



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Monday, 26 June 2023 at 11:00

**To be held at Fire Service HQ and digitally via
Microsoft Teams**

Distribution of Councillors	
<u>Birmingham</u>	D Barrie B Mahmood G Atwal S Spence
<u>Coventry</u>	C Miks G Lloyd
<u>Dudley</u>	I Kettle W Little
<u>Sandwell</u>	P Kaur R Jalil
<u>Solihull</u>	P Hogarth MBE
<u>Walsall</u>	V Waters C Bott
<u>Wolverhampton</u>	G Brackenridge J Dehar
<u>Police & Crime Commissioner</u>	S Foster
<u>Representative - Assistant PCC</u>	Wasim Ali
<u>Co-opted Members</u>	Professor S Brake ABCA – Dave Brown
<u>Independent Member</u>	Mr M Ager
<u>Observers</u>	P Gwynn, UNISON
	D Gough, Fire Officer's Association
	S Hitchins, Fire Brigades Union

Please note: Meetings of the political groups will be held at 10.00 am.

Fire Authority

You are summoned to attend the meeting of Fire Authority to be held on
Monday, 26 June 2023 at 11:00

At Fire Service Headquarters, 99 Vauxhall Road, Nechells,

Birmingham B7 4HW

and digitally via Microsoft Teams

for the purpose of transacting the following business:

Agenda – Public Session

- 1 To Elect the Chair of the Authority for the ensuing year
- 2 To Elect the Vice-Chair of the Authority for the ensuing year
- 3 To receive apologies for absence (if any)
- 4 Declarations of interests
- 5 Chair's announcements
- 6 Chief Fire Officer Announcements
- 7 Minutes of the previous Fire Authority held on Monday 13 February 2023 7 - 20
- 8 Membership of the Authority 2023-2024 21 - 24
- 9 Questions on the Discharge of Functions 25 - 26
- 10 Political Balance and Membership of Committees and Panels 27 - 36
- 11 Appointment of Representatives to Serve on Other Bodies 37 - 40
- 12 Member Attendance at Conferences, Seminars and Visits 41 - 44

13	<u>Governance of the Authority 2023-24</u>	45 - 54
14	<u>Constitutional Changes</u>	55 - 162
15	<u>Portfolio Management Update</u>	163 - 176
16	<u>Community Risk Management Plan - Consultation</u>	177 - 204
17	<u>Analysis of Progress of Quarterly Performance Against The Plan Qtr 4 2022-23</u>	205 - 222
18	<u>Corporate Performance Indicators 2023-24</u>	223 - 236
19	<u>Independent Investigation Report</u>	237 - 250
20	<u>Change of Scheme Manager Delegation</u>	251 - 260
21	<u>Monitoring of Finances 2023 24</u>	261 - 266
22	<u>Governance Statement 2022-23</u>	267 - 278
23	<u>Service Provided Vehicles</u>	279 - 284
24	<u>Pay Policy Statement-2023-2024</u>	285 - 338
25	<u>Result of Recent Fire Safety Prosecutions</u>	339 - 342
26	<u>Scrutiny Committee Annual Report 2022-2023</u>	343 - 356
27	<u>Minutes of Previous Public Committee Meetings</u>	357 - 402
28	<u>Exclusion of the public and press</u> Chair to move:- " <i>That the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Paragraph 3 of the Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.</i> "	

Agenda (not open to public and press)

29 **Planned Procurement Exercise for 2023-24**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

30 **Independent Investigation Update (Verbal)**

Agenda prepared by Kirsty Tuffin

Strategic Hub, West Midlands Fire Service

Tel: 0121 380 6906

Email: kirsty.tuffin@wmfs.net

This agenda and supporting documents are also available electronically on the [West Midlands Fire Service Committee Management Information System](#)

This meeting of the West Midlands Fire and Rescue Authority will be held at Fire Service Headquarters.

The meeting will also be held digitally via Microsoft Teams allowing observers to access remotely. To access the meeting, please contact a member of the Portfolio Team, West Midlands Fire Service, who will be able to provide login details (please note that Microsoft Teams is not required to join a meeting) or provide guidance if you wish to attend in person at HQ.

Clerk Name:	Karen Gowreesunker
Clerk Telephone:	0121 380 6678
Clerk Email:	Karen.Gowreesunker@wmfs.net

West Midlands Fire and Rescue Authority

13 February 2023 at 1100 hours

Conducted as a public meeting at Headquarters and digitally via
Microsoft Teams

Present: Councillor Brackenridge (Chair),
Councillor Iqbal (Vice Chair),
Councillor Atwal, Councillor Barrie, Councillor Dehar,
Councillor Hogarth, Councillor Hussain, Councillor Jalil,
Councillor Lloyd, Councillor Miks, Councillor Spence,
Councillor Waters, Professor S Brake - co-opted member,
Steven Price-Hunt – Fire Brigade Union (FBU).

Virtual: Councillor Kettle, Councillor Miller, Mike Ager – Independent
Member, Richard Merker, Sarah Middleton, co-opted
member,

01/23 **To receive any apologies for absence**

Apologies were received from Councillor Young.

02/23 **Declarations of interest**

The Chair declared a personal non-pecuniary interest due to being
a member of the Firefighters Pension Scheme(s).

03/23 **Chairs Announcements**

The Chair welcomed all attendees to the meeting of the full Fire
Authority, that took place as a hybrid meeting.

The Chair advised the authority of the sad passing of Firefighter
(FF) Barry Martin of the Scottish Fire and Rescue Service, who lost
his life following the Jenners Department Store Fire in January. A
minute's silence was held in his memory.

Firefighter Martin's family had asked that anyone who wished to
make a charitable donation in his memory could do so to the

Firefighters Charity or the SFRS Family Support Trust. An online memorial had been set up where messages of condolence could be added.

A special welcome was given to Wayne Brown as his first Fire Authority as the temporary Chief Fire Officer. Congratulations was also given to Simon Barry on his temporary role as Deputy Chief Fire Officer (DCFO) and both Karen Gowreesunker and Richard Stanton on their appointments as temporary Assistant Chief Fire Officers (ACFO).

The authority were advised that the Chair and the Chief Fire Officer had sent a letter to MP Chris Philp, Minister of State for Crime, Policing and Fire regarding the Provisional Local Government Settlement and the intention (subject to approval by Authority) to increase in precept for 2023-2024 by £4.99 for Band D properties. It had been made clear that although the Authority recognised the ongoing pressure on the cost of living on local communities, the increase had been essential for the service to continue to protect front line services, invest in vital equipment/technology and absorb the significant inflationary pressures on the service. Even though WMFRA are the lowest precepting authority in England, they had done their utmost to maintain excellent public services, alongside significant budget reductions.

National NJC discussions took place on Wednesday February 8th, with employers offering a 7% backdated pay increase from July 2022, and a further 5% from July 2023. The Fire Brigades Union (FBU) had put the offer to its members recommending they approved the offer. The FBU had raised a few issues in which the Authority would continue to work with them to resolve. A further update would be provided in the future. It was acknowledged that should there be industrial action, a major incident review had been negotiated between the FBU and the National Fire Chief Council (NFCC) and would provide a level of cover.

04/23 Chief Fire Officer's Announcements

The Chief Fire Officer (CFO) echoed the condolences for FF Barry Martin. He expressed gratitude for his temporary appointment as CFO, and looked forward to working with the Authority, subject to the appointment process for the post. He extended a special welcome to the newly appointed temporary DCFO Simon Barry, and both ACFOs Karen Gowreesunker and Richard Stanton.

The CFO welcomed the new pay offer made by the NJC and emphasised the need for employees to receive a fair pay offer. He thanked both Simon Barry and Sam Burton on their hard work they completed with the FBU in the development on the local plans for industrial action.

The authority were advised that an independent, external 'Say So' helpline had been developed to handle any complaints/concerns that staff felt they could not process through the normal complaints process. The MESH article to employees advising of the new helpline had received the highest interaction received so far in 2023. Workshops would be arranged across the organisation to assist employees. It was agreed that a workshop be arranged for Fire Authority Members. Following a query from Professor Simon Brake around reporting/analysis on data collected from the helpline, the CFO assured Members that the data would be included therein the Joint Consultative Panel report moving forward. Following concerns raised by the FBU, the CFO reassured Members that the service had moved at pace but had completed all relevant background work before the implementation of the helpline. A meeting would be arranged between the Service and the Trade Unions.

The CFO advised that a recent employment tribunal regarding five employees who were dismissed for gross misconduct, had concluded on 6 February. The courts had determined that the service had acted appropriately and upheld the decision to dismiss the employees. The CFO reassured Members that when the service were made aware of any inappropriate behaviour, they acted appropriately to resolve.

The authority were advised that following the earthquakes in Türkiye, 77 UKSR employees, eight of which were West Midlands employees, were deployed to assist. West Midlands Incident room, based at Headquarters, had also been used to provide live feed from Türkiye. The teams would return the week commencing 20 February and would be provided with both physical and mental support. Praise was given to all those involved. It was agreed that a briefing be circulated to members for them to share with their local authority on the efforts from Türkiye. The Chair asked that the authority's thanks be passed onto the teams.

The CFO advised the authority that the services dog Kai, had been diagnosed with a brain tumour that had been inoperable. Kai and his handler would remain together, but Kai would retire from his duties. He had been an integral part of the service. Thanks, and best wishes, would be passed onto his handler.

Resolved:

1. That it be agreed that a workshop be arranged for Fire Authority Members on the new 'Say So' helpline.
2. That it be agreed that a meeting between the Service and the FBU be arranged to discuss the helpline 'Say so' to re-assure the FBU that all relevant checks had been made.
3. That it be agreed that a briefing be circulated to members for them to share with their local authority on the efforts from Türkiye.

05/23 **Minutes of the Fire and Rescue Authority held on 12 December 2022**

Resolved:

1. That the minutes of the Fire Authority meeting held on 12 December 2022 be approved as a correct record.

06/23 **Portfolio Management (3PT)**

Karen Gowreesunker, Clerk to the Authority, presented the Portfolio Management (3PT) report that provided a summary of the

progression of delivery of Portfolio Management towards delivering 'Our Plan'.

