liability are accounted for and that there is a contingency plan.

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

### Improving value for money

Buckinghamshire FRS has a good track record of achieving savings. Its financial plans consider risks outlined in its public safety plan, 2015-20.

The service is aware of its main financial risks. It believes these to be the withdrawal of government support for the recent increase in employer's contribution to pension schemes; and pay increases agreed by the National Joint Council for Local Authority Fire and Rescue Services. There is also a risk that the specific revenue grants that the authority receives for [urban search and rescue](#) could be discontinued.

Although it is aware of the likely cost of some of these foreseeable risks, the service has no plans to meet these potential funding gaps. There is some doubt about what could be realistically achieved: given the current strain on frontline services, if any of these risks are realised, we anticipate a very significant impact on the service's operation and sustainability.

The service's capital programme was set at £7.6m for 2019/20. This includes the building of the blue light hub in Milton Keynes, which has been delayed, with £6.4m still to be spent on completion of the build. The joint procurement of fire engines and other operational equipment with the other Thames Valley fire and rescue services has resulted in £720,000 savings across all three services.

### **Innovation**

The service makes good use of investment for future innovation. We found the service has introduced an effective business and systems integration project (BASI). This replaces several disjointed systems and has streamlined processes across the service including finance, payroll, HR, fleet, assets and the premise risk management system.

All three Thames Valley FRSs have jointly procured 37 new fire engines over a four-year period. The services anticipate that this will generate savings of £720,000. The three services have also agreed to standardise equipment on fire engines, which will improve operational alignment across the region.

The service has also worked with its Thames Valley fire service partners to jointly procure [MDT](#) software. This allows the swift transfer of risk information across all three services.

The service responded to feedback from a culture survey by installing satellite navigation on the MDTs. Before, operational firefighters were using mapping apps on their mobile phones on the way to incidents.

### **Future investment and working with others**

If the pension grant funding were immediately withdrawn, the service is forecasting that its [reserves](#) would reduce from £11.6m as at March 2017 to £5m by March 2021 and down to just over £2.8m by March 2025. Of the remaining £2.8m, £1.5m is for the general fund, £0.8m is the service share of the control room renewals fund and £0.5m is to fund the continued introduction of firefighter apprentices. This only leaves £12,000 as capital reserves. This level of capital reserves is insufficient to make any future capital investments in property, fleet or IT.

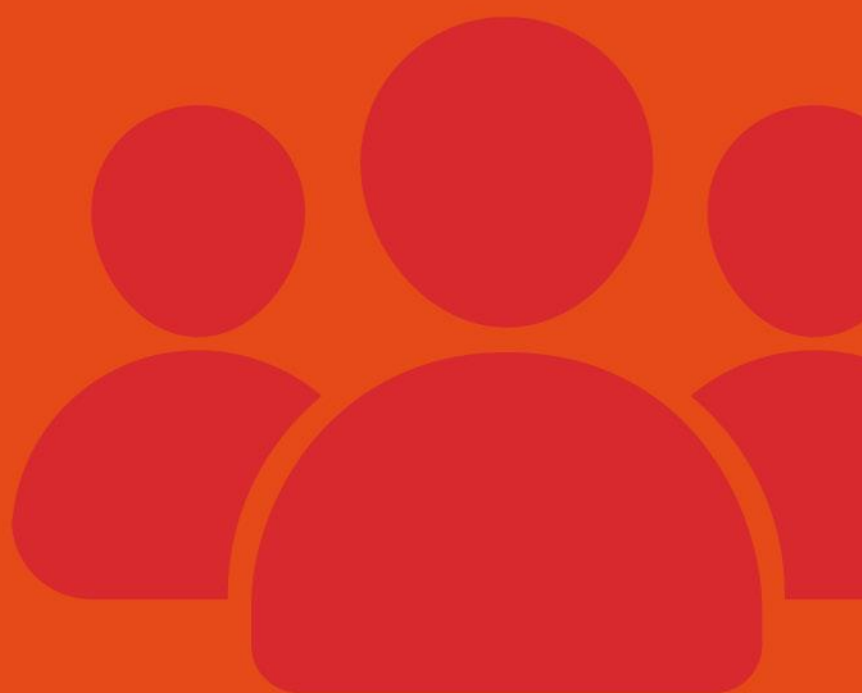


The service generates income by renting operational drill towers to house mobile phone masts. Its data showed us this generates around £0.2m per year. It has also brought in house its treasury management and doubled the rate of return on its investments. The service has decided not to set up a trading arm because it felt the costs were too large compared with the likely benefit.

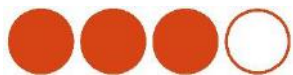
Buckinghamshire FRS has a positive approach to working with partners to achieve savings. This includes sharing estates with police and other organisations.

In a recent move, the service has joined the Fire and Rescue Indemnity Company, a private company formed by other services to act as a pool for insurance purposes. It anticipates savings of between £0.05m and £0.08m per annum.

# People



# How well does the service look after its people?



## Good

### Summary

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A fire and rescue service that looks after its people should be able to provide an effective service to its community. It should offer a range of services to make its communities safer. This will include developing and maintaining a workforce that is professional, resilient, skilled, flexible and diverse. The service's leaders should be positive role models, and this should be reflected in the behaviour of the workforce. Overall, Buckinghamshire Fire and Rescue Service is good at looking after its people.

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The service takes the welfare of its workforce seriously. It offers a wide range of services including counselling and trauma support. Its health and safety policy defines the responsibilities of staff at all levels and is effectively communicated across the service. Staff feel proud to work for the service to keep their communities safe. The senior management team works to build a positive and inclusive culture.

The service is good at providing a range of training and learning opportunities to its staff and is effective in monitoring and recording staff competency. It is effective in quality assuring the training provided to operational staff and continually reviews what training has been completed. It has a varied programme of training exercises, both within the service and with other blue light partners. Staff spoke positively about how operational learning is shared throughout the service.

The service is making efforts to be a more inclusive employer with the introduction of apprentices. But it can do more to reflect the communities it serves. The service is good at providing opportunities for the workforce to feed back their views and opinions. It effectively communicates to staff using a variety of methods including senior leaders visiting stations and weekly blogs.

The service has arrangements to assess and develop staff performance. But not all appraisals were being completed. It needs to do more to ensure every member of staff gets appraised. We couldn't consider how the service identifies high-potential staff as it has no set process. But staff felt that promotion opportunities across the service were fair and open.

## Promoting the right values and culture



### Good

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

#### Workforce wellbeing

Buckinghamshire FRS fully understands the wellbeing needs of its workforce and is extremely proactive in providing a range of services to support its employees. The service enables staff members to access counselling and physio sessions after any mental health issue or physical injury. Staff can also access a helpline which promotes advice on problems outside work that may affect personal wellbeing.

The service recognises the need to meet the psychological requirements of staff members when attending operational incidents. It carries out [critical incident](#) stress debriefing, which is well received by operational staff. Operational personnel told us they felt confident they would receive debriefing if they requested it.

#### Health and safety

The service recognises the challenge of providing a safe place, safe process and safe person to its employees. Its health and safety policy clearly states the responsibilities of its staff at all levels.

Health and safety information is effectively communicated across the service. This includes regular bulletins and overview of incidents. The service also holds internal safety events.

Operational staff complete bi-annual fitness tests. In the year to 31 March 2019, the service saw a 99.6 percent pass rate. The service provides gym equipment in all fire stations and station physical training supervisors administer the fitness testing and provide support.

#### Culture and values

Buckinghamshire FRS staff stated that they were proud to work for the fire service to keep their communities safe.

We found the service's leadership encourages interaction and promotes a positive culture in different ways. The chief fire officer hosts birthday forums each month. He invites staff members with a birthday in that month to join him for an informal discussion about what is going on in the service. The leadership team publishes a weekly blog via the service's intranet and responds to service personnel, contacting them via email. Senior leaders visit stations and engage with staff members in a positive manner. Of the 160 respondents to our staff survey, 88.8 percent felt they were treated with respect and dignity. Additionally, of the 160 respondents, 16.3 percent reported feeling harassed and bullied within the last 12 months and 20 percent felt discriminated against at work in the last 12 months.

During inspection, we saw posters encouraging staff to nominate colleagues for the service 'safe awards 2019' which recognise hard work and achievement throughout the year.

Following on from the service's last cultural survey, the service has adopted a "you said, we did" initiative. It has instigated several ideas raised by service personnel. An example of this is roadshows around the service to highlight employee development, promotion processes and maintenance of competency recording. Staff felt that the face-to-face engagement was effective.

## Getting the right people with the right skills



### Good

Buckinghamshire Fire and Rescue Service is good at getting the right people with the right skills. But we found the following area in which it needs to improve:

#### Areas for improvement

- The service should put in place an achievable succession plan, for the whole organisation.

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

### Workforce planning

Buckinghamshire FRS's current workforce planning model runs from 2015-20. The model sets out how the service ensures it has the right number of operational staff with the appropriate skillsets to meet the requirements of its public safety plan. As at 31 March 2018, the service's operational firefighters (full-time equivalent) are 71 percent [wholetime](#). The total full-time equivalent workforce has been steadily decreasing since peaking as at 31 March 2011. Several personnel have left the organisation to join other fire and rescue services, or the private sector, for financial reasons. But we found the service does not test the accuracy of its workforce planning assumptions. So, it cannot be assured that its planning is accurately modelled.

The service has 20 mixed fire stations as at 31 March 2018, with both [wholetime](#) and [on-call](#) firefighters. It utilises flexible firefighters to cover operational shortfalls across the service. The service is effective in training its staff and undertakes annual validation in core skills such as operational firefighting and wearing breathing apparatus. The service also runs thematic monthly training such as firefighting, road traffic collision training, working at height, and water safety. The service is good at recording this training and showed records detailing operational firefighters' maintenance of competence. Of the 160 respondents to our staff survey, 74.4 percent felt they had received enough training to enable them to do their job effectively.

As mentioned previously, the service operates a risk-based demand-led model which requires on-call staff and flexible-duty firefighters to take additional shifts to ensure the service has 12 wholetime fire engines available on any given day as stated in its public safety plan. The service is effective at providing additional training for on-call staff. They go on a two-week course where they are assessed in operational firefighting and rescue. The service also trains on-call staff in prevention and protection training so that they can assist in site inspections, and fire and wellness visits.

The service is good at identifying the skills and capabilities the service needs to be effective. The service analyses training needs for each area of the service and then allocates training against operational and non-operational requirements to carry out an effective public safety plan.

### **Learning and improvement**

Buckinghamshire FRS provides a good range of training and learning opportunities for its staff. This includes practical and incident command training as well as e-learning theory-based assessment. Of the 160 respondents to our staff survey, 71.3 percent were satisfied with the current level of learning and development.

The service monitors the competency levels of staff using a computer-based system. The training records we inspected were up to date. The HEAT system reflects national standards for operational competence. These include [national operational guidance](#), the fire professional framework and associated national occupational standards.

The training assurance team monitors the quality of training to ensure competency is maintained. This is overseen by seven area trainers. The training strategy group meets every quarter and reviews the level of training completed.

We heard the service regularly carries out training exercises within the service area. It also does cross-border exercises and attends multi-agency exercises at the Fire Service College. It effectively shares learning across the service following incidents, through its robust operational assurance process. Staff spoke positively about how the service learns from operational incidents. Learning is shared via on-call weekly bulletins and an operational assurance newsletter.

On-call firefighters train one night per week. They have further opportunity to maintain competence by working bank shifts with wholetime crews. We found the resourcing model is developing the competency of on-call staff. We also heard how it is promoting inclusivity between wholetime and on-call firefighters.

## Ensuring fairness and promoting diversity



### Good

Buckinghamshire Fire and Rescue Service is good at ensuring fairness and promoting diversity. But we found the following area in which it needs to improve:

#### Areas for improvement

- The service should plan to be more ambitious in its efforts to attract a more diverse workforce which better reflects the community it serves.

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

#### Seeking and acting on staff feedback

Buckinghamshire FRS seeks feedback through station visits, chief fire officer birthday forums and senior management team blogs. It encourages all staff to contact senior leaders via the service's intranet. The service communicates to its staff via weekly bulletins and newsletters and the service tracks the number of staff who access the information electronically.