The Authority were advised that the HMICFRS outcome had been published and West Midlands Fire Service (WMFS) had been rated 'outstanding' for their response to fire and other emergencies and overall in the 'Effectiveness' pillar. WMFS had also been only one of two services to be rated 'outstanding' in 'Understanding fires and other risks'. Overall, the report is very positive.

Karen advised the authority that work continued on the Community Risk Reduction Programme. It was noted that the title, under item 6 of the report, should read as 'Community Risk Reduction Programme.' The work conducted within prevention around safe and wells and incorporation of regulation changes, as per the report, was highlighted. Praise was given to Watch Commander Brinley Mills who had made the finalist shortlist at Excellence in Fire and Emergency Awards 2022. Brinley was nominated for the unsung hero award and recognised for his continued work and dedication to prevention, namely the dangers of carbon monoxide. As per the report, the progress made within digital and data / climate change, specifically around the drone capabilities and cyber security, were highlighted.

Richard Stanton, ACFO, provided an overview of the 'People' aspects within the report. He advised that following a review of the Managing Vacancies Policy, behavioural assessments had now been put in place to inform the overall recruitment/selection process. A pilot on 'talent pools' was also underway to provide opportunities at Group Commander/Middle Manager level within the service. The pilot would look at new ways of future role progression for employees. All those involved in the pilot would be asked for feedback to evaluate its effectiveness.

The authority were advised that the service had implemented the new real living wage, as amended by the Living Wage Foundation in September 2022, to a total of £10.90. This meant that the lowest paid employees would see their pay increase to over £21,000 a year. WMFS had also be awarded the UKs most Inclusive

Employer. It was highlighted that the services employment of women had been double the national average and would continue to improve.

Following concerns raised by the FBU, the CFO reassured members that the NFCC had been working with the FBU to report on contamination and PPE for its employees. WMFS at been at the forefront of this.

Resolved:

1. That it be agreed that the contents of the report be noted.

07/23 **Budget and Precept 2023-2024 and Budget Forecast 2024-2025 and 2025-2026**

Mike Griffiths, Treasurer/Section 151 Officer, presented the Budget and Precept 2023-2024 and Budget Forecast 2024-2025 and 2025-2026 report.

The Authority were advised that a revised supplementary report of the Budget and Precept 2023-2024 and Budget Forecast 2024-2025 and 2025-2026 and been published/circulated following the Department for Levelling Up, Housing and Communities announcement on 6th February 2023 of the final 2023/24 local government finance settlement. The Budget and Precept 2023/24 report had been amended to reflect the increase in the Services Grant by £54k. All Members confirmed receipt of the revised report.

Mike Griffiths advised the Authority that to achieve a balanced budget in 2023/24, based on the funding allocations received and the expenditure levels estimated, in-year service efficiencies of £1.1M would be required. It was highlighted that a the budget report had assumed a 6% Grey Book pay award in 2022 so should the proposed 7% increase be agreed, the in-year efficiency figure would increase to circa £1.9m. This would have an impact on reserves, highlighted in Appendix J of the report. The Pension Schemes grant of £5.7m had not yet been confirmed and had could be subject to change. The £4.99 increase in Council Tax (for

Band D), supported at the District Leader's Meeting, had been reflected within the budget.

The Authority were advised that the Vehicle Replacement Programme budget, outlined in appendix E, had been based upon the assumption of existing vehicle replacements and could be impacted by the Community Risk Management Proposals (CRMP) on the blended fleet. As a result of a shortfall in capital funding, from 2024-2025 onwards was likely to result in the need to borrow. The need to make savings to achieve a balanced revenue budget in 2023/24 was emphasised.

Following queries around the cost of the 2015 pension scheme, Mike reassured members that figures had been based upon current information and were reviewed regularly. It was acknowledged that other pension issues had been volatile but that assumptions were based on a neutral, steady position.

Following queries around the impact of blended fleet and additional costs, Mike Griffiths advised Members that the actual funding figures would not be known until the review had been completed and could be higher or lower than the figured outlined the report. It was anticipated that any adjustment would need to be as part of the 2024-2025 budget process due to the delivery timescales associated with replacing vehicles.

Resolved:

1. That it be agreed that the Authority's Net Revenue Budget for 2023/2024 of £119.055m which included a Council Tax requirement of £53.864m, set out in Appendix A, together with the associated precept levels, set out in Appendix B, resulting in a Band D Precept increase of £4.99 (7.3%), be approved.
2. That it be agreed that the Authority's capital programme for 2023/2024 to 2025/2026, as set out in Appendix E, be approved.
3. That it be agreed that the Authority's Treasury Management Strategy which included the Minimum Revenue Provision Statement set out in Appendix F and the Prudential Indicators in Appendix G be approved.

08/23 Three Year Rolling Strategy 2023-26 and Annual Plan

The CFO presented the Three-Year Rolling Strategy 2023-26 and Annual Plan that provided an overview of the progression of the Community Risk Management Proposals (CRMP) objectives, plans for the third-year cycle of planning and a review of the Authority's Vision and Strategic Objectives/annual priorities for the three-year rolling strategy.

The Authority were advised that the following six CRMP objectives continued to be delivered and remained priorities within the services annual plan:

1. Risk based crewing
2. Dynamic mobilising
3. Automatic fire alarms
4. Blended fleet
5. Reducing health inequalities
6. Emerging risks

The Authority were advised that due to the budget deficit of £1.9m, the service would need to look at their approach with risk-based crewing to deliver efficiencies

The CFO advised that work continued around reducing health inequalities though Safe and Well visits targeted at the most vulnerable in the community.

The new technical rescue unit had opened in May 2022, with great efforts to employ a diverse workforce but it was acknowledged this had not achieved the level of diversity the service would have hoped for. WMFS had still been waiting for correspondence on the Fire Reform White Paper. Any recommendations included in the government's response would come to Fire Authority for consultation.

Following queries around referrals, the CFO reassured Members that HMOs are inspected and provided with advice as multi occupancy housing would fall under the Fire Safety regulations.

Following queries around the use of reserves, Mike Griffiths advised that the current budget incorporated a 6% pay award costing £2.2m. Should the 7% pay offer be accepted, this would rise to £3.1. The CFO advised that until a pay offer had been agreed upon, how the additional cost would be covered had not been decided upon and all options would be considered.

Resolved:

1. That it be agreed that the ongoing progress and in year deliverables of the evidence-based Community Risk Management Plan (CRMP) objectives, as set out in 3.3-3.8.5, be noted.
2. That it be agreed that the Authority's Vision for the Authority's three-year rolling strategy, as set out in 3.13.2, be re-affirmed.
3. That it be agreed that the three-year strategic objectives 2023-26 and refresh of the annual plan priorities for delivery in 2023-24, as set out in 3.14.5, be approved.

09/23 **Statement of Assurance 2021-22**

Simon Barry presented the Statement of Assurance 2021-2022 report, which is required to be reviewed on an annual basis.

The authority were advised that the service is legally obliged to produce and review the Statement of Assurance on an annual basis under the Fire and Rescue National Framework. The Statement of Assurance would be published and circulated to the Home Office, ahead of their deadline of 31 March 2022. As highlighted within the report, some outstanding information is required from the External Auditors. Once these details had been received, slight amendments would be made to the Statement of Assurance to reflect this and would be published subject to CFO sign off.

Resolved:

1. That it be agreed that the current version of the Statement of Assurance 2021-22 be approved.
2. That it be agreed that the Statement of Assurance be submitted to the Home Office once the findings of the

external auditor had been finalised, and upon the final approval of the Chief Fire Officer.

10/23 **Business Continuity Arrangements – Verbal Update**

The CFO provided a verbal update on the services Business Continuity Arrangements. He advised the authority that all business continuity arrangements would remain in place until the outcome of the FBU's ballot for the revised pay offer. All locations and sites had been agreed should there be industrial action. A MESH site had been developed to update employees on the situation/Business Continuity Arrangements.

Resolved:

1. That it be agreed that the verbal update on the Business Continuity arrangements be noted.

11/23 **Review of the Constitution**

Karen Gowreesunker presented the Review of the Constitution Report that outlined the proposed changes to the Constitution.

The authority were advised that the proposed changes, as highlighted within the report, were around clarity on appointments, decision making and the approach to named substitutes. Further changes to reduce the size and make the constitution more user friendly would be brought to the June Fire Authority meeting.

The Chair thanks all employees involved in this work and acknowledged further work was required to remove duplications and make the constitution user friendly, in readiness for June's meeting.

Resolved:

1. That it be agreed that the amendments to the Constitution as set out in this report and in particular Appendix 1, be approved.
2. That it be agreed that the Clerk and Monitoring Officer be authorised to make and publish any necessary consequential amendments to constitutional documents to achieve the

desired changes, in consultation with Chair, Vice-Chair and CFO.

12/23 **Discretions Policy 1015 Firefighters and Local Government Pension Schemes**

Mike Griffiths presented the Discretions Policy 1015 Firefighters and Local Government Pension Schemes that outlined the proposed changes to the policies.

The Authority were advised that following a recent case with Warwickshire Fire Service, the ombudsman's had declared that policies should not have a blanket approach on specific discretions and should be reviewed on a case by case basis. These changes had been reflected in the proposed changes to the discretion policies.

Praise was given to Mike Griffiths and the finance team for their hard work.

Resolved:

1. That the changes to the Discretions Policy for the 2015 Firefighters and Local Government Pension Schemes be approved.

13/23 **Monitoring of Finances**

Mike Griffiths presented the Monitoring of Finances report that outlined the finances of the Authority for the current financial year and covered revenue expenditure/capital programme.

The Authority were advised that, as per the report/appendix A, for the period up to 31 December 2022, there had been an adverse variance of £0.171m. This variance would need to be brought in line by the end of 2022/2023 and would potentially be impacted by any pay offer that is agreed. The slippage in Capital Projection as per appendix C, had been factored into the budget and Precept Report (item 7 of the agenda).