The service responded to feedback from their last cultural survey in 2017 by launching a "you said, we did" campaign to highlight changes it had made. One example was identifying some underspend and using it to purchase Velcro badges. These have been applied to new fire kit so that members of the public know they are being served by service personnel.

Staff highlighted several areas where they felt the service could do better. These included providing better management training and supporting future leaders.

Of the 160 staff who responded to our staff survey, 79.4 percent stated there were opportunities for them to feed their views upwards in the service and 61.3 percent were confident that those suggestions were listened to.

The service engages openly with its representative bodies and holds regular structured meetings. Staff representatives overall felt their opinions were valued and consultation on policy was constructive.

The service receives very few formal grievances, but those it does receive are handled fairly, in line with service policy. It reaches resolutions within reasonable timescales.

## Diversity

The service workforce does not reflect the community it serves. But it is taking steps to recruit a more diverse workforce. As at 31 March 2018, 2.4 percent of firefighters were from a black, Asian or minority ethnic (BAME) background. This compares to 15.6 percent of the residential population. And 4.8 percent of firefighters were female.

The service has launched a successful apprentice recruitment programme, employing 37 apprentices as of 31 March 2018, according to the service's data. The service offers familiarisation days and female firefighter days to encourage community members from diverse backgrounds to apply. Of the 14 apprentices who joined in 2018/19, 35 percent were female, and 14 percent were from BAME backgrounds.

An initiative with a media company allowed the service to develop digital audio recruitment advertising. This allows adverts about joining the service to be streamed to people listening to local radio, targeting a specific demographic within Buckinghamshire and Milton Keynes. This has not made any significant changes to the workforce, but we recognise this as a positive step to recruit a workforce that reflects the communities it serves.

## Managing performance and developing leaders



### Requires improvement

#### Areas for improvement

- The service should put in place an open and fair process to identify, develop and support high-potential staff and aspiring leaders.

We set out our detailed findings below. These are the basis for our judgment of the service's performance in this area.

### Managing performance

Buckinghamshire FRS has arrangements to assess and develop staff performance. Every member of staff has an annual appraisal with a review of objectives set by their line manager mid-year. This allows staff to review the previous year's performance and to set new objectives for the coming year. Staff spoke positively about the process. But as at 31 March 2019, the service showed varying and low levels of all appraisals being completed.

We heard that the service was not completing all appraisals in a timely manner. And we heard that objectives were not always clear. The service is addressing issues relating to managing performance through its "you said, we did" campaign. We found the service has begun to provide specific training for managers so that they are competent in undertaking appraisals. This training programme will support middle managers and ensure the process is applied consistently across all staff groups. The service provides an aspirational leadership programme. It allows staff to develop



leadership skills that will enable them to manage teams and departments across the service.

The service also offers additional support to individuals to improve service performance. A member of staff has been supported to undertake a specific qualification to help complete departmental plans. Another is undertaking a NEBOSH diploma in health and safety to allow the service to solve its health and safety issues in-house, rather than paying for external advice.

### **Developing leaders**

Buckinghamshire FRS does not have a process for identifying and developing staff with high potential to be senior leaders of the future. We found that its promotion process relies on multiple documents for guidance. It is not easy for candidates to understand. But following the “you said, we did” campaign, the service has started a programme to recognise and develop potential senior leaders. We found the promotion process to be structured and fair, and all candidates were offered feedback and development plans.

# Annex A – About the data

Data in this report is from a range of sources, including:

- Home Office;
- Office for National Statistics (ONS);
- Chartered Institute of Public Finance and Accountancy (CIPFA);
- our public perception survey;
- our inspection fieldwork; and
- data we collected directly from all 45 fire and rescue services (FRSs) in England.

Where we collected data directly from FRSs, we took reasonable steps to agree the design of the data collection with services and with other interested parties, such as the Home Office. This was primarily through our Technical Advisory Group, which brings together representatives from the fire sector and the Home Office to support the inspection's design and development, including data collection.

We give services several opportunities to validate the data we collect to make sure the evidence presented is accurate. For instance, we asked all services to:

- check the data they submitted to us via an online application;
- check the final data used in each service report; and
- correct any errors they identified.

We set out the source of Service in Numbers data below.

## Methodology

### Use of data in the reports and to form judgments

The data we cite in this report and use to form our judgments is the information that was available at the time of inspection. Due to the nature of data collection, there are often gaps between the timeframe the data covers, when it was collected, and when it becomes available to use.

If more recent data became available after inspection, showing a different trend or context, we have referred to this in the report. However, it was not used to form our judgments.

In a small number of cases, data available at the time of the inspection was later found to be incorrect. For example, a service might have identified an error in its original data return. When this is the case, we have corrected the data and used the more reliable data in the report.

## Population

For all uses of population as a denominator in our calculations, unless otherwise noted, we use [ONS mid-2017 population estimates](#). At the time of inspection this was the most recent data available.

### 2018 survey of public perception of the fire and rescue service

We commissioned BMG to survey attitudes towards FRSs in June and July 2018. This consisted of 17,976 surveys across 44 local FRS areas. This survey didn't include the Isles of Scilly, due to its small population. Most interviews were conducted online, with online research panels.

However, a minority of the interviews (757) were conducted face-to-face with trained interviewers in respondents' homes. A small number of respondents were also interviewed online via postal invitations to the survey. These face-to-face interviews were specifically targeted at groups traditionally under-represented on online panels, and so ensure that survey respondents are as representative as possible of the total adult population of England. The sampling method used isn't a statistical random sample. The sample size in each service area was small, varying between 400 and 446 individuals. So any results provided are only an indication of satisfaction rather than an absolute.

[Survey findings are available on BMG's website.](#)

### Staff survey

We conducted a staff survey open to all members of FRS workforces across England. We received 3,083 responses between 8 March and 9 August 2019 from across the 15 Tranche 3 services.

We view the staff survey as an important tool in understanding the views of staff who we may not have spoken to, for a variety of reasons, during fieldwork.

However, you should consider several points when interpreting the findings from the staff survey.

The results are not representative of the opinions and attitudes of a service's whole workforce. The survey was self-selecting, and the response rate ranged from 7 percent to 40 percent of a service's workforce. So any findings should be considered alongside the service's overall response rate, which is cited in the report.

To protect respondents' anonymity and allow completion on shared devices, it was not possible to limit responses to one per person. So it is possible that a single person could have completed the survey more than once.

Each service was provided with a unique access code to try to make sure that only those currently working in a service could complete the survey. However, it is possible that the survey and access code could have been shared and completed by people other than its intended respondents.

We have provided percentages when presenting the staff survey findings throughout the report. When a service has a low number of responses (less than 100), these figures should be treated with additional caution. Percentages may sum to more than 100 percent due to rounding.

Due to the limitations set out above, the results from the staff survey should only be used to provide an indicative measure of service performance.

## Service in numbers

A dash in this graphic indicates that a service couldn't give data to us or the Home Office.

### Perceived effectiveness of service

We took this data from the following question of the 2018 survey of public perceptions of the FRS:

How confident are you, if at all, that the fire and rescue service in your local area provides an effective service overall?

The figure provided is a sum of respondents who stated they were either 'very confident' or 'fairly confident'. Respondents could have also stated 'not very confident', 'not at all confident' or 'don't know'. The percentage of 'don't know' responses varied between services (ranging from 5 percent to 14 percent).

Due to its small residential population, we didn't include the Isles of Scilly in the survey.

### Incidents attended per 1,000 population

We took this data from the Home Office fire statistics, '[Incidents attended by fire and rescue services in England, by incident type and fire and rescue authority](#)' for the period from 1 January 2018 to 31 December 2019.

Please consider the following points when interpreting outcomes from this data.

- There are seven worksheets in this file. The 'FIRE0102' worksheet shows the number of incidents attended by type of incident and fire and rescue authority (FRA) for each financial year. The 'FIRE0102 Quarterly' worksheet shows the number of incidents attended by type of incident and FRA for each quarter. The worksheet 'Data' provides the raw data for the two main data tables (from 2009/10). The 'Incidents chart - front page', 'Chart 1' and 'Chart 2' worksheets provide the data for the corresponding charts in the statistical commentary. The 'FRS geographical categories' worksheet shows how FRAs are categorised.
- Fire data, covering all incidents that FRSs attend, is collected by the Incident Recording System (IRS). For several reasons some records take longer than others for services to upload to the IRS. Totals are constantly being amended (by relatively small numbers).
- We took data for Service in Numbers from the August 2019 incident publication. So, figures may not directly match more recent publications due to data updates.

## Home fire safety checks per 1,000 population

We took this data from the Home Office fire statistics, '[Home Fire Safety Checks carried out by fire and rescue services and partners, by fire and rescue authority](#)' for the period from 1 April 2017 to 31 March 2018.

Each FRS figure is based on the number of checks it carried out. It doesn't include checks carried out by partners.

Please consider the following points when interpreting outcomes from this data.

- Dorset FRS and Wiltshire FRS merged to form Dorset and Wiltshire FRS on 1 April 2016. All data for Dorset and Wiltshire FRSs before 1 April 2016 is excluded from this report.
- Figures for 'Fire Risk Checks carried out by Elderly (65+)', 'Fire Risk Checks carried out by Disabled' and 'Number of Fire Risk Checks carried out by Partners' don't include imputed figures because a lot of services can't supply these figures.
- The checks included in a home fire safety check can vary between services. You should consider this when making direct comparisons between services.
- Home fire safety checks may also be referred to as home fire risk checks or safe and well visits by services.
- After inspection, East Sussex FRS resubmitted data on its total number of home fire safety checks and the number of checks targeted at the elderly and disabled in the year to 31 March 2018. The latest data changes the percentage of checks that were targeted at the elderly (from 54.1 percent to 54.9 percent) and disabled (from 24.7 percent to 25.4 percent) in England. However, as noted above, in all reports we have used the original figures that were available at the time of inspection.

## Fire safety audits per 100 known premises

Fire protection refers to FRSs' statutory role in ensuring public safety in the wider built environment. It involves auditing and, where necessary, enforcing regulatory compliance, primarily but not exclusively in respect of the provisions of the [Regulatory Reform \(Fire Safety\) Order 2005 \(FSO\)](#). The number of safety audits in Service in Numbers refers to the number of audits services carried out in known premises. According to the Home Office's definition, "premises known to FRAs are the FRA's knowledge, as far as possible, of all relevant premises; for the enforcing authority to establish a risk profile for premises in its area. These refer to all premises except single private dwellings".

We took this from the Home Office fire statistics, '[Fire safety audits carried out by fire and rescue services, by fire and rescue authority](#)' for the period from 1 April 2017 to 31 March 2018.

Please consider the following points when interpreting outcomes from this data.

- Berkshire FRS didn't provide figures for premises known between 2014/15 and 2017/18.
- Dorset FRS and Wiltshire FRS merged to form Dorset and Wiltshire FRS on 1 April 2016. All data for Dorset and Wiltshire FRSs before 1 April 2016 is excluded from this report.

- Several FRAs report ‘Premises known to FRAs’ as estimates based on historical data.

### **Firefighter cost per person per year**

We took the data used to calculate firefighter cost per person per year from the annual financial data returns that individual FRSs complete and submit to CIPFA, and [ONS mid-2017 population estimates](#).

You should consider this data alongside the proportion of firefighters who are wholetime and on-call.

### **Number of firefighters per 1,000 population, five-year change in workforce and percentage of wholetime firefighters**

We took this data from the Home Office fire statistics, ‘[Total staff numbers \(full-time equivalent\) by role and by fire and rescue authority](#)’ as at 31 March 2018.

Table 1102a: Total staff numbers (FTE) by role and fire authority – Wholetime Firefighters and table 1102b: Total staff numbers (FTE) by role and fire authority – Retained Duty System are used to produce the total number of firefighters.

Please consider the following points when interpreting outcomes from this data.

- We calculate these figures using full-time equivalent (FTE) numbers. FTE is a metric that describes a workload unit. One FTE is equivalent to one full-time worker. But one FTE may also be made up of two or more part-time workers whose calculated hours equal that of a full-time worker. This differs from headcount, which is the actual number of the working population regardless if employees work full or part-time.
- Some totals may not aggregate due to rounding.
- Dorset FRS and Wiltshire FRS merged to form Dorset and Wiltshire FRS on 1 April 2016. All data for Dorset and Wiltshire FRSs before 1 April 2016 is excluded from this report.