Resolved:

1. That the Monitoring of Finances report be noted.

14/23 **Contract Awards Summary for the Period to 31 January 2023**

Mike Griffiths presented the Contract Awards Summary for the Period to 31 January 2023 that outlined the contracts in excess of £250,000 awarded since June 2022. Mike reassured Members that all contracts had been previously submitted to the Fire Authority for approval via the Planned Procurement Exercise report.

Resolved:

1. That the appendix that summaries the contracts in excess of £250,000, awarded since June 2022, be noted.

15/23 **Minutes of the Previous Public Committee Meetings**

Resolved:

1. That it be agreed that the minutes of the following public committee meetings, be noted:
 - Scrutiny Committee Monday 07 November 2022
 - Collaboration and Transformation Committee - Monday 05 September 2022

16/23 **Exclusion of the public and press**

Resolved:

1. That it be agreed that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Paragraph 1,2 and 3 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

17/23 **Planned Procurement Exercise for 2023-2024**

Mike Griffiths, Treasurer/Section 151 Officer, presented the Planned Procurement Exercise for 2023-2024 report that provided the rationale for the planned tender exercises over £250k, as per report.

Resolved:

1. That the following tender exercises for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2023-2024 be approved:
 - 1.1 Tyres
 - 1.2 Reactive Repairs Framework
 - 1.3 Orient Strand Board and Pallets
 - 1.4 Microsoft Licence Renewal
 - 1.5 Replacement Breathing Apparatus sets
 - 1.6 Fuel cards
 - 1.7 MDT Hardware Replacement
 - 1.8 Fireground Radio Replacement
 - 1.9 Roof Replacements
 - 1.10 Heating, Ventilation and Air Conditioning

18/23 **Exempt – Minutes of the last Fire Authority held on Monday 12 December 2022**

Resolved:

1. That the Exempt – Minutes of the last Fire Authority held on Monday 12 December 2022 be approved as a correct record of proceedings.

The meeting ended at 12:46 hours.

Kirsty Tuffin Strategic Hub 0121 380 6906 Kirsty.tuffin@wmfs.net

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. MEMBERSHIP OF THE AUTHORITY 2023/2024**

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the membership of the Authority for 2023/2024 report be noted.

2. PURPOSE OF REPORT

- 2.1 To advise of the appointments made by the constituent councils to the Authority for 2023/2024.

3. BACKGROUND

- 3.1 The membership of the Authority for 2023/2024 is as set out in Appendix 1.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. LEGAL IMPLICATIONS

- 5.1 Fire and Rescue Authorities were first established by Section 26 of the Local Government Act 1985, which provides that such authorities shall consist of members appointed by the metropolitan districts comprised in the relevant county. The number of members to be appointed by each district council is set out in the Fire and Rescue Authority (Membership) Order 2017, attached as Appendix 1.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone number 07973 810338.

Karen Gowreesunker
Clerk of the Authority

APPENDIX 1

Item 8

**Membership of the West Midlands Fire and Rescue Authority
2023-2024**

Local Authority	Councillor(s)
Birmingham	Councillor Basharat Mahmood (Labour)* Councillor Sybil Spence (Labour) Councillor Gurdial Singh Atwal (Labour) Councillor David Barrie (Conservative)
Coventry	Councillor Gavin Lloyd** (Labour) Councillor Catherine Miks* (Labour)
Dudley	Councillor Wayne Little** (Conservative) Councillor Ian Kettle* (Conservative)
Sandwell	Councillor Rizwan Jalil *(Labour) Councillor Kaur ** (Labour)
Solihull	Councillor Peter Hogarth MBE* (Conservative)
Walsall	Councillor Vera Waters * (Conservative) Councillor Chris Bott (Labour)
Wolverhampton	Councillor Greg Brackenridge* (Labour) Councillor Jas Dehar** (Labour)

*Member nominated to answer questions under Section 41 of the Local Government Act 1985 ("Lead" Member).

** Substitute Member nominated to answer questions under Section 41 of the Local Government Act 1985 ("Lead" Member).

Additional Member(s)	
Independent Member of the Audit and Risk Committee	Mr Mike Ager
Independent Member of Appointments, Standards and Appeals	Mr Ray Tomkinson (Standards Committee only)
Co-opted Members of the Authority	Professor Simon Brake Dave Brown
Police and Crime Commissioner (PCC)	Simon Foster
Represented by (if applicable):	Assistant PCC Wasim Ali Richard Costello – Head of Communications

WEST MIDLANDS FIRE AND RESCUE AUTHORITY ^{Item 9}**26 JUNE 2023****1. QUESTIONS ON THE DISCHARGE OF FUNCTIONS**

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the Authority nominates the members listed below to answer questions on the discharge of the functions of the Authority as required by Section 41 of the Local Government Act 1985.

2. PURPOSE

- 2.1 The purpose of this report is to nominate members to answer questions put in the course of proceedings of constituent Councils on the discharge of the Authority's functions (as required by Section 41 of the Local Government Act 1985).

3. BACKGROUND

- 3.1 Under Section 41 of the Local Government Act 1985, arrangements must be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council. Members of that Council can put questions to a Member who is nominated by the Authority for that purpose.
- 3.2 Although the Authority has responsibility for nominating Members, it is normal practice to seek the views of the district councils as to the person they wish to see nominated for this purpose. The nominations received are set out below:-

	<u>Lead Member</u>	<u>Substitute</u>
Birmingham	Councillor Mahmood	
Coventry	Councillor Miks	Councillor Lloyd
Dudley	Councillor Kettle	Councillor Little
Sandwell	Councillor Jalil	Councillor Kaur
Solihull	Councillor Hogarth MBE	
Walsall	Councillor Vera Waters	
Wolverhampton	Councillor Brackenridge	Councillor Dehar

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 Under Section 41 of the Local Government Act 1985, arrangements have to be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone number 07973810338.

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2023/2024**

Report of the Clerk and Monitoring Officer.

RECOMMENDED

1.1 THAT the Authority approve: -

- (a) the political balance and membership of committees and panels for 2023/2024.
- (b) the appointment of Mr Mike Ager to the role of independent member of the Audit Committee.
- (c) the appointment of one co-opted member to Scrutiny Committee and Collaboration and Transformation Committee and appointment of both co-opted members to the Policy Planning Forum.
- (d) the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels.
- (e) the appointment of Mr. Ray Tomkinson to the role of Independent Person appointed in pursuance of Section 28 of the Localism Act 2011, for the term of office expiring at the Fire Authority - Annual General Meeting June 2024.
- (f) the appointment of the Police Crime Commissioner to the Collaboration and Transformation Committee and Policy Planning Forum.

2. PURPOSE OF REPORT

- 2.1 To approve the political balance and membership of committees and panels for 2023/2024 aligned to the changes approved in the Governance of the Authority 2023/24 report.

3. **BACKGROUND**

3.1 **Political Balance on Committees**

The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups.

It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided. Regulations provide for a political group to comprise two or more members.

Based on the information available to me, the current political balance of the Authority is: -

Conservative - 5

Labour - 10

The attached appendix sets out a template showing the political balance on committees for 2023/24.

4. **COMMITTEE STRUCTURE, CONSTITUTION AND POLITICAL BALANCE**

- 4.1 The Authority is required to decide the constitution of its committees for 2023/24, as set out in the Governance report and then decide the political balance on each committee using the following formula:-
- (a) Decide the total number of seats on the ordinary committees (disregarding any co-opted members/advisors);
 - (b) Decide the number of members for each minority political group;
 - (c) Decide the proportion of the membership of those groups to the membership of the Authority as a whole;
 - (d) Apply the proportions to the number of seats in (a).
- 4.2 For the purpose of this exercise, the Joint Consultative Panel and the Policy Planning Forum are not included as the proportionality requirements do not apply to these bodies.

- 4.3 The number of committee seats in 2023/2024 is 26. The proposed allocation of seats to political parties based on this number of seats is set out in the Appendix to this report, which is recommended for approval. The Authority is also asked to make appointments of members and co-opted members to serve on the committees and advisory bodies referred to in the Appendix. More information to assist members is provided below.

5. **JOINT CONSULTATIVE PANEL**

- 5.1 The Joint Consultative Panel (JCP) comprises employees of the Authority and is therefore not regarded as an ordinary committee for the purposes of Section 15 of the Local Government Act 1989 and the rules regarding proportionality do not apply.

6. **APPOINTMENTS, STANDARDS AND APPEALS (ASA) COMMITTEE**

- 6.1 The Localism Act 2011 brought in changes to the framework of regulation of standards of conduct for elected and co-opted members and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The relevant provisions of the legislation came into force on 1 July 2012.
- 6.2 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code.
- 6.3 The Localism Act 2011 provides that an authority shall appoint one or more Independent Persons who must be consulted before any decision is taken on a complaint which has been investigated. In view of the Authority's low level of complaints activity, it is suggested that the appointment of one independent person will be sufficient. The appointment of the independent person/s must be approved by a positive vote of a majority of all members of the Authority [not just of those present and voting]. Mr. Ray Tomkinson has agreed a further term as an Independent Member until June 2024.
- 6.4 The Appointments, Standards and Appeals Committees were amalgamated into one committee in 2018/2019 and comprise of seven members. It has been the practice to invite the independent person/s to attend as observer at meetings considering matters relating to Standards issues.

7. **AUDIT AND RISK COMMITTEE**

- 7.1 The Authority established an Audit Committee in September 2007. Its remit was expanded in 2010/11 to take on performance management functions.
- 7.2 Mr Mike Ager has served as an independent Member of the Audit Committee since 2007. As a result of the pandemic, the West Midlands Fire and Rescue Authority re-appointed Mr Ager for a one-year term of office expiring with the Annual Meeting of the Authority in June 2022. He agreed to extend his term of office for a year until June 2023. He has agreed to be re-appointed as the Independent Member until June 2024.
- 7.3 The Audit and Risk Committee comprises of five Members and one Independent Member.

8. **SCRUTINY COMMITTEE**

- 8.1 The Scrutiny Committee comprises of seven Members and a co-opted member.
- 8.3 Dave Brown has been nominated by the Black Country Consortium as our co-opted representative. Subject to Authority approval, Dave Brown will be appointed as the co-opted member for Scrutiny Committee.