### **Percentage of female firefighters and black, Asian and minority ethnic (BAME) firefighters**

We took this data from the Home Office fire statistics, ‘[Staff headcount by gender, fire and rescue authority and role](#)’ and ‘[Staff headcount by ethnicity, fire and rescue authority and role](#)’ as at 31 March 2018.

Please consider the following points when interpreting outcomes from this data.

- We calculate BAME residential population data from ONS 2011 census data. This figure is calculated by dividing the BAME residential population by the total population.
- We calculate female residential population data from ONS mid-2017 population estimates.
- The percentage of BAME firefighters does not include those who opted not to disclose their ethnic origin. There are large variations between services in the number of firefighters who did not state their ethnic origin.

- Dorset FRS and Wiltshire FRS merged to form Dorset and Wiltshire FRS on 1 April 2016. All data for Dorset and Wiltshire FRSs before 1 April 2016 is excluded from this report.

# Annex B – Fire and rescue authority governance

These are the different models of fire and rescue authority (FRA) governance in England. Buckinghamshire Fire and Rescue Service is a combined FRA.

## Metropolitan FRA

The FRA covers a metropolitan (large urban) area. Each is governed by locally elected councillors appointed from the constituent councils in that area.

## Combined FRA

The FRA covers more than one local authority area. Each is governed by locally elected councillors appointed from the constituent councils in that area.

## County FRA

Some county councils are defined as FRAs, with responsibility for fire and rescue service provision in their area.

## Unitary authorities

These combine the usually separate council powers and functions for non-metropolitan counties and non-metropolitan districts. In such counties, a separate fire authority runs the fire services. This is made up of councillors from the county council and unitary councils.

## London

Day-to-day control of London's fire and rescue service is the responsibility of the London fire commissioner, accountable to the Mayor. A Greater London Authority committee and the Deputy Mayor for Fire scrutinise the commissioner's work. The Mayor may arrange for the Deputy Mayor to exercise his fire and rescue functions.

## Mayoral Combined Authority

Only in Greater Manchester. The Combined Authority is responsible for fire and rescue functions but with those functions exercised by the elected Mayor. A fire and rescue committee supports the Mayor in exercising non-strategic fire and rescue functions. This committee is made up of members from the constituent councils.



## **Police, fire and crime commissioner FRA**

The police, fire and rescue commissioner is solely responsible for the service provision of fire & rescue and police functions.

## **Isles of Scilly**

The Council of the Isles of Scilly is the FRA for the Isles of Scilly.

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# Buckinghamshire & Milton Keynes Fire Authority



<b>MEETING</b>	Extraordinary Fire Authority Meeting
<b>DATE OF MEETING</b>	23 January 2020
<b>OFFICER</b>	Graham Britten, Director of Legal and Governance
<b>LEAD MEMBER</b>	Councillor Lesley Clarke OBE, Chairman
<b>SUBJECT OF THE REPORT</b>	<b>Fire Protection Board</b>
<b>EXECUTIVE SUMMARY</b>	<p>The purpose of this report is to apprise the Authority, in its role as the governance body for Buckinghamshire Fire and Rescue Service, of recent correspondence received by its Chairman and Chief Fire Officer about the establishment of a Fire Protection Board ('FPB').</p> <p>The Fire Protection Board has established itself at the direction of the, then, Minister of State for Policing and the Fire Service, the Rt Hon Nick Hurd to address issues relating to the safety of residential premises in England, 18 metres or above in height, which are clad in Aluminium Composite Material ('ACM').</p> <p>The attached correspondence sets out the purpose and intent of the FPB and requirements that it has imposed on fire and rescue services to provide assurances to fire and rescue authorities and to the FPB as to the fire safety risk of specified premises in their areas and as to the effectiveness of their pre-planned responses to these specified premises in the event of a fire.</p> <p>The details of this 'assurance framework' and 'underpinning assurance' are set out in the letter dated 21 November 2019 addressed to CFO Thelwell and cc'd to the Chairman (<b>Annex A</b>) from the FPB Chairman. The response to this letter from the Chairman of the Authority is at <b>Annex B</b>.</p> <p>A further letter from the FPB Chairman is at <b>Annex C</b>. This letter included details of the membership of the FPB and its Terms of Reference (marked as 'Draft').</p> <p>It is not intended via this report to detail the practical difficulties that Buckinghamshire Fire and Rescue Service would face in attempting to properly answer the questions which comprise the underpinning assurance. These difficulties were aired in a telephone conference convened by the FPB Chairman on 19 December 2019 referenced in his letter dated 23 December 2019 (<b>Annex D</b>) and were factors taken into account in extending the deadline for responses</p>

	from 31 December 2019 to 31 January 2020.
<b>ACTION</b>	Noting
<b>RECOMMENDATIONS</b>	<p>It is recommended that:</p> <ol style="list-style-type: none"> <li>1. the establishment of the Fire Protection Board (FPB), its membership and its current terms of reference be noted;</li> <li>2. the exchange of correspondence between the Chairman of the Authority and the Chairman of the FPB be noted;</li> <li>3. the content of the assurance questions (i.e. question 1 and question 2) required to be answered by the Chief Fire Officer and returned to the FPB be noted; and</li> <li>4. it be noted that any responses made to the assurance questions by the Chief Fire Officer will be caveated and be dependent on the actions taken by the 'responsible person' in relation to the Improvement Notice served by AVDC.</li> </ol>
<b>RISK MANAGEMENT</b>	<p>The Authority has responsibilities under the Fire and Rescue Services Act 2004 to promote fire safety and to give advice about how to prevent fires, how to restrict their spread and about means of escape. However, it is also the enforcing authority for dealing with breaches by any 'Responsible Person' of fire safety requirements imposed by the Regulatory Reform (Fire Safety) Order 2005 ('RRO'). The RRO does not apply to most domestic premises but it does apply to the 'common parts' of residential properties, such as blocks of flats, where typically the 'Responsible Person' will be the owner of the freehold or leasehold.</p> <p>Under the RRO it is the responsibility of the 'Responsible Person', not the Authority, to carry out an assessment of the risks from fire, to identify what general fire precautions are required for those particular premises, and to put in place appropriate fire safety arrangements.</p> <p>Legal uncertainty has arisen to the extent to which, if at all, external cladding constitutes 'common parts' of a residential building within the meaning of the RRO. In the <a href="#">Queen's Speech 2019</a> the Government has proposed a Fire Safety Bill through which it states, "the main elements of the Bill are:</p> <ul style="list-style-type: none"> <li>• Clarifying that the scope of the [RRO] includes the external walls of the building, including cladding, and fire doors for domestic premises of multiple occupancy.</li> </ul>

	<ul style="list-style-type: none"> <li>• Strengthening the relevant enforcement powers to hold building owners and managers to account.</li> <li>• Providing a transitional period for building owners and managers (the “responsible person”) and Fire and Rescue Services to put in place the infrastructure for these changes.”</li> </ul> <p>In the interim in November 2018 the previous Government had already issued an <a href="#">amendment to the operating guidance</a> on the Housing Health and Safety Rating System which made clear that housing authorities (eg the Buckinghamshire district councils and Milton Keynes Council) have powers under the Housing Act 2004 to assess the outside of buildings for fire hazards. The accompanying statement said that housing authorities could carry out emergency work themselves if necessary and recover the costs from building owners, adding that ‘local authorities will get the Government’s full backing, including financial support if necessary, to enable them to carry out emergency work’.</p> <p>There is only one premises within scope of the FPB’s ‘assurance framework’ for the Authority: Friars House, 4 Great Western Street, Aylesbury (per <b>Annex A</b>). An Improvement Notice was served on the premises’ owner by AVDC on 19 December 2019 which set out a schedule of required works to remediate fire hazards including the following:</p> <ul style="list-style-type: none"> <li>• An external survey of the building cladding and associated works;</li> <li>• Internal compartmentation survey and associated works;</li> <li>• Installation of a fire detection and alarm system within each flat and replacement of any damaged fire doors; and</li> <li>• Inspection and test of the automatic opening vents, passenger lift, wet riser and dry riser systems.</li> </ul> <p>The Improvement Notice can be appealed by the recipient to the Cambridge County Court offices before 4 pm on 10 January 2020.</p> <p>The Improvement Notice specifies deadlines for compliance for the different remedial works by certain dates ranging from 6 weeks to 12 months.</p> <p>A copy of the notice is appended as <b>Annex E</b></p>
<p><b>FINANCIAL IMPLICATIONS</b></p>	<p>None arising from the recommendations and the proposed course of action.</p>
<p><b>LEGAL IMPLICATIONS</b></p>	<p>None arising from the recommendations. The Fire Protection Board is an ad hoc body with no powers of</p>

	compulsion requiring the Authority to respond to its requests.
<b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</b>	The <a href="#">Policing and Crime Act 2017</a> requires the Authority to keep opportunities for collaboration with the police and ambulance services under review. The obligations under the 'assurance framework' fall solely on a relevant fire and rescue authority.
<b>HEALTH AND SAFETY</b>	None arising from the recommendations.
<b>EQUALITY AND DIVERSITY</b>	No implications arising from the recommendations.
<b>USE OF RESOURCES</b>	To provide the level of assurance required by the Fire Protection Board in its 'underpinning assurance' questionnaire would have significant resource implications for the Authority. It does not have the capabilities to undertake the engineering and design testing of ACM cladding or other external wall systems on high rise buildings. These are matters for the 'responsible person' (the premises owner). The Terms of Reference of the Fire Protection Board provide that the Board 'consider extending this regime to other categories of high risk buildings...', which could multiply the demand on the Authority's resources if it were required to 'assure'.
<b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b>	
<b>APPENDICES</b>	<p>Annex A: Letter from the Chairman of the Fire Protection Board/Chairman of the National Fire Chiefs Council, 21 November 2019, with enclosed 'Assurance Framework Appendix A- Assurance Guidance'.</p> <p>Annex B: Letter from the Chairman of the Authority, 10 December 2019.</p> <p>Annex C: Letter from the Chairman of the Fire Protection Board/Chairman of the National Fire Chiefs Council, 18 December 2019, with three enclosures.</p> <p>Annex D: Letter from the Chairman of the Fire Protection Board/Chairman of the National Fire Chiefs Council, 23 December 2019, with enclosure.</p> <p>Annex E: AVDC Improvement Notice.</p>
<b>TIME REQUIRED</b>	15 Minutes
<b>REPORT ORIGINATOR AND CONTACT</b>	Graham Britten <a href="mailto:gbritten@bucksfire.gov.uk">gbritten@bucksfire.gov.uk</a> 01296 744441



**Mr Jason Thelwell**  
**Chief Fire Officer**  
**Buckinghamshire Fire & Rescue Service**  
**Aylesbury, Buckinghamshire, HP20 1BD**  
[jthelwell@bucksfire.gov.uk](mailto:jthelwell@bucksfire.gov.uk)

21<sup>st</sup> November 2019

Dear Jason,

I am writing to you today to outline the next steps of the Protection Board's assurance framework following the successful completion of the pilots in early October. I would like to express my sincere thanks to the four pilot Fire and Rescue Services (FRSs) and the staff involved for their participation in this process under tight deadlines.

As you may know, I accepted the Government's invitation to chair the Protection Board and it met for the second time on 28<sup>th</sup> October. The Board consists of senior representatives from the Home Office, the Ministry of Housing, Communities and Local Government (MHCLG), the National Fire Chiefs Council (NFCC) and the Local Government Association (LGA). The Board is continuing to work towards a recommended standardised approach that can support FRSs in monitoring the measures in the following buildings in scope:

**High-rise residential buildings in England 18m or above in height which are clad in unsafe ACM and are currently awaiting remediation.**

This includes a particular focus on buildings that have moved from 'stay put' to a simultaneous evacuation strategy and waking watch due to the level of risk. A list of the known buildings in scope according to data for your area can be found at the end of this letter.

The Board recognise that the building owner and/or responsible person has ultimate accountability for implementing mitigation measures for these buildings in the event of a fire. The objective of the exercise is to ensure that all FRSs have appropriate operational arrangements in place, in line with their existing functions and duties, for managing the specific risks these buildings present prior to remediation and provide that assurance to your Fire and Rescue Authority (FRA) and the Protection Board. The Board also acknowledges that the assurance response you provide will be a snapshot and based on an assessment made by the information you have available on the building. Should you raise concerns on any of the buildings in scope, the Board will work with you and your FRA to advise on the appropriate steps.

The feedback from the assurance framework pilots has now been analysed and, following consultation between myself, the Home Office, MHCLG, LGA and NFCC's Building Safety

Programme Team, the Board have agreed a revised set of questions to seek assurance on all known buildings in scope. You are therefore being asked to provide a response to the following questions:

- 1. In the context of your functions and duties under the Fire and Rescue Services Act 2004 or other relevant legislation and guidance, as far as you can reasonably assess given your role and expertise, has the building owner/responsible person mitigated the risks posed by the ACM cladding to a sufficient level so that residents can occupy the building (pending remediation)?** YES/NO
- 2. As far as you can reasonably assess, have you got an effective pre-planned response in place for this building to protect life and property in the event of a fire?** YES/NO

You are being asked to provide assurance on the buildings in scope in your service area via an online form which can be accessed [here](#). A copy of the form should be completed and submitted for each building in scope within your jurisdiction. This will allow responses to be submitted one by one as and when each building is assured, rather than information on all buildings being submitted at once.

In order to help you complete the online assurance form, attached with this letter is a guidance document *Appendix A – Assurance Guidance*. This guidance has been refined following feedback received during the pilot exercise and includes a list of questions to assist FRSs in completing the assurance form. **Please note that this document does not need to be completed or returned.**

The Board would appreciate returns to the assurance form on all buildings in scope within your jurisdiction, as listed at the end of this letter *Appendix B – List of Buildings*, by **31<sup>st</sup> December 2019** unless alternative arrangements are agreed. Please ensure that you send your responses to the Chair of your FRA as well as to the Board.

I hope this letter, combined with the assurance guidance attached, provides you with sufficient information about this exercise and we look forward to working with you further on making buildings safer. If you have any questions, I am of course happy to discuss this with you further and if you have any issues concerning the Protection Board please contact NFCC's BSP Team at [BuildingSafetyTeam@nationalfirechiefs.org.uk](mailto:BuildingSafetyTeam@nationalfirechiefs.org.uk).

I am copying this letter to the Head of your Protection Department as well as your relevant governance body.

Yours sincerely,



**Roy Wilsher**  
**Chair of National Fire Chiefs Council**  
**Chair of the Protection Board**



Appendix Glossary:

- A. Assurance Guidance
- B. List of Buildings

**APPENDIX B – List of Buildings**

If you have any difficulties completing the assurance form, or if current records are incorrect and your FRS is aware of additional buildings in scope within your jurisdiction which are not included in the table below, please advise the Protection Board and NFCC's Building Safety Programme Team of this as soon as possible by emailing [BuildingSafetyTeam@nationalfirechiefs.org.uk](mailto:BuildingSafetyTeam@nationalfirechiefs.org.uk).

<b>Buckinghamshire Fire &amp; Rescue Service</b>		
<b>Building UPRN</b>	<b>Premises Name / Site Address</b>	<b>Postcode</b>
766252759	Friars House, 4 Great Western Street, Aylesbury Bucks	HP20 2PL

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## **Assurance Framework Appendix A – Assurance Guidance**

### Purpose

The Protection Board was announced on 5<sup>th</sup> September with the aim of supporting the Government's programme to accelerate the pace of inspection activity across high-rise residential buildings. This is in line with the Secretary of State for Housing, Communities and Local Government's commitment to ensure all buildings in scope have been inspected or assured no later than 2021.

NFCC's Building Safety Programme Team have been working with the other members of the Board from the Home Office, MHCLG and the Local Government Association (LGA) to design the new assurance framework for Fire and Rescue Services (FRSs). The guidance issued by the Board is designed to enable FRSs to provide assurance that the Responsible Person/s (RP) has effectively implemented changes to the fire safety arrangements in order to manage the risk in their buildings.

**The Grenfell Phase One report has been issued and, along with other organisations, NFCC is considering the recommendations and guidance will be changed in future if appropriate. FRSs are encouraged to work with NFCC on any changes that are made.**

This guidance is to be used for the following reasons:

- To assess whether the interim measures introduced by the RP/s are being properly maintained.
- To ensure any operational risk database specific to each FRS has been updated and that relevant operational information about the building is available to responding crews.
- To ensure an appropriate operational tactical plan has been developed for the building.
- To assist each FRS in providing assurance to the Protection Board and Fire and Rescue Authority as applicable.

### Introduction

Since June 2017, FRSs have been notified of high-rise residential buildings (HRRBs) over 18m that have been identified as having Aluminium Composite Material (ACM) type cladding of the type that has, or may have, failed the fire tests carried out by the Building Research Establishment (BRE).

Those FRSs have then, through the provision of a range of information, provided a degree of assurance that the risk in those buildings has been assessed by the RP/s and where necessary interim measures have been established to allow occupants to remain in the building.

The Protection Board is now seeking further assurance on a 'building by building' basis for those c430 notified HRRBs. This assurance will be through the provision of a Yes/No response to the following assurance questions:

1. **In the context of your functions and duties under the Fire and Rescue Services Act 2004 or other relevant legislation and guidance, as far as you can reasonably assess given your role and expertise, has the building owner/responsible person mitigated the risks posed by the ACM cladding to a sufficient level so that residents can occupy the building (pending remediation)?** YES/NO
2. **As far as you can reasonably assess, have you got an effective pre-planned response in place for this building to protect life and property in the event of a fire?** YES/NO

This guidance provides FRSs with a framework to collate information against which Chief Fire Officers (CFOs) can underpin the assurance that they are providing. The guidance is not exhaustive, many CFOs will already have these underpinning assurances in place alongside additional context or assurance that your FRS has already established over and above that suggested. For others the guidance can provide a framework to 'check and balance' the arrangements in place to support your assurance and is a means to provide additional consistency across FRSs.

The guidance has been agreed through the Protection Board, chaired by the NFCC Chair, albeit the guidance itself has largely been produced by the NFCC.

The LGA also sit on the Protection Board and the guidance has been developed on the basis that CFOs are likely to want to engage their Authority, whatever governance the FRS has in place, about the assurance being provided for notified buildings, and this guidance supports such an approach. Clearly that will be a matter for each individual FRS to decide.

Q1 does not absolve the owner or RP of any of their duties under any relevant legislation. The FRS are only providing assurance that, where practical, they are assured that the owner or RP have mitigated the effects of the ACM.

*The following underpinning assurance does not have to be completed or returned. It outlines some areas you may want to consider when providing answers to the assurance questions.*

### Underpinning Assurance

1. **Notified building (name, address, details of the building).**
2. **Type/classification of ACM cladding on the building.**
3. **Extent of the ACM cladding on the building, for example:**
  - a) What is the approximate percentage of ACM cladding on the building?
  - b) What is the location of that cladding on the building?
  - c) What other external wall system is on the building alongside the ACM cladding?
  - d) What risk does that present?

*All questions below need to be aligned to a date.*

4. **Is the current fire risk assessment suitable and sufficient in the circumstances?**
5. **What interim measures are in place?**
6. **Under 'normal' circumstances what is the evacuation strategy for the building?**
7. **Has the evacuation strategy been changed?**  
If yes, what has it been changed from and to? For example, from 'stay put' to simultaneous evacuation.
8. **Is there a common fire alarm and or waking watch?**  
If yes, is it suitable to provide simultaneous evacuation?
9. **Are adequate systems in place to notify residents/occupants of the following:**
  - a) An evacuation strategy?
  - b) What to do in the event of a fire?
  - c) An escape plan?
10. **Is there adequate information/signage on site as appropriate?**
11. **Is there evidence, such as records, that a suitable system of maintenance for fire safety provisions is being undertaken?**  
For example, smoke control, firefighting lifts etc.
12. **Is there evidence that a suitable system is in place to ensure that firefighting facilities are accessible and maintained in good working order?**
13. **Where possible, is there an available list of residents/occupants who have been identified who may need assistance to escape in the event of a fire and/or evacuation?**  
Please note, the above question is referencing those who may not be able to self-evacuate and not a list of vulnerable persons. In the event of a fire, the waking watch staff should be assisting with evacuating the people on the list first and informing the FRS on arrival if they are all accounted for.
14. **What ongoing monitoring has been put in place by the FRS to ensure that the fire safety arrangements, including interim measures, continue to be appropriate until remediation is completed?**
15. **What ongoing monitoring has been put in place by the FRS to ensure the operational risk information/tactical plan is maintained and up to date for operational crews in the event there is a fire in the building?**  
When answering this question, FRS want to consider some of the following. Have they easy access to:
  - Floor plan layouts of the building indicating isolation valves for FRSs?
  - Keys for ventilation controls with instructions?

- Access fobs or keys for staircases, lobby areas and plant rooms?
- Information on those who may not be able to self-evacuate?
- Early attendance of a fire safety officer?

Other issues they may want to consider are:

- How control staff will deal with fire survival guidance calls in these buildings.
- Access for high-rise appliances and effective water supplies.
- Plans for dealing with rapid and or abnormal fire spread.
- Managing mass rescue and evacuation versus firefighting.

**16. What substantive work has taken place, is ongoing, or is planned, and when, to reduce the risk in the building?**

For example, retrofit sprinklers, address compartmentation issues, partial or complete removal of ACM cladding etc.

**17. Any additional information that is relevant to the assurance you are providing.**

Additional Notes

Based on the pilots the Protection Board believes that responses to the assurance questions should be based on information gathered from a new site visit and audit or one carried out within the last 3 months. However, FRSs should base their inspections on a criteria that matches their understanding of the premises.

The Board request that a copy of any formal or informal enforcement notices served, as part of this current inspection, or any future enforcement notice served be sent in separate to your returns. This should also outline what further action is being taken and timescales.

Ongoing monitoring visits should normally be unannounced to ensure that issues are as found. Below are some of the areas you may consider.

Responses to the assurance questions should be returned on a building by building basis when completed, not as a single return.

Waking watch staff are required to have a clear understanding of what to do in the event of a fire. They should be clearly identified and have access to all necessary areas to evacuate the premises, including fixed installations, communications and the method of raising the alarm and calling the FRS. A hard copy of the waking watch procedure, including shifts with breaks, should be available. NFCC has provided a guidance document, which is linked below.

A waking watch **must** be able to provide:

- Early detection of a fire and warning to occupants.
- Management of evacuation.
- A means by which they can call the FRS.

Some affected buildings have a combination of common fire alarm and waking watch. The fire alarm covering the common parts must be able to:

- Give a warning of fire throughout the building, including within all flats and the common parts.

Responses provided for Q2 should be based on FRS use of National Operational Guidance and also any additional measures that have been put in place. This could include:

- Changes to Pre-Determined Attendance
- Additional training and operational risk gathering
- Wider FRS understanding of premises in area
- Specific crew and flexi officer guidance
- Resident engagement events
- Frequency of site visits and inspections
- Site Specific Risk Information gathered
- Deviation from agreed procedure specific to the premises based on identified risk or specific operational concerns
- Frequency of site training and awareness visits
- Processes in place for testing and validating your plan

Should a NO response be given to either of the questions the Board would ask that you provide:

- Clear indication as to the reasons why assurance cannot be provided
- What measures are being taken to remedy the situation
- Time scales for the rectification of the situation and provision of a positive response
- Do you require NFCC support to help remedy the situation

## Guidance to Date

### [Government – Guidance Note 12](#)

### [NFCC – Simultaneous Evacuation Guidance](#)

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To the Chairman of the NFCC

Our ref: KN/LMC  
Enquiries to: Katie Nellist  
Ext no:  
Direct line: 01296 744633  
Date: 10 December 2019  
Email: [knellist@bucksfire.gov.uk](mailto:knellist@bucksfire.gov.uk)

By email only – [Chair@nationalfirechiefs.org.uk](mailto:Chair@nationalfirechiefs.org.uk)

Dear Roy

### **Fire and Rescue Authorities and the Fire Protection Board**

I write to you as Chairman of Buckinghamshire and Milton Keynes Fire Authority.

On 20 September 2019 the LGA Fire Commission received a report from the LGA's Mark Norris informing the Commission about the LGA's building safety work.

The report informed Fire Commission members as follows (at paragraph 7).