9. **COLLABORATION AND TRANSFORMATION COMMITTEE**

- 9.1 The Collaboration and Transformation will comprise of seven Members, one from each Constituent District Council, the Police and Crime Commissioner and a co-opted member.
- 9.2 Subject to Authority approval, Prof Simon Brake will be appointed as the co-opted member.

10. **EQUALITY IMPACT ASSESSMENT**

- 10.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

11. **LEGAL IMPLICATIONS**

- 11.1 The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall

review the representation of those groups. It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided.

- 11.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

12. **FINANCIAL IMPLICATIONS**

- 12.1 Provision is made in the Authority's budget for the payment of Members' allowances.

13. **ENVIRONMENTAL IMPLICATIONS**

- 13.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone number 07973 810338.

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

APPENDIX 1**West Midlands Fire and Rescue Authority****Political Balance of Committees for 2023/2024**

Note: Proportionality applies to the Committees shown above the line.
Those below are exempt.

Committee

	Conservative	Labour	Total
Appointments, Standards and Appeals	2	5	7*
Audit and Risk	2	3	5*
Collaboration and Transformation	2	5	7**
Scrutiny	2	5	7***
Total			26
<hr/>			
Policy Planning Forum ⁺	5	10	15
Joint Consultative Panel	2	3	5

* plus one independent member

** plus one co-optee and the Police and Crime Commissioner

*** plus one co-optee

⁺ plus two co-optees and the Police and Crime Commissioner

APPENDIX 2

Item 10

West Midlands Fire and Rescue Authority
Appointments to Committees and Panels 2023/2024

Authority 15 elected members & 3 co-opted members (Lab 10; Con 5) All Members to attend 1 Independent 3 Observers	Policy Planning Forum 15 elected members & 3 co-opted members (Lab 10; Con 5) All Members to attend. 1 Independent 3 Observers
Appointments, Standards and Appeals Committee 7 elected members plus 1 Observer (Lab 5; Con 2) At least one Member from each Authority	
Councillor	Substitute
Cllr (Chair) Rizwan Jalil	Cllr Parbinder Kaur
Cllr (Vice-Chair) Greg Brackenridge	Cllr Jas Dehar
Cllr Catherine Miks	Cllr Gavin Lloyd
Cllr Basharat Mahmood	Cllr Sybil Spence
Cllr Chris Bott	Cllr Gurdial Singh Athwal
Cllr Ian Kettle	Cllr Wayne Little
Cllr Peter Hogarth MBE	Cllr David Barrie
Independent Person Ray Tomkinson (Observer)	Standards Items Only

Scrutiny Committee (7 elected members) (Lab 5; Con 2) Plus 1 Co-optee (Non Voting)	
Councillor	Substitute
Cllr (Chair) Gavin Lloyd	Cllr Parbinder Kaur
Cllr (Vice-Chair) Jas Dehar	Cllr Greg Brackenridge
Cllr Catherine Miks	Cllr Basharat Mahmood
Cllr Chris Bott	Cllr Rizwan Jalil
Cllr Gurdial Singh Athwal	Cllr Sybil Spence
Cllr Vera Waters	Cllr Peter Hogarth MBE
Cllr David Barrie	Cllr Ian Kettle
Dave Brown – Co-Opted Member	Non-Voting

Collaboration and Transformation Committee 7 elected members plus 1 Co-opted Member (Lab 5; Con 2)	
Councillor	Substitute
Cllr (Chair) Jas Dehar	Cllr Greg Brackenridge
Cllr (Vice-Chair) Gurdial Singh Athwal	Cllr Basharat Mahmood
Cllr Gavin Lloyd	Cllr Catherine Miks
Cllr Parbinder Kaur	Cllr Rizwan Jalil
Cllr Sybil Spence	Cllr Chris Bott
Cllr Ian Kettle	Cllr Wayne Little
Cllr Peter Hogarth MBE	Cllr David Barrie
Co-opted Member	Simon Brake

Audit and Risk Committee 5 members (Lab 3; Con 2) (Plus 1 Independent	
Councillor	Substitute
Cllr (Chair) Basharat Mahmood	Cllr Gurdial Singh Athwal
Cllr (Vice-Chair) Sybil Spence	Cllr Chris Bott
Cllr Rizwan Jalil	Cllr Parbinder Kaur
Cllr Wayne Little	Cllr Ian Kettle
Cllr David Barrie	Cllr Vera Waters
Independent Member: Mr Mike Ager	

Joint Consultative Panel (5 elected members + 5 employee representatives) (Lab 3; Con 2)	
Councillor	Substitute
Cllr (Chair) Chris Bott	Cllr Gavin Lloyd
Cllr (Vice-Chair) Parbinder Kaur	Cllr Rizwan Jalil
Cllr Greg Brackenridge	Cllr Jas Dehar
Cllr Vera Waters	Cllr Ian Kettle
Cllr Wayne Little	Cllr David Barrie

*Please note: if both the original member and substitute are unavailable, then a member of the political party can attend appointed to attend by the Leader of that party.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2023

1. APPOINTMENT OF REPRESENTATIVES TO SERVE ON OTHER BODIES

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the Authority nominates representatives to serve on the bodies set out in the attached Appendix 1, for the one-year term of office expiring with the Annual Meeting of the Authority in June 2024.

2. PURPOSE

- 2.1 The purpose of the report is to request the Authority to approve the appointment of representatives to serve on other bodies during 2023/2024 as set out within the attached schedule.

3.. EQUALITY IMPACT ASSESSMENT

- 3.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

4. LEGAL IMPLICATIONS

- 4.1 The Local Government and Housing Act 1989 provides that the principles of proportionality apply where the Authority makes more than three appointments to bodies specified in the Act. An indication is given in Appendix 1 where proportionality applies.

5. FINANCIAL IMPLICATIONS

- 5.1 Provision has been made in the Authority's budget to meet any costs involved relating to Members' allowances.

6. **ENVIRONMENTAL IMPLICATIONS**

6.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

The contact name for this report is Karen Gowreesunker, telephone 07973 810338.

Karen Gowreesunker
Clerk to the Authority

APPENDIX 1**WEST MIDLANDS FIRE AND RESCUE AUTHORITY** ^{Item 11}**APPOINTMENTS TO OTHER BODIES 2023/2024**

Organisation	Representative/s 2023/2024	Notes
Local Government Association General Assembly* (4 representatives)	Chair and Vice-Chair (or their nominees) The Chair was authorised to exercise the Authority's Corporate Vote at the Local Government Association General Assembly. The Authority is entitled to 18 General Assembly votes which are allocated on the basis of proportionality of the General Assembly.	Proportionality applies. The Association encourages Authorities entitled to three or four representatives on the General Assembly to allocate one of those positions to Minority Group Leaders on their Authorities.
Local Government Association - Fire Service Commission (3 representatives)	Chair of the Authority and one Labour representative (TBC) and one Conservative representative – Cllr Vera Waters	Proportionality applies. Formerly the Fire Services Forum.
West Midlands Road Safety Partnership	Councillor - TBC	
Association of Metropolitan Fire and Rescue Authorities	Chair and Vice-Chair of the Authority	
West Midlands Combined Authority	Chair of the Authority	WMCA Board Observer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. MEMBER ATTENDANCE AT CONFERENCES, SEMINARS AND VISITS**

Report of the Clerk.

RECOMMENDED

- 1.1 THAT the events for 2023/2024 set out in the attached Appendix be approved for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate).

2. PURPOSE OF REPORT

- 2.1 To seek approval for attendance of members at conferences and seminars for 2023/2024.

3. BACKGROUND

- 3.1 The schedule of Approved Duties within the Members' Allowances Scheme allows for 'attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit at any other meeting authorised by the Authority'. A schedule of conferences, seminars and visits for the forthcoming year is submitted annually to the Authority for approval. The attached appendix provides for attendance by nominated members at relevant conferences and makes provision for the approval of attendance by members at other ad hoc events, subject to the necessary budgetary provision being available.

4. EQUALITY AND DIVERSITY IMPLICATIONS

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has therefore not been carried out. The matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

- 5.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Authority is required to make and publish a scheme setting out provisions for the payment of allowances to Members of the Authority.
- 5.2 Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003 states that such a scheme may provide for the payment of allowances in respect of travelling and subsistence undertaken in connection with or relating to such duties specified within the scheme (the scheme of approved duties).

6. **FINANCIAL IMPLICATIONS**

- 6.1 Provision is included in the Authority's budget for costs associated with attendance at conferences and seminars and for members' travel and subsistence costs.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Members' Allowances Scheme.

The contact name for this report is Karen Gowreesunker, telephone number 07973 810338.

Karen Gowreesunker
Clerk to the Authority

APPENDIX 1

Item 12

Events proposed for approval by the Authority for 2023/2024 for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

Event	Attendance By	Financial Implications
Local Government Association Annual Fire Conference	Chair and Vice-Chair (or their nominees) and the Leader of the main Opposition Group	Conference fees and travel and subsistence
Local Government Association Annual Conference	Chair and Vice-Chair (or their nominees)	Conference fees and travel and subsistence
Asian Fire Services Association Conference	Chair and Chair & Vice-Chair of the Scrutiny Committee and the Leader of the main Opposition Group (Or their nominees)	Travel and subsistence
Fire Service Briefing Meetings arranged by the Home Office	Chair and Vice-Chair (or their nominee) OR all members of the Authority (as appropriate)	Travel and subsistence
Member training events/seminars organised by the Authority or approved by the Chair and Vice-Chair	All Members	Travel and subsistence
Communications visits to fire stations (up to two per quarter)	All Members	

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. GOVERNANCE OF THE AUTHORITY 2023/24**

Report of the Clerk and Monitoring Officer

RECOMMENDED

- 1.1. THAT the calendar of meetings for 2023/24 as set out in Appendix A be approved.
- 1.2. THAT the Members' Allowances Scheme for 2023/24 as set out in Appendix B, be approved.
- 1.3. THAT Members' approve the commissioning of an independent remuneration panel to review the Members' Allowance Scheme in the 2023/24 Municipal Year to report back to a future Authority meeting.

2. PURPOSE OF REPORT

- 2.1. This report is submitted for the Authority to determine its meeting schedule and allowance scheme for 2023/24.
- 2.2. This report also seeks member approval for the commissioning of an independent review of Members' Allowances in line with good governance principles.