*'A new Fire Protection Board is being established, chaired by the NFCC, with Home Office, MHCLG and LGA representation. The Board's Terms of Reference are yet to be agreed, but its initial priority will be to provide assurance around the interim fire safety measures in place in buildings with dangerous ACM cladding. Fire and Rescue Authorities (FRAs) can expect to hear directly from the Home Office about this later this year following a pilot process which is due to commence shortly, but FRAs and Chiefs should begin to ensure preparations are in place for joined-up reporting arrangements.'*

In light of the impending responsibilities mentioned in the final sentence, I naturally expected my fire and rescue authority to hear from the Home Office in line with the above-mentioned briefing, in order that my fire and rescue authority could learn more about this 'assurance' and of the above-mentioned reporting arrangements; and how, and to whom, this assurance would be supplied.

I was therefore astonished to receive a communication out of the blue direct from you via a cc email letter dated 21 November 2019, together with appendices including an 'Assurance Guidance', addressed to my Chief Fire Officer.



---

Whilst somewhat taken aback to receive such a letter I wholeheartedly agree with the proposition in the Assurance Guidance *'that CFOs are likely to want to engage their Authority, whatever the governance the FRS has in place, about the assurance being provided for notified buildings.'*

Regrettably such engagement with my Authority is incompatible with the deadline of 31 December 2019 for returns stated in your letter. Please note that your letter of 21 November appears to erroneously conflate my role as being the 'governance body' for the Chief Fire Officer.

Your letter also informs my CFO that the assurance framework requires him to provide assurance to his fire and rescue authority (as well as to the Fire Protection Board). This reinforces the point that before such assurance can be given my Authority will need prior knowledge of the context and parameters as it is currently oblivious to the existence of your proposals.

In order for my Chief Fire Officer to engage with my Authority, a report will need to be considered by them at the next available meeting. This will not be able to be convened before January 2020.

In order for my Authority to be fully informed when they consider the matter, I would expect a report to them to contain a full exposition of the reasons for your letter being sent, the implications for the fire and rescue authority, the legal background and any other relevant risks and considerations.

In the absence of any information from the Home Office, I would be keen to receive from you the details of the Fire Protection Board's composition and terms of reference; and the basis on which fire and rescue authorities and/or their Chief Fire Officers can be required to provide (or receive as the case may be for the former) such assurance.

May I also prevail on you to provide details of what consultation has taken place in respect of the 'assurance framework'; the rationale for the Fire Protection Board adopting a binary approach to the two assurance questions; and the reason why this assurance framework and Fire Protection Board have been set up without the Secretary of State first having revised the National Framework.

Yours sincerely

Councillor Lesley Clarke OBE  
Chairman of the Buckinghamshire and Milton Keynes Fire Authority

cc: by email to Cllr Ian Stephens, Chairman of the Fire Services Management Committee [ian.stephens@iow.gov.uk](mailto:ian.stephens@iow.gov.uk)



**NFCC**  
National Fire  
Chiefs Council

The professional voice of the  
UK Fire & Rescue Service

National Fire Chiefs Council  
West Midlands Fire Service  
99 Vauxhall Road  
Birmingham  
B7 4HW

Telephone +44 (0)121 380 7311  
Email [info@nationalfirechiefs.org.uk](mailto:info@nationalfirechiefs.org.uk)

**Councillor Lesley Clarke OBE**  
**Chair of Buckinghamshire and Milton Keynes FRA**  
**Buckinghamshire Fire & Rescue Service**  
**Aylesbury, Buckinghamshire, HP20 1BD**  
[lmclarke@buckscc.gov.uk](mailto:lmclarke@buckscc.gov.uk)

18<sup>th</sup> December 2019

Dear Councillor,

Thank you for your correspondence regarding the Protection Board assurance exercise dated 10<sup>th</sup> December 2019 which I received via the Local Government Association.

I am sorry to hear that you believe there has been insufficient communication from the Board and its partners in Government in the run up to the launch of the current assurance exercise. I have been assured by the Home Office that a letter was emailed to you and copied to Chief Fire Officer Jason Thelwell from the Director of Fire and Resilience, Luke Edwards, on 5<sup>th</sup> November 2019. This letter concerned the upcoming requests for assurance being made by the Board on Fire and Rescue Services (FRSs) and has been attached alongside this correspondence for your information.

In the interest of improving communication between yourself and the Board, could you please confirm that the email address above is correct and is the best way of contacting you, and please send any further correspondence to me directly at [roy.wilsher@nationalfirechiefs.org.uk](mailto:roy.wilsher@nationalfirechiefs.org.uk).

For your information I have attached the invitation for me to chair the Board from the previous Minister for Policing and the Fire Service and the Protection Board's Terms of Reference. Hopefully this will give you additional background on the Board and its purpose, but, in short, the Board's work is to provide an overview on the continued assurance of buildings with ACM 3 cladding systems. We are aware that the best way to assure these buildings is remediation but in the meantime we all need to ensure the risk for residents and firefighters is as low as reasonably practicable. The board is also designed to deliver the previous Secretary of State for Housing, Communities and Local Government's commitment to increase the pace of inspection and assurance activity across high-rise residential buildings and assure the safety of these buildings no later than 2021. The current assurance exercise is one of the first steps in achieving this aim.

The current assurance questions and the format of the assurance framework are the result of pilots with four fire and rescue services including London and Greater Manchester who have the greatest number of ACM3 clad buildings. In addition, there were extensive discussions with representatives and lawyers from the Board's constituent governance bodies: the Home Office; the Ministry of Housing, Communities and Local Government; the Local Government Association; and National Fire Chiefs Council (NFCC) about the two assurance questions. NFCC's Operations

Committee were also consulted, and the Board agreed on the binary nature of the assurance questions based on the fact that FRSs would either be satisfied with the arrangements in the building or not when they conduct a visit. If FRSs are not satisfied, I am sure some action would have been taken by now.

I note your reference to the Board requiring action of FRSs and Fire and Rescue Authorities, however, neither the attached letter from Luke Edwards, nor my own correspondence, nor the assurance framework itself require a response as the Board cannot compel FRSs to complete the current exercise. Nevertheless, given the types of buildings in the scope of the assurance exercise, I am sure that Buckinghamshire FRS will wish to continue to provide these assurances as they have done since the Grenfell Tower fire.

The Board is requesting assurance from Chief Fire Officers and the Board recommends that this assurance should also be provided to associated Fire and Rescue Authorities. However, the Board does not require Fire and Rescue Authorities to sign off on this assurance before it is sent to the Board via the online assurance form by FRSs.

On related matters, I am not entirely sure why the National Framework would need to be amended to accommodate the Board's request for assurance. As per my letter to Chief Fire Officer Jason Thelwell on 21<sup>st</sup> November 2019, there is opportunity for providing FRSs with additional time to complete the assurance exercise. If you believe that Buckinghamshire FRS will need an extension of the deadline to assure the building in scope within your area, please have officers contact NFCC's Building Safety Programme Team at [BuildingSafetyTeam@nationalfirechiefs.org.uk](mailto:BuildingSafetyTeam@nationalfirechiefs.org.uk).

I trust that this correspondence and the attached documents will address your concerns, but I would be happy to correspond further regarding any other issues.

Yours sincerely,



**Roy Wilsher**  
**Chair of the National Fire Chiefs Council**  
**Chair of the Protection Board**



Home Office

Rt Hon Nick Hurd MP  
Minister of State for Policing and the Fire  
Service  
2 Marsham Street  
London SW1P 4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

**BY EMAIL ONLY**

Roy Wilsher  
Chair  
National Fire Chiefs Council

22 July 2019

Dear Roy

**Protection Board**

As you are aware, HMICFRS has identified the protection capability of FRSs as an area of concern in its tranche 1 and 2 reports. Yet this capability will also be critical to successful delivery of the Government's reforms to building safety. I am encouraged by the steps already taken by the NFCC and Fire and Rescue Services to address some of these concerns.

To ensure that Fire and Rescue Services are prepared to implement the new building safety regime, I believe it is important that there is a strengthened assurance regime to oversee protection activity. I am therefore of the view that a new Protection Board should be established which will focus on, but not limited to:

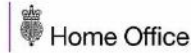
- designing a new assurance process for high risk buildings, including high-rise buildings with ACM cladding that have interim measures in place;
- leading work on improving overall standards of protection work; and
- improving the information on protection and designing the longer-term protection model

I would like you to chair this new Protection Board and propose that it would have trilateral governance between the NFCC, Home Office and MHCLG. My officials stand ready to support you in establishing the Protection Board and will work with the NFCC Building Safety Team in developing detailed terms of reference over the next couple of weeks.

I welcome your continued leadership and commitment to delivering our important reforms to fire safety and look forward to receiving your response to my request.

**RT HON NICK HURD MP**  
**Minister of State for Policing and the Fire Service**

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## **Fire Protection Board – Draft Terms of Reference**

### **Aims**

The Board will focus on FRS protection activity in England.

The initial priority for the Protection Board is the creation and agreement of a new assurance regime focused on protection activities of FRSs.

Starting with all residential ACM-clad buildings of 18m and above, with a particular focus on those that have moved from a ‘Stay Put’ strategy to simultaneous evacuation and waking watch due to the level of risk, this standardised regime will support the Board to gain assurance of measures in place in these buildings across England.

Additional priorities will be agreed by the Board to provide a national forum for key Fire and Rescue Service operational related protection and building safety issues to be considered.

### **Initial responsibilities**

1. The Board will design a new assurance regime focused on protection activities of FRS. It will:

- Focus initially on residential ACM-clad buildings of 18m and above, with a particular focus on those which have changed from a ‘Stay Put’ strategy to simultaneous evacuation and waking watch.
- Consider extending this regime to other categories of high risk building including other identified dangerous cladding systems if the need arises.
- Monitor the status of these buildings, including the interim measures in place and the extent to which the FRS has undertaken response planning in the event of a fire. FRSs will not be asked to confirm whether a building is safe as that is the responsibility of the Responsible Person / Building Owner.
- Agree a new outcomes-based assurance framework for FRSs. This standardised regime will require Chief Fire Officers (irrespective of the specific governance arrangements under which they work) to provide assurance to the Board and FRA (or equivalent body) that:

- their FRS is satisfied that the building owner/responsible person has mitigated the risks posed by ACM clad buildings in its area to a sufficient level so that residents can occupy the building (pending remediation), and
  - an effective pre-planned response is in place for these buildings to protect life and property in the event of a fire.
- Review assurance returns annually with quarterly reporting by exception. Timescales may be adjusted if necessary and agreed at Board
  - Support FRAs/FRSs to escalate any critical issues, such as any building which poses an unacceptable fire risk, to central government so that risk mitigation, enforcement and/or remediation work can be prioritised accordingly.
- 2 The Board will also develop a programme of work that is designed to deliver the Secretary of State for Housing, Communities and Local Government's commitment to increase the pace of inspection activity across high-rise residential buildings that have been inspected or assured no later than 2021. This includes the Board:
- Advising the Secretary of State for Housing, Communities and Local Government and the Minister of State for Policing, Crime and Fire on a work programme on how the additional £10m will be spent to deliver his commitment
  - Overseeing the delivery of that programme
  - Defining assurance and inspection for the purposes of this programme
  - Providing ongoing advice to the Secretary of State for Housing, Communities and Local Government and the Minister of State for Policing, Crime and Fire on the delivery of the work programme and any actions that needs to be taken to ensure successful delivery of the programme.
3. The Board will also focus on other strategic protection activities that it considers to be a priority.

### **Membership**

The Board will consist of:

**Board Chair:** Roy Wilsher, Chair, NFCC

Mark Hardingham, Chief Fire Officer, Suffolk FRS and NFCC Protection Committee Chair



Dan Daly, Assistant Commissioner, London Fire Brigade

Tony Hunter, Assistant Chief Fire Officer, Greater Manchester FRS

Nick Coombe, NFCC lead on the Building Safety Programme and NFCC Protection Vice Chair

Charles Loft, Advisor, Local Government Association

Neil O'Connor, Building Safety Programme Director, MHCLG

Luke Edwards, Fire and Resilience Director, Home Office

Rod McLean, Head of the Fire Safety Unit, Home Office

### **Meetings**

1. All meetings of the Board will be called by the Chair with appropriate notice to the members concerned.
2. The frequency of meetings will be agreed at the first Board meeting. The frequency can be varied with agreement from the Board.
3. The Board will operate with joint governance between the Home Office, MHCLG, the LGA and the NFCC.

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**F.A.O:**

- **Chairs of Fire and Rescue Authorities**
- **Police, Fire and Crime Commissioners**
- **Elected Mayors**

**Bcc: Chief Fire Officers & Protection Board Members**

5 November 2019

Dear Colleagues,

**Assurance Framework for unsafe ACM clad high-rise residential buildings**

The Government has made clear that nothing is more important than residents feeling safe in their homes. The Government's priority remains remediating all high-rise residential buildings with ACM cladding and, as you are aware, a number of steps have been taken to ensure this happens as quickly as possible. I am writing to inform you of an additional step we have asked all fire and rescue services to take regarding these buildings.

At the request of Nick Hurd, the previous Policing, Crime and Fire Minister, Roy Wilsher, the Chair of the National Fire Chiefs Council (NFCC), has agreed to establish and chair a new Protection Board. The Board includes representatives from the Home Office, Ministry for Housing Communities and Local Government (MHCLG), the NFCC and the Local Government Association (LGA). Ministers identified that the Protection Board's initial objective was to develop an assurance regime for all high-rise residential buildings with unsafe ACM cladding. The objective of the exercise is to ensure that all fire and rescue services have appropriate operational arrangements in place for managing the specific risks these buildings present prior to remediation and provide that assurance to Government.

The assurance regime has now been piloted by the NFCC on 10 high-rise residential buildings with unsafe ACM cladding in London, Greater Manchester, West Yorkshire and Merseyside. The pilot Fire and Rescue Services were also asked to provide feedback on the overall exercise. The Board considered the results of the pilot and have determined to extend it to all high-rise residential buildings with unsafe ACM cladding. Details of the assurance regime, accompanying framework and those buildings that are in scope for the exercise will be shared with your Chief Fire Officer, if relevant, by the NFCC.

OFFICIAL

Responses will be sought **by or before the 31<sup>st</sup> December 2019** unless alternative arrangements are agreed. Your Chief Fire Officer will also be asked to send their assurance response to you.

The Protection Board will consider the responses and the NFCC will provide support to your Chief Fire Officer should they have any follow up questions with respect to the operational arrangements in place.

In the coming months the Protection Board will also be overseeing proposals for developing the sector's wider work on protection, particularly in the light of shortcomings identified with regard to the Grenfell Tower tragedy. This includes developing proposals for strengthening the approach to all high-rise residential buildings.

I hope you find this letter a helpful update on the new assurance framework. If you have any questions or wish to discuss further, please do get in touch.

A copy of this letter also goes to all Protection Board members and to all Chief Fire Officers.

A handwritten signature in black ink, appearing to read 'L. Edwards', is centered on the page.

**LUKE EDWARDS**  
**DIRECTOR OF FIRE AND RESILIENCE**



23<sup>rd</sup> December 2019

Dear Chief,

I am writing to you following my earlier correspondence on 21<sup>st</sup> November 2019 regarding the Protection Board's assurance framework.

On 19<sup>th</sup> December 2019, Chief Fire Officers from all FRSs with buildings in scope of the current assurance exercise were invited to take part in a teleconference alongside myself and other colleagues from NFCC to discuss feedback and coordination between FRSs. This gave myself and other Board members from NFCC, London Fire Brigade and Greater Manchester FRS the opportunity to provide further information on the formation of the Board, its purpose and how the Board have developed the current exercise.

I am glad to say that this meeting was well attended, with over 20 CFOs or their designated representatives dialling in to take part in the discussion, and I would like to thank all those who participated for taking time out of their busy schedules at such short notice.

After briefing the group, discussion mainly centred around approaches to completing returns to the assurance exercise before moving onto concerns about the word 'assurance' and how this may extend liability to FRSs and FRAs, thereby increasing the risk of them being subject to legal action. Also discussed were proposed changes to the Regulatory Reform (Fire Safety) Order 2005 to include front doors and external wall systems, joint working with Local Authorities, and how to limit FRS exposure to freedom of information requests.

As a result of the dialogue, I have written to the Home Office and the Ministry for Housing, Communities and Local Government informing them that, as Chair of the Protection Board, I have taken the decision to extend the deadline for returns to the current assurance exercise to **31<sup>st</sup> January 2020**. This does not mean that the work of checking these buildings should cease or slow down, but this will give the Board time to discuss feedback from FRSs, to review the wording of the questions and guidance, and allow FRSs to make any changes to their approaches following discussion during the teleconference.

In addition, as set out at the teleconference, attached is a draft letter from the Protection and Business Safety Committee and Protection Board that FRS may choose to use for their ACM-clad high-rise residential buildings being addressed through the Protection Board. The letter has

been adjusted following the teleconference but does still include some reference to inspection/assurance. It is for FRS to decide if they want to adjust the wording still further or wait until further legal advice has been provided on associated wording.

The purpose of the letter is to ensure the responsible persons for buildings are aware of the questions being asked of FRSs by the Fire Minister, and their responsibilities within that environment. FRSs will of course decide if they use the letter, or not, or if they choose to amend for their own circumstances.

I trust this is helpful in the on-going work to reduce risk as far as reasonably practicable, and I continue to appreciate your engagement and support.

Yours sincerely,



**Roy Wilsher**  
**Chair of the National Fire Chiefs Council**  
**Chair of the Protection Board**

Responsible Person  
Jane Doe  
2nd Floor, Responsible Building  
2 Responsible Street  
Responsible City  
Postcode  
United Kingdom

Sent via email to: [Jane.Doe@isresponsible.co.uk](mailto:Jane.Doe@isresponsible.co.uk)

10 January 2019

Dear Ms Doe,

I am writing to you as the Chief Fire Officer for XXXX Fire and Rescue Service. I have been requested by the Secretary of State's newly commissioned Protection Board to respond to questions on the current safety arrangements of high-rise residential buildings with known Aluminium Composite Materials (ACM) in my fire service area.

The Protection Board was announced on 5th September 2019 with the aim of supporting the Government's programme to accelerate the pace of inspection activity across high-rise residential buildings. This is in line with the Secretary of State for Housing, Communities and Local Government's (MHCLG) commitment to ensure all buildings that are 'in scope' have been inspected or assured by the end of 2021. The Board consists of senior representatives from the Home Office, MHCLG, the National Fire Chiefs Council (NFCC), Fire and Rescue Services, and the Local Government Association (LGA).

It is my understanding from previous dealings between you and my officers, that (insert premise address) has been identified as a high-rise residential building that has ACM cladding and that you are the identified Responsible Person for the premises.

The Protection Board have required me, in my role as Chief Fire Officer, to respond to the following two questions for your building.

- In the context of your functions and duties under the Fire and Rescue Services Act 2004 or other relevant legislation and guidance, as far as you can reasonably assess given your role and expertise, has the building owner/responsible person mitigated the risks posed by the ACM cladding to a sufficient level so that residents can occupy the building (pending remediation)? YES/NO
- As far as you can reasonably assess, have you got an effective pre-planned response in place for this building to protect life and property in the event of a fire? YES/NO

I have responded with a Yes/No to these questions for your premises. This is based on the fire service's most recent inspection, the interim measures that have been put in place and the information that you have provided to my officers.

In providing my response to the Board, it is important that you are aware that this does not absolve you, as the owner or Responsible Person, for the building, of your duties under the relevant legislation. It is important for you to be clear that the assessment that has been made of the premises is based on the information that was obtained at the time of our inspection and cannot provide continued assurance of the measures in place, the responsibility for which lies with you as the Responsible Person. On this basis it is essential that you continue to monitor the risk at your building, alongside all interim measures that are in place to mitigate that risk. This should form part of your responsibility to maintain a suitable and sufficient fire risk assessment and ultimately move rapidly towards the remediation of the ACM cladding and any other identified issues as soon as possible.

If your building is currently operating a waking watch as part of your interim measures, then I must remind you that this is only intended as a temporary measure. For many, these measures have been in place for an extended period and if you are unable to remediate the ACM soon, then you should consider installing a fire alarm to assist with the evacuation of residents.

I have included links to both the government guidance for building owners and the most recent NFCC evacuation guidance to help you with the continued monitoring of your premises.

Should you wish to discuss this further or need assistance with fire safety arrangements in your premises, please feel free to contact one of my Fire Safety team on XXXX

Thank you for your cooperation and understanding and helping to keep the community in which we live and work a safer place to be.

Regards.

Government – Guidance Note 12

<https://www.gov.uk/government/publications/updated-interim-safety-advice-for-building-owners>

NFCC – Simultaneous Evacuation Guidance

[https://www.nationalfirechiefs.org.uk/write/MediaUploads/NFCC%20Guidance%20publications/Protection/01052018NFCC\\_simultaneous\\_Evacuation\\_guidance\\_final\\_doc.pdf](https://www.nationalfirechiefs.org.uk/write/MediaUploads/NFCC%20Guidance%20publications/Protection/01052018NFCC_simultaneous_Evacuation_guidance_final_doc.pdf)





Reference

PR201911-225207

Notice

Housing Act 2004 Part 1 – [Section 11]  
**Improvement Notice**

Recipient

Name  
Friars House (Aylesbury) Ltd

Address  
5 Sentinel Square, Hendon, London. NW4 2EL

Relating to

Relating to: Friars House, 4 Great Western Street, Aylesbury Bucks. HP20 2PL

Person Responsible

You are the person having control of the dwelling and common parts of a building containing one or more flats detailed above ('the premises').

Hazards

The Aylesbury Vale District Council ('the Council') is satisfied that a Category 1 Fire hazard exists on the premises and is further satisfied that no Management Order is in force in relation to the premises under Chapter 1 or 2 of Part 4 of the Housing Act 2004. There is a significant fire hazard existing at Friars house, HP20 2PL, which affects all flats above the ground floor and the common parts.

The hazard(s) and the deficiencies that give rise to them are specified in Schedule 1 to this notice.

The operative date of this Notice is 19 day of December 2019

Works Required

Under Section [11(2)] of the Housing Act 2004 the Council requires you to carry out the works specified in **Schedule 2** to this Notice. This is the remedial action which the council considers would, if taken in relation to the hazard, result in their revoking the notice under Section 16 of the Housing Act 2004.

Time scales are as follows;

**External survey of building cladding and associated works**

- To start within 31 days from the date of issue of this notice.
- The report(s) should be provided to the council within 4 months.
- Any works identified to be agreed with the council and carried out within 12 months.

**Internal compartmentation survey and associated works**

- To start within 31 days from the date of issue of this notice.
- The report(s) should be provided to the council within 4 months.
- Any works identified to be agreed with the council and carried out within 12 months.

**Installation of LD1 detection system and replacement of damaged fire doors**

- To start work within 6 weeks from the date of issue of this notice.
- Works to be completed within 4 months.

---

**Replace damaged fire doors**

- To start work within 6 weeks of the date of issue of this notice
- To complete the works within 3 months.

**Arrange inspection and test of automatic opening vents (AOVs), passenger lift, wet riser and dry riser systems, Carry out works required as identified by this inspection and provide certificates that demonstrate that the work has been satisfactorily carried out.**

- To start works within 31 days from the date of issue of this notice.
- Works to be completed within 8 weeks.

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**Most Appropriate Course of Action**

The Council considers the service of this Improvement Notice as the most appropriate course of action under Section [5(2)] of the Housing Act 2004 for the reasons stated in the attached statement of reasons.