3. BACKGROUND**Programme of Meetings**

- 3.1. Following the disruption of COVID-19 in 2020/21 and 2021/22, Authority has returned to a full schedule of in-person public meetings in 2022/23, and it is intended that this continue, with only Policy Planning Forums, JCP and Pensions Board, which are not public meetings, continuing as virtual meetings. Members will be able to join all meetings remotely on medical grounds but will not

be able to vote or count towards meeting quoracy.

- 3.2. It is proposed that a further Full Authority meeting is added to the schedule in April 2024, which would bring the total for the municipal year to five. This is intended to address the current significant gap between the February meeting where Authority undertakes budget setting and the June AGM, which are fixed dates.
- 3.3. A proposed programme of meetings for 2023/24 is attached for approval in Appendix A.

Members' Allowance Scheme

- 3.4. In accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003, the Authority is required to make and approve a scheme of the payments of members' allowances each year.
- 3.5. The member allowance scheme was last reviewed by an Independent Review Panel and a report presented to the Authority in November 2018. However, the Authority agreed to maintain its current members' allowance scheme for 2019/20 through 2022/23. This scheme continues for 2023/24. It is proposed that a further review be undertaken given the passage of time since the last review (see 3.7).
- 3.6. The members' allowances scheme is attached for approval as Appendix B.

Independent Review of Member Allowances

- 3.7. Good governance principles dictate that the Authority should keep its governance processes, policies, and documents under regular review to ensure they remain fit for purpose. This includes its Member Allowance Scheme.
- 3.8. Members' Allowances were last reviewed in 2018/19, with an independent report provided to Authority by Andrew Campbell from the Local Government Association on 19 November 2018.
- 3.9. Several recommendations were made to increase member allowances and make changes to the allowance structure. Members took the decision not to accept the proposed changes, in

part because it was at that time expected that there would be a significant change to the governance structure in the near future. Therefore, allowances have remained substantively the same since 2011/12.

- 3.10. The Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), require that any Authority proposing to change to a Scheme of Allowances "shall have regard to the recommendations made [...] by an independent remuneration panel."
- 3.11. It is proposed that the Authority commission a new independent remuneration panel to ensure that the current scale and distribution of allowances and other expenses remain proportionate and fair.

Constitutional Review

- 3.12. Please note that proposed changes to the Constitution of the Authority are covered in a separate paper.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. LEGAL IMPLICATIONS

- 5.1 This report invites the Authority to determine its decision making and governance arrangements for the coming year taking into account the relevant provisions of the Local Government Act 1972, Local Government Act 1985 and the Local Government and Housing Act 1989.

6. FINANCIAL IMPLICATIONS

- 6.1 Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision-making structures and the payment of Members' Allowances.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no environmental impacts arising from this report

BACKGROUND PAPERS

[The Local Authorities \(Members' Allowances\) \(England\) Regulations 2003](#)

[Member Allowances – Authority Paper, 19 November 2018.](#)

The contact for this report is Tom Embury, Deputy Clerk to the Authority, tom.embury@wmfs.net.

Karen Gowreesunker
CLERK

Satinder Sahota
MONITORING OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

CALENDAR OF MEETINGS 2023-2024

MEETING	DATE	TIME	LOCATION
2023			
JULY			
Scrutiny Committee	Monday 17 July	10:30am	Mosedale Suite, WMFS HQ
Audit and Risk Committee	Monday, 24 July	10:30am	Mosedale Suite, WMFS HQ
SEPTEMBER			
Collaboration and Transformation	Monday 4 September	10:30am	Mosedale Suite, WMFS HQ
Pension Board (TBC)	Thursday 7 September	11:00am	Virtual, Microsoft Teams
Scrutiny Committee	Monday, 11 September	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 18 September	11:00am	Virtual, Microsoft Teams
Chairs Agenda Meeting	Monday, 25 September	10:30am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday 25 September	14:00 noon	Mosedale Suite, WMFS HQ
OCTOBER			
Fire Authority [Political Groups – 10am]	Monday, 9 October	11:00am	Mosedale Suite, WMFS HQ
Appointments, Standards and Appeals Committee	Monday, 16 October	10:30pm	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 23 October	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 23 October	14:00pm	Virtual, Microsoft Teams
NOVEMBER			
Pension Board (TBC)	Thursday 2 November	11:00am	Virtual, Microsoft Teams
Collaboration and Transformation	Monday, 6 November	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 20 November	11:00am	Virtual, Microsoft Teams
Chairs Agenda Meeting	Monday, 27 November	10:30am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 27 November	14:00pm	Mosedale Suite, WMFS HQ
DECEMBER			
Scrutiny Committee	Monday 04 December	10:30am	Mosedale Suite, HQ
Fire Authority [Political Groups – 10am]	Monday, 11 December	11:00am	Mosedale Suite, WMFS HQ

Appendix A

OFFICIAL

2024			
JANUARY			
Pension Board (TBC)	Thursday 11 January	11:00am	Virtual, Microsoft Teams
Collaboration and Transformation	Monday 15 January	10:30am	Mosedale Suite, WMFS HQ
Joint Consultative Panel	Monday, 22 January	14:00pm	Virtual, Microsoft Teams
Chair Agenda Meeting	Monday, 29 January	10:30am	Virtual, Microsoft Teams
Policy Planning Forum	Monday, 29 January	12:00 noon	Virtual, Microsoft Teams
FEBRUARY			
Fire Authority [Budget/Precept] [Political Groups – 10am]	Monday, 12 February	11:00am	Mosedale Suite, WMFS HQ
MARCH			
Pension Board (TBC)	Thursday 7 March	11:00am	Virtual, Microsoft Teams
Policy Planning Forum	Monday 18 March	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 18 March	14:00pm	Virtual, Microsoft Teams
Chairs Agenda Meeting	Monday 25 March	10:30am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 25 March	14:00pm	Mosedale Suite, WMFS HQ
APRIL			
Collaboration and Transformation	Monday 8 April	10:30am	Mosedale Suite, WMFS HQ
Fire Authority [Political Groups – 10am]	Monday 15 April	11:00am	Mosedale Suite, WMFS HQ
Scrutiny Committee	Monday, 22 April	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 29 April	11:00am	Virtual, Microsoft Teams
MAY			
Pension Board (TBC)	Thursday 2 May	11:00am	Virtual, Microsoft Teams
Policy Planning Forum	Monday, 20 May	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 20 May	14:00pm	Virtual, Microsoft Teams
JUNE			
Policy Planning Forum	Monday 3 June	11:00am	Virtual, Microsoft Teams

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Appendix A

OFFICIAL

Chairs Agenda Meeting	Monday, 10 June	10:30am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 17 June	14:00pm	Mosedale Suite, WMFS HQ
Fire Authority [Annual Meeting] [Political groups at 10am]	Monday, 24 June	11:00am	Mosedale Suite, WMFS HQ
JULY			
Pension Board (TBC)	Thursday 4 July	11:00am	Virtual, Microsoft Teams
Scrutiny Committee	Monday 15 July	10:30am	Mosedale Suite, WMFS HQ
Audit and Risk Committee	Monday, 22 July	10:30am	Mosedale Suite, WMFS HQ

*The Appointments, Standards and Appeals Committee will meet as and when required, with the exception of its annual meeting. *

***Please note:** these dates may be subject to change. *

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APPENDIX B

Item 13

Schedule 1**WEST MIDLANDS FIRE AND RESCUE AUTHORITY****Schedule of Special Responsibility Allowances 2023/2024**

Responsibility	SRA (£)
Chair	24,500
Vice-Chair	12,250
Leader of Principal Opposition Group	7,350
Collaboration and Transformation Chair	8,575
Collaboration and Transformation Vice Chair	6,575
Scrutiny Committee Chair	8,575
Scrutiny Committee Vice-Chair	6,575
Scrutiny Committee Member	4,900
Joint Consultative Panel Chair	8,575
Joint Consultative Panel Vice-Chair	3,975
Appeals, Standards and Appointments Chair	8,575
Appeals, Standards and Appointments Vice-Chair	3,975
Audit and Risk Committee Chair	8,575
Audit and Risk Committee Vice-Chair	3,975
Elected Member Basic Allowance	3,500
Independent's allowances	
Independent Member of the Audit Committee	350

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. CONSTITUTIONAL CHANGES**

Report of the Clerk

RECOMMENDED

- 1.1 THAT Members approve the amendments to the Constitution as set out in this report, table of proposed changes and relevant Appendices included in this report.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to make several changes to the WMFRA Constitution following a period of review.

3. BACKGROUND

- 3.1 Members approved a number of changes to the Constitution at the Authority Meeting of 13 February. It was noted at that meeting, that officers, in conjunction with the Chair and Vice-Chair, intended to make further, more significant changes to the Constitution to reduce its overall length, remove duplication, improve readability, and ease navigation.
- 3.2 It is intended that the newly updated Constitution will be presented as a number of separate documents on the website, with each section (e.g. Articles, Standing Orders or Scheme of Delegation) provided separately to ease accessibility.
- 3.3 A summary of all the changes is included within the table in Appendix 1.
- 3.4 The full tracked changes to the following key sections have been included as Appendices as this may be of particular interest to members:

- Part 2 – Articles (Appendix 2)
- Part 3 – Scheme of Delegations (Appendix 3)
- Part 4a – Standing Orders (Appendix 4)

4 EQUALITY IMPACT ASSESSMENT

- 4.1 No initial equality impact assessment has been undertaken as the substance of the changes to the Constitution do not impact on protected characteristics. However, it intended that the officers will also review the finalised Constitution formatting to ensure maximum accessibility for those that may use aids such as screen readers.

5 LEGAL IMPLICATIONS

- 5.1 The Monitoring Officer has reviewed all proposed changes and does not believe there to be any additional legal implications for members.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no anticipated financial implications from these changes.

7 ENVIRONMENTAL IMPLICATIONS

- 7.1 An Environmental Impact Assessment has not been undertaken as there are not believed to be any environmental implications from these changes. The Constitution will be provided in electronic format.

BACKGROUND PAPERS

[West Midlands Fire and Rescue Authority Constitution – February 2023](#)

[Review of Constitution – Fire Authority Report, February 2023](#)

The contact for this report is Tom Embury, Deputy Clerk –
tom.embury@wmfs.net

Karen Gowreesunker
Clerk to the Authority

Proposed Constitutional Changes		
Section	Proposed change(s)	Rationale (if applicable)
Contents page	Administrative changes: <ol style="list-style-type: none"> 1 title page removed. Page numbers inserted Delegations to Officers changed to Scheme of delegations and broken down into sections Standings orders – broken down into sections Officer related policies removed Part 7 'Management' removed. Part 8 (now 7 due to removal of Management section) – titles of documents added 	
Preface - REMOVED	Content removed: <ol style="list-style-type: none"> 'Governance of the Authority' 'Legislative context' 'The Authority's Constitution' Content moved: <ol style="list-style-type: none"> Introduction moved to Summary and Explanation section Your chance to comment – moved to Article 1 – The Constitution 	
Summary and Explanation	Content added: <ol style="list-style-type: none"> Introduction from Preface Content removed: <ol style="list-style-type: none"> 'What is in the constitution' section 'How the Authority operates: Para 2: <i>'The Appointments, Standards and Appeals Committee trains and advises members on the Code of Conduct.'</i> 'How the Authority operates: Para 3: ' All members meet together as the Fire and Rescue Authority. Meetings of the Authority are normally open to the public. 	

	<p>Members decide the Authority's overall policies and set the budget each year. At the annual meeting they make appointments to the various committees.</p> <p>4. Legislative context</p> <p>5. 'How decisions are made' para 2: The Authority aims to ensure decision making is efficient, transparent and accountable and in accordance with the following principles:-</p> <ul style="list-style-type: none"> ○ the action taken is proportionate to the desired outcome; ○ decisions are taken on the basis of due consultation and professional advice from officers; ○ decisions taken by elected members will be based on information provided in a written report prepared by the responsible officer(s); ○ respect for human rights; ○ a presumption in favour of openness; ○ Reports will only be considered in private where they contain confidential or exempt information as defined under specific legislative provisions (see Part 4 Access to Information Rules – Rules10 and 11) <p>;The written reports submitted to elected members will contain a clear recommendation for every decision they are asked to take.</p> <p>Content changed:</p> <p>1. The Authorities constitution para 2 – reworded to: This Constitution and all its appendices comprises the Constitution of the West Midlands Fire and Rescue Authority. The Authority will exercise its functions, powers, duties and responsibilities in accordance with this Constitution, within the law, fairly equitably, openly and transparently and, in the best interests of the community of West Midlands as a whole.</p>	
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Part 2: Articles of the Constitution		
Article 1 – The Constitution	<p>Content added:</p> <ol style="list-style-type: none"> 1. Your chance to comment (from preface) 2. Article 15: Review and Revision of the Constitution added 3. Article 16: Suspension, Interpretation and Publication of the Constitution added. <p>Content removed:</p> <ol style="list-style-type: none"> 1. ‘Discharge of Functions’ 2. Legislative context 3. The Clerk to the Authority will arrange for copies to be available for inspection at West Midlands Fire and Rescue Service Headquarters and at other appropriate locations and by publication on the Authority’s official website. <p>Content changed:</p> <ol style="list-style-type: none"> 1. “The Constitution is available for public inspection at the offices of the Clerk to the Authority and the Monitoring Officer.” Changed to: “The Constitution is available for public inspection at WMFS Headquarters, (address). Removal of the word ‘printed’. 	
Article 2 – Composition of Members	<p>Content added:</p> <ol style="list-style-type: none"> 1. Vii – more focus given on engagement with training. 2. 2.6.2 – Monitoring Officer included. 3. FLA added to special observer status 4. Clarity added on PCC – Voting Member 5. Annual reports for those committee applicable (public) <p>Content removed:</p> <ol style="list-style-type: none"> 1. Timeframe of the AGM removed from: Role of the Chair of Committees ‘To provide an annual report covering the performance of the Committee (if applicable).’ 	

Appendix 1

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	<p>Content changed:</p> <ol style="list-style-type: none"> 1. diagrams inserted where appropriate/wording removed (e.g. role of members/composition). 2. Composition reworded to 7 Constituent Councils 3. Paragraphs moved around within section. 4. Role of Co-opted, 2.4 - point 3 – specified the Committees/Sub-Committees they are appointed to. 	
Article 3 - Citizens	<p>Content removed:</p> <ol style="list-style-type: none"> 1. 3.1.2 – (ii) – example removed/added to guidance document. <p>Content changed:</p> <ol style="list-style-type: none"> 1. Legislations to be updated. 	
Article 4 – Decision Making	<p>Content added:</p> <ol style="list-style-type: none"> 1. Matters of Urgency Decisions – to be determined. <p>Content removed:</p> <ol style="list-style-type: none"> 1. Definitions removed <p>Content changed:</p> <ol style="list-style-type: none"> 1. Duplications removed on the recommendations to note/approve reports and merged in this section. 2. Operational decision merged. 3. Operation decisions – bullet point 3 – removal changed to reduction 	
Article 5 – Role and Functions of Officers	<p>Content removed:</p> <ol style="list-style-type: none"> 1. SET Terms of Reference removed. 2. Job titles/specific names removed. 3. Strategic Enablers reference removed. 4. Officer policy's removed 5. Clerk legislation removed (5.5) 	

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Appendix 1

OFFICIAL

	<p>Content changed:</p> <ol style="list-style-type: none"> 1. Diagrams added/wording removed for the roles. 2. Head of Paid service paragraphs merged with Chief Fire Officer responsibilities/ 3rd paragraph removed. 3. 5.3.1 – changed to ‘The Deputy Chief Fire Officer will deputise for the Chief Fire Officer in their absence’. 4. 5.5 – Local Government Act removed and reworded to: The Authority has appointed a Clerk to act on behalf of the Authority. 5. Detail added to clarify that a secure e-signature platform can be used 6. Clerk responsibilities – added DOI Forms 	
Article 6 – The Authority	<p>Content added:</p> <ol style="list-style-type: none"> 1. Quorum inserted 2. ‘Except in relation to urgent operational matters, when such expenditure may be approved as a Matter of Urgency’ added to relevant section 3. Explanatory notes added to guidance 4. Severance payments text added to align with Home Office policy. <p>Content removed:</p> <ol style="list-style-type: none"> 1. Explanatory notes moved to guidance doc. 2. Authority responsibility for approval of Property Asset Management Plan 	<ol style="list-style-type: none"> 1. The plan itself is approved by SET but also already included within authority approved budget.
Article 7 – PPF	<p>Content removed:</p> <ol style="list-style-type: none"> 1. Removal of internal meetings from the constitution <p>Content changed:</p> <ol style="list-style-type: none"> 1. Name to change to Members Engagement Forum 	

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Appendix 1

OFFICIAL

Article 8 - C&T	Content added: 1. Quorum added	
Article 9 – Scrutiny Committee	Content added: 1. Quorum inserted.	Additional proposed changes included in the Annual Scrutiny Report on the agenda for FRA approval.
Article 10 – Audit and Risk Committee	Content changed: 1. Reference to Grant Thornton removed. 2. text updated: To report to full Authority on a regular basis on the Committee’s performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose and to publish an Annual Report on the work of the Committee and submit its minutes to the Authority. 3. Quorum inserted.	
Article 11 – Appointment, Standards and Appeals	1. Member Development Strategy/Core Code of Ethics included. 2. Terms updated. 3. Submit an annual report when significant activities have been undertaken by the committee.	
Article 12 – Joint Consultative Panel	Content changed: 1. Formatting /removal of subheadings 2. Specified elected members retire annually 3. Annual report requirement removed Content removed: 1. Removal of internal meetings from the constitution	
Article 14 – Joint Arrangements	Article removed.	

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Appendix 1

OFFICIAL

and Partnerships - Removed	Content removed: <ol style="list-style-type: none"> 1. Joint arrangements 2. Cross-Border Collaboration 3. Partnership working 	
Article 15 – Finance, Contracts and Legal Matters	<ol style="list-style-type: none"> 1. 14.3.1 – removal of reference to clerk. 2. Participate changed to settle. 	
Article 16 – Review and Revision of the Constitution	Merged with Article 1 – The Constitution	
Article 17 – Suspension, Interpretation and Publication of the Constitution	Merged with Article 1 – The Constitution	
Part 3: Scheme of Delegations (previous reference: Delegations to Officers)		
Part 3	Content added: <ol style="list-style-type: none"> 1. Section headers to break down the list of delegations 2. Severance payments wording added Content removed: <ol style="list-style-type: none"> 1. Explanatory notes removed and added to the Explanatory notes guidance document. 2. Repetitious sections throughout the CFO delegations deleted Content changed: <ol style="list-style-type: none"> 1. 1.1 – text added especially where it may be of particular political, media or public interest. 2. Some delegations amalgamated to remove repetition. 3. 1.5 changed from actions to decisions 	Removal of duplicated areas within the Scheme of Delegations and where replicated in Standing Orders or Articles. Simplifies overall scheme.