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## SCHEDULE 1

### NOTIFICATION OF HAZARDS

<b>1.0 DESCRIPTION OF HAZARD – FIRE</b>	
<b>All items below refer to the inspection carried out on 22<sup>nd</sup> and 23<sup>rd</sup> July 2019 by officers from Aylesbury Vale District Council and the Fire Safety Joint Inspection Team (JIT) unless otherwise stated.</b>	
<b>Item No.</b>	<b>External façade</b>
1.1	There are Aluminium Composite Material panels in grey and gold finish covering approximately 30% of the external façade from floors 3-7. The floor plans submitted as part of the planning application indicate that up to 20 flats (40%) are clad with this material. A sample of ACM has been tested by the Building Research Establishment (BRE) (sample number D0085-01 and found to be category 3 ACM.
1.2	The ACM was noted to be within 1.5m of the glazed windows within the lift lobby areas on the east façade of the building. The lift lobby windows are adjacent to the glass atrium containing the single staircase from level 3 down to ground level.
1.3	Some of the window mouldings appear to be of the same material construction as the ACM cladding.
1.4	The type and combustibility of the façade insulation is unknown although from the detailed plan submitted at the planning stage it appears that it was the intention to use Kingspan K15 rainscreen board. A photograph taken by Aylesbury Vale District Council appears to show this product being used in the construction of the 7th floor penthouses. According to the technical specification document for the product it does not achieve a rating of Euroclass A2-s2, d0 or A1.
1.5	There is a render covering around 30% of the external façade of the building. No documentation has been provided regarding the combustibility of the render or any associated insulation although there is a plan from the planning stage showing that expanded polystyrene insulation was to be used behind the render.
1.6	During the visual inspection it was not possible to confirm the presence of cavity barriers or fire stopping within the external cladding system. No documentation has been provided to support the presence of cavity barriers or fire stopping either.
1.7	There are 5 penthouse flats within the building which are provided with terraces. All of the penthouse flats which were inspected had ACM cladding adjacent to the terrace area. A BBQ was seen on a terrace during the inspection. There are 24 flats which are provided with balconies. Of these 24 balconies, 9 are located within the ACM clad area of the building.
1.8	Extract outlets with what appeared to be plastic covers were noted to be protruding through the external cladding of the building on the west and east façade. During the visual inspection it was not possible to confirm the presence of suitable fire stopping associated with the outlets where they penetrate the façade system.
	<b>Other external observations</b>
1.9	There were numerous cigarette butts within close proximity to Friars House on the flat roof at the west side on level 3, which may have been discarded by residents from their windows or persons accessing the flat roof beneath the ACM clad areas beginning at level 4.
1.10	There were air conditioning units and electrical cables located on the flat roof at the north west corner of the flat roof on level 3 which were not well maintained. The units are located directly underneath the ACM clad section of the building and could be a potential source of ignition.
1.11	The cupboard providing access to the dry-riser was located to the right of the main entrance door. The door to the cupboard was damaged and could not be closed, allowing easy unauthorised access to the dry riser.
	<b>Fire alarm and detection system</b>

1.12	There is a Grade A fire alarm system provided within the common parts, although it is unclear as to which devices are sounders only, which devices are detectors only and which devices are combined sounders/detectors. There are also break-glass call points situated throughout the communal areas. No certification or documentation has been provided to confirm the satisfactory inspection/testing and operation of the Automatic Fire Detection (AFD) system. Residents in some flats advised that they heard the fire alarm when tested whilst others advised that they did not.
1.13	All of the flats which were inspected had been provided with stand-alone mains wired AFD consisting of a heat detector within the kitchen area and a smoke detector in the entrance lobby. The heat detector in flat 35 was tested during the inspection and found to be linked to the smoke detector in the flat. The smoke detector in flat 21 was tested but it could not be concluded whether it was linked to the heat detector. No detection was seen in bedrooms within flats that were inspected.
	<b>Compartmentation</b>
1.14	Access was gained to two cupboards opening onto the common areas.
1.15	<p>The electrical riser cupboard in the lift lobby on level 3 was not locked or secured shut during our inspection on the 22/07/2019. During our inspection on the 23/07/2019 the cupboard was found to be locked and access could not be gained, however. The following observations were made on the 22/07/2019:</p> <ol style="list-style-type: none"> <li>It could be seen that there was no vertical separation at the floor and ceiling level within the cupboard, which would allow any fire to spread between levels within the riser.</li> <li>The partition between the riser cupboard and the lift lobby on level 3 is plasterboard attached to the outside of a metal frame. If a fire were to start within the cupboard this would not provide the necessary fire separation to protect the lobby, which is on the means of escape for all flats on this level.</li> <li>Electrical cables were seen passing through the partition wall of the riser cupboard to the void above the false ceiling in the lift lobby on level 3. The penetrations were filled with an excessive amount of pink expanding foam which would not provide the necessary fire separation to protect the lobby. The use of pink foam in this manner is inappropriate because it has been used to fill large gaps, therefore has not been used in accordance with manufacturer's guidelines and will not provide the required level of protection from fire.</li> <li>There is a cavity between the brick wall of the lobby and the plasterboard lining to the lobby wall, which is open to the inside of the electrical cupboard. This would allow fire to spread from the riser cupboard into the cavity.</li> </ol>
1.16	The riser cupboard on level 7 outside flat 46 was also not locked or secured shut. There was no intumescent collar visible on the soil pipe passing through the floor or ceiling of the cupboard. An excessive amount of pink foam had been used to seal the penetrations for a soil pipe at both floor and ceiling level. Pink foam had also been used to fill in gaps between the wall and door frame within the cupboard.
1.17	Inspection hatches were opened within the false ceilings at either end of the communal corridor on level 3 (outside of flat 5 and flat 9). Services and cables were seen passing through partition walls from the void above the false ceiling of the corridor into the flats. The penetrations were either sealed with pink foam or with an incomplete or excessive use of white mastic. There was a hole within the previous office 'true' ceiling which had been filled in using pink foam.
1.18	Locked cupboard in corridor near flat 10 on level 3 shows signs of having been flooded, with damp staining evident to the adjacent plasterboard and carpet. Flooded plasterboard does not perform well in a fire and may compromise the ability of the cupboard to provide the necessary resistance to the spread of fire.
	<b>Fire doors on common parts</b>
1.19	Fire doors were provided throughout the common parts and to flat entrance doors and cupboards that were accessed during the inspection. All of the fire doors inspected were fitted with cold smoke seals and intumescent strips. All flat front doors inspected and doors along the means of escape were also fitted with self-closing devices.
1.20	The front doors and frames to flats 1 and 4 had been damaged from what appeared to be impact by a ramming device. The flat metal plate to the door handle and key hole (escutcheon plate) of flat 9 was damaged exposing a large hole around the barrel of the lock. Several doors which were inspected within the building would not be classed as compliant fire doors due to the presence of non-fire resistant fixings e.g. locking mechanisms, handles, door furniture, etc. However the doors are generally of a reasonable standard with respect to fire.

1.21	Fire doors within the lift lobby areas are sub-optimal in that they have been fitted with U-shaped handles with bolts that pass through the door and a hole cut in them for mortice locks and mechanical code locks. These doors serve riser and service cupboard and pose a medium risk.
	<b>Means of escape</b>
1.22	There is only one route of escape for the entire block of flats.
1.23	For a building of this height the stairs should be a minimum width of 110cm. The stairs have a width of 90cm.
1.24	A building of this height should have a full size firefighting lift with two power supplies. No evidence has been seen that the lift is a firefighting lift.
	<b>Smoke ventilation</b>
1.25	There is a mechanical ventilation smoke control system provided within the corridors to levels 3, 4, 5 and 6 consisting of a fan at one end of the corridor and an opening inlet at the other. No evidence was provided demonstrating suitable and sufficient inspection, testing and operation of the system.
	<b>Dry and wet riser systems</b>
1.26	No evidence was provided demonstrating suitable and sufficient maintenance of the dry riser system, and an out of date certificate was provided for the wet riser system.
	<b>Individual flats</b>
1.27	The majority of the flats inspected had open plan kitchen/lounges with windows opening onto balconies or the external façade. Within flat 21 the kitchen area was adjacent to the external wall of the building, which was clad with ACM. Both of these factors increase the risk of a fire spreading to the external façade.
	<b>Fire risk assessment</b>
1.28	The most recent fire risk assessment for the block of flats is a non-intrusive Type 1 FRA. It identified issues with compartmentation within the internal common parts, for which no evidence was provided to demonstrate these defects have been addressed e.g. breaches in compartmentation where pipes and wires pass through walls and ceilings in riser cupboards. No intrusive surveys to establish the current integrity of fire compartmentation and stopping in the building, such as Type 2 or 4 fire risk assessments have been made available.
1.29	A fire safety report commissioned on behalf of Aylesbury Vale District Council by Freya Comprehensive Fire Solutions on 26th April 2019 states that there is ACM cladding in the same locations as confirmed during the inspection, and found there to be several issues with compartmentation within the block which have yet to be addressed e.g. penetrations to compartment walls within risers incorrectly sealed with expanding foam.

## SCHEDULE 2

### SCHEDULE OF REMEDIAL WORKS

<b>2.0 PRELIMINARIES</b>	
<b>Item No.</b>	<b>Works</b>
2.1	<p>All works to be carried out by competent persons in accordance with the requirements of the Local Planning Authority, Building Regulations, Gas (Safety) Regulations, latest edition of the Institute of Electrical Engineer's Regulations, the Statutory Water Undertaker's Byelaws, any Codes of Practice, British Standards Specification or manufacturer's instructions, directions, specification of good practice as appropriate and the requirements of any other relevant body.</p> <p>If you are unable to obtain the necessary planning permissions and comply with current building regulations this Notice will remain until such time when planning permission is sought and compliance with Building Regulations is met.</p> <p>If in the course of the works the fire and smoke resisting capabilities of any structural elements are compromised, then the appropriate work must be carried out to re-establish their integrity.</p>
2.2	'Left' and 'right' and 'front' and 'rear' are stated throughout as though standing in the street facing the entrance door of the property.
2.3	All works to be completed in a workman like manner.
2.4	Make good all works disturbed or otherwise damaged during execution of works.
2.5	Clear away all debris from site and leave premises clean and tidy on completion.
2.6	Supply, deliver, erect and dismantle on completion all scaffolding, screening and/or temporary support as necessary to ensure the proper execution of the work.
2.7	You are reminded of your obligation under Section 11 of the Landlord and Tenant Act 1985 to make good any damages to decorations which occur as a consequence of the following works.
2.8	You are reminded of your duties under the Health & Safety At Work Act 1976 and associated regulations to protect both your employees and other persons not in your employment.
2.9	If asbestos is found during the course of the works, care should be taken when removing it and the Principal Enforcement officer should be contacted for advice and guidance.
2.10	You are advised that nothing contained in this notice gives any power for you to require the occupier(s) to leave the dwelling on a permanent basis and the security of the tenure(s) remain(s).
2.11	Your attention is drawn to the problems of working in occupied property. Allowance must be made to maintain services and security. Due regard must be given to the occupiers welfare. In particular, works are to be so arranged that at all times washing, sanitary and cooking facilities are reasonable available and suitable for use. Where works are of such a nature that alternative accommodation is required for the occupier as a temporary measure, this is to be arranged by the landlord. You must bring to the attention of all persons exposed to hazards which could cause harm due to activities undertaken in the work being carried out.
2.12	Proper advance notification of works is to be given to the Occupiers and all necessary aid given for moving furniture and fittings, protecting possessions, providing alternative services and temporary re-housing as appropriate.
2.13	Remove all fixtures and fittings as necessary for the proper execution of works and re-fix/re-install upon completion.
2.14	Information and any specialist advice on problems encountered regarding this schedule may be obtained from Environmental Health, The Gateway, Gatehouse Road, Aylesbury, Bucks. HP19 8FF. You must consider The Construction (Design and Management) Regulations 2007 (CDM) for construction work if:

	<p>a. It Is notifiable work i.e. lasts more than 30 days or will involve more than 500 person days of work, or;</p> <p>b. It Is non-notifiable works which involves five people or more on site at any one time.</p> <p>These regulations are enforced by the Health &amp; Safety Executive (HSE). See, <a href="http://www.hse.gov.uk/contact">www.hse.gov.uk/contact</a> for more information.</p>
2.15	<p>Alternative works of equivalent effect may be agreed by the council, please contact the authorised officer with your proposals.</p> <p>If you are considering any type of alternative use or building work alterations you are advised to consult with both Building Control and the Planning Department to comply with relevant legislation and guidance or planning issues that may be relevant.</p>
2.16	<p>You are requested to inform the authorised officer when you start each of the works required.</p>

### 3.0 SPECIFICATION OF WORKS

3.1	<p>Commission an intrusive survey/appraisal of the external cladding system (including the insulation material behind the cladding and the insulation behind the render) The Survey should determine what the wall construction is, what materials were used and what their fire rating is. It is also to determine whether there are appropriate cavity barriers in place to support proper compartmentation.</p> <ul style="list-style-type: none"><li>• The survey is to be conducted by a competent person such as a chartered engineer registered with the UK Engineering Council by the Institution of Fire Engineers or someone with relevant knowledge and experience. Professional advice may be obtained from a qualified chartered professional with relevant experience in fire safety, including fire testing of building products and systems, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a chartered professional from another built environment profession specialising in fire safety consultancy, such as the Chartered Institute of Architectural Technologists (CIAT), Chartered Institution of Building Services Engineers (CIBSE), Fellows of the Institution of Structural Engineers (IStructE), Royal Institution of Chartered Surveyors (RICS), the Chartered Institute of Building (CIOB), and the Society of Façade Engineers.</li><li>• A copy of the report is to be provided to the Local Authority.</li></ul> <p>Commission an intrusive survey/appraisal of the internal compartmentation. The survey must check what fire protection measures are installed within the building and where they are fitted as well as whether they continue to provide appropriate protection and their performance is satisfactory.</p> <ul style="list-style-type: none"><li>• The survey is to be conducted by a competent person such as a chartered engineer registered with the UK Engineering Council by the Institution of Fire Engineers or someone with relevant knowledge and experience. Professional advice may be obtained from a qualified chartered professional with relevant experience in fire safety, including fire testing of building products and systems, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a chartered professional from another built environment profession specialising in fire safety consultancy, such as the Chartered Institute of Architectural Technologists (CIAT), Chartered Institution of Building Services Engineers (CIBSE), Fellows of the Institution of Structural Engineers (IStructE), Royal Institution of Chartered Surveyors (RICS), the Chartered Institute of Building (CIOB), and the Society of Façade Engineers.</li><li>• A copy of the report is to be provided to the Local Authority.</li></ul>
3.2	<p>Complete the works identified by the above surveys/appraisals, sufficient to remove the ACM cladding and to put right the internal compartmentation such that the required level of fire resistance is provided, Works are to be carried out with the agreement of the local authority and must be based on the findings of the surveys; works to include but not limited to:</p> <ul style="list-style-type: none"><li>• Remove ACM cladding and any combustible materials from the external façade of the building and replace with material complying with Euro Class A1 or Euro Class A2-s1, d0. Ensure associated cavity barriers and fire breaks have been provided in accordance with current Building Regulations. Cavity barriers should be provided to close the edges of cavities, around openings, and in line with every compartment floor and compartment wall.</li><li>• Any re-cladding work must comply with all relevant Building Regulations/requirements. In particular requirements on structural safety, resistance to moisture penetration and build up, and energy efficiency need to be considered – as well as ensuring that the fire safety requirements are met.</li></ul>
3.3	<p>Provide in each flat an LD1 fire alarm and detection system complying with BS5839-6:2019 with smoke detectors fitted in bedrooms linked to smoke detectors in flat entrance lobbies and heat detectors in flat kitchens/living rooms. NB, These systems do not have to be linked to the communal detection system.</p>



3.4	<p>Replace any damaged fire doors within the building.</p> <p>Fire door sets to comply with the requirements of BS 476: Part 22: 1987 or BS EN 1634-1. The door sets must also satisfy the requirements of BS 476-31.1 or EN 1634-3: 2004 in relation to smoke control. Door sets must be installed to satisfy the requirements of BS 8214: 2016 as set out below:</p> <ul style="list-style-type: none"> <li>• Fitted with three plain steel butt hinges of not less than 100mm x 75mm.</li> <li>• Fitted with heat activated intumescent seals and cold smoke seals.</li> <li>• Fitted with a self-closing device (preferably of the overhead hydraulic type) manufactured to satisfy the requirements of BS EN 1154:1997.</li> <li>• The self-closing device must be capable of closing the door positively onto the latch, or, where a latch is not required, of holding the door closed for not less than 30 minutes.</li> <li>• The gap between the door edge and door lining (or frame) must be not more than 3mm (+/- 1mm).</li> <li>• All hinges and latch parts necessary for holding the door in place during a fire shall comply with BS 8214: 2016 and BS EN 12209: 2003.</li> <li>• Where there are gaps between the door lining and the surrounding construction all voids must be properly filled using suitable fire stopping material applied under the manufacturer's specifications.</li> <li>• Where glazing is incorporated into fire doors, 6mm Georgian-wired glass or fire resistant glazing is to be used. The glazing must be fixed according to BS 476 Parts 20-23.</li> </ul>
3.5	<ul style="list-style-type: none"> <li>• Arrange for the Automatic Opening Vents (AOVs) to be inspected/tested by a competent person, carry out any necessary works identified and provide a certificate of completion.</li> <li>• Arrange for the passenger lift to be inspected/ Tested by a competent person, carry out any necessary works identified and provide a certificate of completion</li> <li>• Arrange for the wet riser to be inspected/ Tested by a competent person, carry out any necessary works identified and provide a certificate of completion.</li> <li>• Arrange for the dry riser to be inspected/ Tested by a competent person, carry out any necessary works identified and provide a certificate of completion.</li> </ul>

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**Officer**

Signature:

Name: Mr Paul Harrington

Title: Principal Enforcement officer

Date: 19<sup>th</sup> December 2019

Contact address: The Gateway, Gatehouse Road, Aylesbury Bucks. HP19 8FF

Email: envhealth@aylesburyvaledc.gov.uk

Telephone: 01296 585858

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**Notes**

Copies of this notice will be served on every other person who, to the knowledge of the local authority, is an occupier of the premises or has a relevant interest, that is an interest as freeholder, mortgagee or lessee.

**Meaning of 'category 1 hazard' and 'category 2 hazard'**

'Category 1 hazard' means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount.

'Category 2 hazard' means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description.

'Hazard' means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).

'Prescribed' means prescribed by regulations made by the appropriate national authority (see section 261(1)).

'Prescribed band' means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.

**Right of appeal (under Schedule 1, Part 3 of the Housing Act 2004)**

If you do not agree with this notice you may appeal against it to the Property Chamber of the First Tier Tribunal (PC), but you must do this within 21 days after this notice is served on you.

The office of the First Tier Tribunal (Property Chamber) for the region in which Aylesbury Vale District Council is located and to which appeals should be made is Cambridge County Court, 197 East Road, Cambridge, CB1 1BA. Tel: 01223 841 524.

Email [rpeastern@justice.gov.uk](mailto:rpeastern@justice.gov.uk). More information can be provided directly by that office.

More information can be found at <http://www.justice.gov.uk/tribunals/residential-property> where it is also possible to download the appropriate forms.

**These notes are intended as general information to the recipient(s) of this as a broad summary of their rights of appeal against the Notice. They are not intended to be definitive, and persons considering an appeal are advised to seek independent legal advice and/or refer to the full version of Schedule 1 to the Housing Act 2004. Further advice can be obtained from the Property Chamber of the First Tier Tribunal (PC) [www.rpts.gov.uk](http://www.rpts.gov.uk)**

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### **Appeal against Improvement Notice (under Part 3 of schedule 1 of the Housing Act 2004)**

10. The person on whom this Notice is served may appeal to a Property Chamber of the First Tier Tribunal (PC) formerly the Residential Property Tribunal against the Notice. The person must appeal using a Notice of Appeal, which you can obtain from the Property Chamber of the First Tier Tribunal (PC) formerly the Residential Property Tribunal. Paragraphs 11 and 12 below set out two specific grounds for appeal but an appeal may equally be made on other general grounds.

11. An appeal may be made under paragraph 10 above on the ground that one or more other persons as owner(s) of the premises ought to take the action specified in this notice or pay all or part of the cost of that action. If you appeal on this ground you must serve a copy of your Notice of Appeal on the person(s) concerned.

12. An appeal may be made under paragraph 10 above on the ground that rather than service of this Improvement Notice, one of the alternative courses of action below is the best course of action in relation to the hazard in respect of which this notice was served:

- (a) The making of a prohibition order under Section 20 or 21 of the Housing Act 2004
- (b) The service of a hazard awareness notice under Section 28 or 29 of the Housing Act 2004
- (c) The making of a demolition order under Section 265 of the Housing Act 1985

#### **Time limit for appeal**

13. Any appeal under paragraph 10 above must be made within 21 days of the correct service of this Notice. A Property Chamber of the First Tier Tribunal (PC), formerly the Residential Property Tribunal, may allow an appeal to be made after the expiry of the 21 day period if it is satisfied there is a good reason for the failure to appeal within that period (and for any delay since then in applying for permission to appeal outside the 21 day period).

#### **Powers of the Property Chamber of the First Tier Tribunal (PC) formerly the Residential Property Tribunal**

14. The appeal will be heard by the Property Chamber of the First Tier Tribunal (PC), formerly the Residential Property Tribunal, by way of a re-hearing but may take into account matters raised that the Local Authority were unaware of. The tribunal may confirm, quash or vary the Improvement Notice.

15. Where the appeal is made on the ground specified in paragraph 11 above the tribunal may:

- Vary the Improvement Notice so as to require the person(s) specified in the Notice of appeal to take the required action
- It may make an order as it considers appropriate requiring the payment of all or part of the costs of the action to be taken under the Notice by the person(s) specified in the Notice of Appeal or to the Local Authority

16. Where the appeal is made on the ground specified in paragraph 12 above (alternative courses of action), the tribunal must have regard to guidance issued to the Local Authority by the Government under Section 9 of the Housing Act 2004. If the tribunal finds that an alternative course of action was the best course of action it must, if requested by the appellant or the Local Authority, identify that course of action.

#### **Operative time for the Notice following appeal**

17. If the tribunal upholds the Notice, and the Notice was not suspended, it becomes operative at the end of the allowable period for further appeal to the Lands Tribunal, if such further appeal is not lodged. If the Notice was suspended for a period longer than this, it becomes operative at the end of the suspension period.

#### **Power to take action without agreement (under Part 2 and 3 of schedule 3 of the Housing Act 2004)**

If you do not comply with the Notice, the Local Authority may do the works themselves and charge you with the cost.

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If, during the period in which the works are to be carried out, the Local Authority think that reasonable progress is not being made, they may, after giving notice in writing of their intention to do so, do the work themselves and charge you with the cost.

Until recovered, the expenses recoverable by the Local Authority, together with any accrued interest on them, are a charge on the premises to which the Improvement Notice related.

Power to take action with agreement (under Part 1 of schedule 3 of the Housing Act 2004).

If you have difficulty in finding a builder to do the works or have any other problems in arranging the works, you can ask the Local Authority if they will do the work themselves and charge you with the cost.

#### **Application for revocation or variation of the Notice**

If you are satisfied that the requirements of the Notice have been complied with in full, or where the Notice relates to a number of different hazards and the requirements of the Notice relating to some of these have been complied with, you may apply to the Local Authority for revocation or variation of the notice as appropriate (Section 16).

#### **Changes in person(s) liable to comply with the Notice after service**

If, after the service of the Notice, the person(s) on whom it was served cease(s) to be a 'person of the relevant category' (e.g. licence holder, person managing, person having control etc.) i.e. the interest in the property is disposed of or the licence holder/persons managing change, then that person's liability to comply with the Notice may cease and transfer to the new person(s) of the relevant category. Changes in ownership, management or licence holder should therefore be notified to the Local Authority at an early stage and clarification of liability for compliance should be sought (Section 19).

#### **Penalty: offence of failing to comply with Improvement Notice**

If you, without reasonable excuse, fail to comply with the Notice you commit an offence punishable in the Magistrates' Court by a fine.

The obligation to take any remedial action specified in the Notice in relation to a hazard continues despite the fact that the period for completion of the action has expired. (Section 30).

#### **Land Charge**

When the Notice becomes operative, it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Local Authority. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register (Section 37).

#### **Grant**

You may be entitled, under Part I of the 1996 Act, to a discretionary grant from the Local Authority towards the cost of the works. The premises will have to satisfy the preliminary conditions of grant in each case. You should contact the Local Authority about the possibility of obtaining grant and submit a formal application for grant before appointing contractors or starting the works.

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#### **Advice**

If you do not understand the contents of this Notice or would like to know more about it, please contact the Local Authority. If you would like to receive independent advice about the contents of this notice, your rights and obligations then please contact The Citizens Advice Bureau, Housing Aid Centre, Law Centre or solicitor. Please be aware that you may qualify for legal aid or otherwise free independent advice from a solicitor or legal advisor for up to half an hour.

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