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	<p>4. Delegation from MO to maintain register of Interests moved under Clerk</p> <p>5. 5.2 – Text added to allow use of suitably secure electronic signature system when signing contracts or affixing the seal.</p> <p>6. Head of Finance delegation moved under Treasurer</p>	
Part 4 – Procedure Rules		
Part 4	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Removal of out of date and incorrect terminology 2. Clarity given on non-public/public meetings. <p>Content changed:</p> <ol style="list-style-type: none"> 1. Quorum of the Committees/The Authority, points 2 & 3 changes to clarify the meeting would be adjourned and then postponed if the quorum is not met after 15 minutes. 2. Part 2 – arrangement of meetings reworded to align with Committees. 3. Part 3 – committees – (1) removed – covered in article 6 4. Part 3 – committees (16) - order of business removed/in line with FRA (where applicable) 5. Access to minutes – 10 days published on CMIS removed. 6. Exclusion paragraphs removed / report requirement of ‘not for publication’ 7. Point 16 – order of business removed ‘inline with that of the Authority (if applicable)’. 8. 17(a) ‘reworded to: ‘only to’. 9. 24(1) – reworded for clarity following change in substitutes. 10. 34 (2) – definitions added to explanatory note guidance 11. Part 6 – MO/Clerk clearer separation of roles 12. Part 6 – clerk appointment – legal reference removed 13. 30(1) – clerk /MO 14. Part 6 – independent person added/updated for up-to-date terminology 15. Part 7 (1) MO added 16. Petitions wording updated for clarity 17. 31 (1 – a) ‘Elected’ added for clarity 	

Appendix 1

OFFICIAL

	Financial regulations – <ul style="list-style-type: none"> • (2.75) wording updated. • (4.64) reworded to add that secure e-signature systems can be used 	
Part 5 – Codes of Conduct and Protocols		
Part 5	Content changed: 1. All linked. Content removed: 1. Officer related policies	To ensure the most up to date version is accessible.
Part 6 – Members Allowances Scheme		
Part 6	Content removed: 1. Appendix 1 – link inserted to 'Public Documents' on CMIS	To ensure the most up to date version is accessible.
Part 7 – Management - Removed		
Part 7	Content removed: 1. Management and Service Delivery article 2. Brigade Standing Orders article	
Part 8 (Now 7 due to removal of Management) - Complaints and Procedures		
Part 8 (now 7 due to removal of management)	Content changed: 1. Code of Conduct for Members – Linked to CMIS 'Public Documents' and moved to part 5 2. Whistleblowing report – linked to CMIS 'Public Documents' 3. Customer Care Standards - linked to CMIS 'Public Documents' 4. Anti-Fraud - linked to CMIS 'Public Documents' Content removed: 1. Terms of reference for Assessment Sub-Committee and Review Sub-Committee	To ensure the most up to date version is accessible.

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Article 1 - The Constitution

Item 14

1. Purpose of the Constitution

The purpose of this Constitution is to set out in a single place and in clear language, how the Authority works and how it makes decisions, thereby:-

- (i) assisting members to discharge their role as decision makers efficiently and effectively;
- (ii) ensuring that the decision-making processes are clearly identifiable to citizens;
- (iii) enabling officers of the Authority to deliver the agreed key priorities, outcomes set out in The Plan and strategic objectives, in order to achieve the vision of making West Midlands Safer;
- (iv) providing citizens with information about their rights and right to be involved in the process of decision making to encourage their active involvement;
- (v) providing a means for improving the democratic accountability of the Authority in the delivery of services to the community.

1.2 Monitoring

The Authority will monitor and review the operation and content of this Constitution, in consultation with officers and the Clerk and Monitoring Officer at least once per annum and, consequential upon any review, will make any changes deemed appropriate. However, the Monitoring Officer or Clerk may make such purely administrative changes (e.g., formatting, spelling or updating of references) as required in consultation with the Chair and CFO without formal review by the Authority.

1.3 Suspension of the Constitution

(i) Limit to Suspension - The articles of this Constitution may not be suspended. However the rules specified below may be suspended to the extent permitted within those rules and the law.

(ii) Rules Capable of Suspension

The following rules may be suspended in accordance with Article 17.1 (i):

- Authority Standing Orders
- Access to Information Procedure Rules
- Officer Employment Procedure Rules
- Financial Regulations
- Procurement Procedures

1.4 Interpretation

Except as otherwise provided and subject to (ii) below, the decision of the Monitoring Officer on the interpretation of the Constitution shall be final.

In relation to proceedings of the Authority, the ruling of the Chair of the Authority as to the construction or application of this Constitution shall be final at any meeting of the Authority.

1.5 Publication

The Clerk to the Authority will arrange for copies to be available for inspection at West Midlands Fire and Rescue Service Headquarters and at other appropriate locations and by publication on the Authority's official website. This Constitution is available electronically for public inspection via the Committee Management Information System (CMIS) on the Fire Service's website (www.wmfs.net) or at West Midlands Fire Service Headquarters, 99 Vauxhall Road, Birmingham, B7 4HW.

- (i) The Clerk to the Authority will give a copy of the relevant practical parts of this Constitution to each member of the Authority after that member has signed the Code of Conduct acceptance following their appointment.

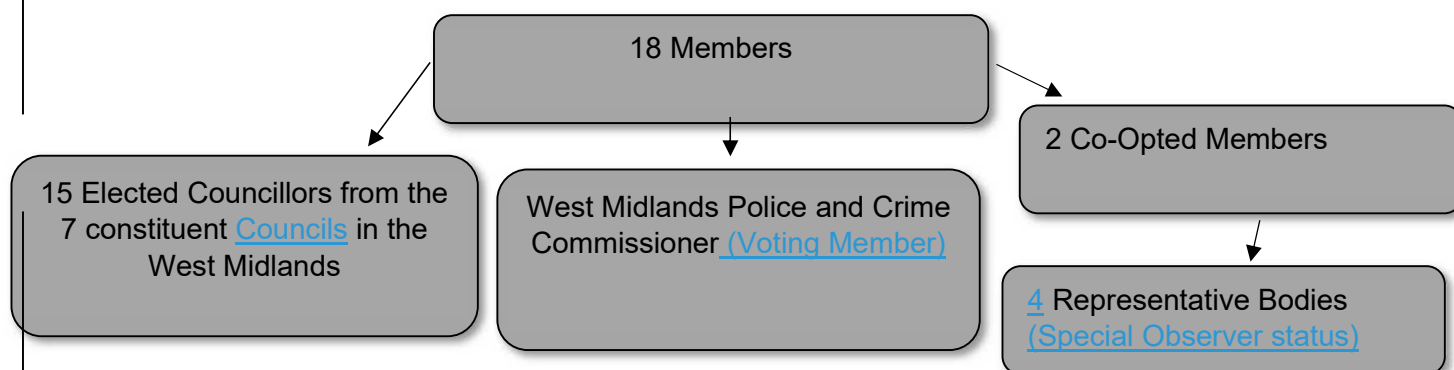
Your Chance to Comment

Should you have any queries or suggestions on the constitution, please send them to the address below:-

The Clerk or the Monitoring Officer to West Midlands Fire and Rescue Authority
99 Vauxhall Road
Birmingham
West Midlands
B7 4HW

Article 2 – Members of the Authority

2.1 Composition and Eligibility



- (ii) The constituent councils appoint members to the Authority at their annual meetings each year and in accordance with the provisions of the Local Government Act 1985. These appointments are made in the following proportions, which reflect the size of the population of each Council:-

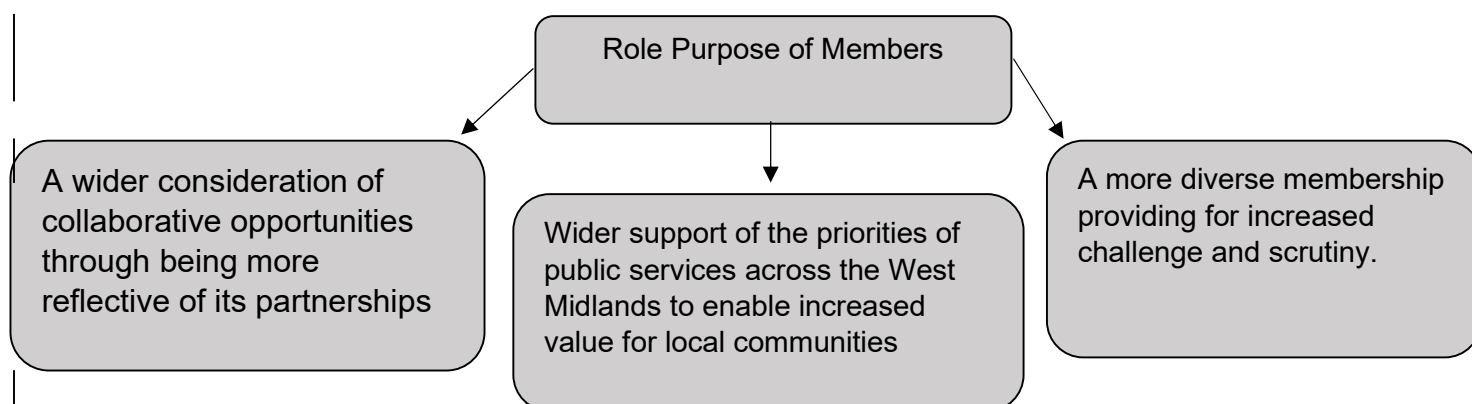
<u>Council</u>	
Birmingham	4
Coventry	2
Dudley	2
Sandwell	2
Solihull	1
Walsall	2
Wolverhampton	2

Each Council's appointments must also reflect its political make up, in accordance with the Local Government and Housing Act 1989.

- (iii) Members may be removed by their appointing council, subject to their council complying with the statutory requirements of the Local Government Act 1985 as to periods of notification etc.
- (iv) The Police and Crime Commissioner by virtue of the Policing and Crime Act 2017, Chapter 2, section 7 may only be appointed to the Authority in response to a request made by the

Commissioner to the Authority or, in the case of a subcommittee, to the appointing committee.

2.2 Roles and Functions of Members



All members are expected to:-

- (i) act corporately for the good governance of the Authority, balancing the needs of the whole community of West Midlands with their role of local representative;
- (ii) to actively represent, promote and support the work of the Authority in the provision of Fire and Rescue Services within the whole area and community of West Midlands;
- (iii) exercise good judgement when making decisions, with full consideration of relevant information, guidance and external factors.
- (iv) on a regular basis, to attend meetings of the Authority and any committees, sub-committees, fora or external bodies to which the member has been appointed and to fully participate in policy formulation and decision making including the development of strategic policies, determination of the budget and approving 'The Plan' in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
 - statutory and other legal requirements
 - the code of conduct for members
 - standing orders of the Authority
 - the member/officer protocol
- (v) represent the Authority throughout the West Midlands;

- (vi) if appointed by the Authority to an external body; to represent the interests of the Authority on that body;
- (vii) to be actively aware of all issues inside and outside of the Authority, relevant to the provision of fire and rescue services in order to fulfil a community leadership and representative function, working as necessary in partnership with other local organisations in order to effectively promote the safety and well-being of the whole community of West Midlands;
- (viii) to ensure they have appropriate skills and understanding to undertake their role by actively engaging in training and development to respond to the growing complexities and demands on fire and rescue services, to enable them to carry out their role to their full potential and to assist the Service in making West Midlands safer, as set out in the Member Development Strategy.

All members have a responsibility:-

- to ensure that the Fire Authority provides an efficient and effective fire and rescue service, taking into account the needs of all sections of the community.
- to contribute actively to the formation and scrutiny of the Fire Authority's policies, priorities, plans, targets, performance and budget.
- to ensure that the Fire Authority is an equal opportunities employer, and considers the needs of all sections of the community.
- to ensure that the Fire Authority delivers value for money.
- to develop and maintain a sound working knowledge of the Fire Authority's duties, policies and practices.
- to ensure the maintain appropriate skills, knowledge and understanding by participating in necessary development and training in accordance with the Member Development Strategy.
- to develop and maintain a working knowledge of the organisation's services, activities and other matters, which affect and impact on the local community.
- to comply with relevant protocols and codes of conduct.

- to participate effectively as a member of any committee or other body to which you are appointed by the Authority.
- to participate in performance review of the services provided by the Fire Authority, including scrutiny of policies and budgets and their effectiveness in achieving strategic objectives.
- to participate effectively in any consultative processes with the local community and with other organisations, as required.
- to encourage the community to participate constructively in consultative arrangements and service provision.
- to develop and maintain good and effective working relationships with the Fire Authority's Chair and Vice-Chair and relevant officers of the Fire Authority.
- to consider recommendations/options put forward by the Treasurer and Chief Fire Officer in relation to the Fire Authority's budget and precept and participate in the budget and precept setting process.

(ix) Co-opted members whilst not full voting members are expected to:

- Support the Authority in its actions promoting good governance of the Authority, balancing the needs of the whole community of the West Midlands
- Support and actively promote the work of the Authority in the provision of fire and rescue services across the whole of the West Midlands
- On a regular basis attend meetings of the Authority and any committees/sub committees they are appointed to.
- Promote Effective Collaboration
- At all times, act in accordance with the code of conduct and standing orders for the Authority where applicable
- Be actively aware of the issues internal and external relevant to the provision of services to promote a safer, stronger and healthier West Midlands Community.

2.4 Roles and Responsibilities of Designated Office Holders

The Chair and Vice Chair of the Authority will be elected by the Authority at its annual meeting.

Chair of the Authority

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the standing orders and procedural rules of the Authority as set out in Part 4 of this Constitution.

The Authority has approved a role description for the Chair, as follows:-

To provide overall political leadership and strategic policy direction to the Authority.

To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair any other meetings as required by the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take overall political responsibility within the Authority for:-

- The 3 year rolling Strategy and Annual Plan;
- Policy and budgetary strategy formulation;
- Local, regional, national and international issues;
- Health and Safety;
- The Authority's compliance with the Freedom of Information Act 2000;
- Corporate Risk Management;
- Community Risk Management Plan (CRMP) and Community Safety Strategy (CSS);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Diversity, Inclusion, Cohesion and Equality;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To oversee the efficient and effective conduct of business within the Authority and to work with other elected members on issues that cut across or fall within the terms of reference or portfolios of other members, Committees or Panels.

To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To ensure the involvement of local people and communities in the decision-making processes of the Authority, as necessary.

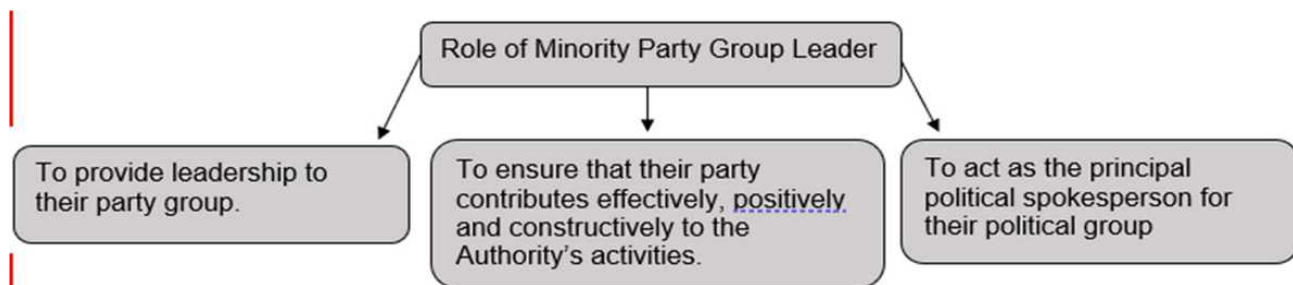
To champion the promotion and maintenance of high standards of conduct throughout the Authority.

To undertake [their](#) duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

2.4.2 Vice Chair of the Authority

The role of the Vice-Chair is to support the Chair of the Authority in discharging [their](#) roles and responsibilities and to deputise for the Chair in [their](#) absence.

2.4.3 Minority Party Group Leaders



2.4.4 Chairs of Committees



2.4.6 Section 41 Members

In addition to the responsibilities and competences set out in 2.4.5 members appointed as 'lead' members for their constituent council, under Section 41 of the Local Government Act 1985, will be required to answer questions put to them at meetings of their constituent council relating to the discharge of functions of the Fire and Rescue Authority.

2.4.7 Special Observers

In accordance with the agreed Memorandum of Understanding, three representatives from trade unions (one FBU, one FOA, one Unison and one FLA) will hold special Observer status that entitles them to attend and participate in the main Authority meetings and Policy Planning Forum. This arrangement doesn't impact upon the existing rights of all members of the public to attend public meetings of the Authority. This arrangement also does not negate the effect and the processes within the organisation's Employee Relations Framework.

The Chair of any meeting of the Authority may require a special Observer or named substitute to absent themselves from any meeting of the Authority at the Chair's discretion.

2.5 Rights and Duties of Members

2.5.1 Members will have such rights of access to such documents, information, land and buildings of the Authority as described in the Authority's Standing Orders in Part 4 of this Constitution.

2.6 Failure to Attend Meetings

- 2.6.1 Subject to the provisions of Section 85 Local Government Act 1972, any member failing to attend any meeting of the Authority or its committees for a period of six months ceases to be a member of the Authority, unless, within that period, the member's absence is approved by the Authority.
- 2.6.2 The Clerk/[Monitoring Officer](#) will monitor absences from meetings and, unless approval for any absence is given by the Authority, will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent council.

2.7 Conduct

- 2.7.1 Councillors will at all times be guided by the Members' Code of Conduct and the Protocol on Member/Employee Relations set out in Part 5 of this Constitution.

2.8 Allowances

- 2.8.1 Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Article 3 - Citizens and the Authority

3.1 Citizens' Rights

Citizens have the following rights:

3.1.1 Information – Citizens have the right to:

- i) Attend meetings of the Authority and public committees, except during items of business where confidential or exempt information is likely to be discussed or disclosed, in which case the meeting or that part of any meeting will be held in private to the exclusion of citizens.
- ii) Film, audio record, take photographs, blog or tweet authority meetings in accordance with (i) above.
- iii) See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its public committees.
- iv) Inspect the Authority's accounts and make representations to the external auditor about the content of those accounts.
- v) Request a permanent copy of any personal information held about them under the provisions of the Data Protection Act [2018](#), subject to any of the exemptions to disclosure contained in that Act applying.
- vi) Request information relating to Authority business under the provisions of the Freedom of Information Act 2000 and Environmental Information Regulations 2004, subject to any of the exemptions to disclosure contained within the respective legislation applying.

3.1.2 Participation and Consultation

- (i) The rights of citizens to speak at meetings of the Authority and its [public](#) committees shall be at the discretion of the Chair [presiding the meeting in question](#).
- (ii) The Authority has established arrangements for consultation for key areas of activity. [Please see Explanatory Guidance: 1 for example](#).

- (iii) Citizens can expect to be consulted on significant issues on either a local or authority-wide basis depending upon the nature of the matter and its relative effect on the community.

3.1.3 Complaints – Citizens have the right to complain to:

- (i) The Authority, under its Compliments, Comments and Complaints Policy.
- (ii) The Local Government Ombudsman after using the Authority's complaints scheme.
- (iii) The Monitoring Officer/Appointments, Standards and Appeals Committee about a breach of the Code of Conduct by any member of the Authority.

Please visit our Committee Management Information System (CMIS) for more detailed information relating to the Councillors and meetings of the Fire Authority. This [Link](#) will also give you access to all agendas, minutes and public reports since the Fire Authority's Annual General Meeting on 26th July 2004.

3.2 Citizens' Responsibilities

- 3.2.1 Citizens are expected to conduct themselves in a reasonable manner and must not be violent, abusive or threatening to members or officers or damage Authority owned property. Citizens should behave with due respect for the rights and opinions of others and have respect for the procedural decisions on conduct and behaviour made by the Chair of any meeting.

Article 4 – Decision Making

4.1 Responsibility for Decision Making

4.1.1 Responsibility for decision making by the Authority, its committees, and officers is in accordance with Articles 4 to 12 of this constitution and the Officers' Scheme of Delegations set out in Part 3 of this constitution which together comprise the record of responsibility for decision making.

4.2 Principles of Decision Making

4.2.1 All decisions of the Authority will be made in accordance with the following principles:

- be within the lawful powers of the Authority;
- proportionality (i.e., the action taken is proportionate to the desired outcome);
- be aligned to the decision-making definitions set out in this article.
- Decisions are taken with due consultation and professional advice from officers and statutory officers (Decision making by members of the Authority will be supported by information provided in a written report prepared by the responsible officer/s)
- respect for human rights;
- a presumption in favour of openness (Reports will only be considered in private where they contain exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) (see Part 4 Access to Information Rules – Rule 11);
- clarity of aims and desired outcomes (The written reports submitted to elected members will contain a clear recommendation of the professional officer for every decision they are asked to take).

4.3 Types of Decisions

4.3.1 The Authority will make Governance and Political decisions aligned to the following definitions:

Governance Decisions are those which:

- take into account the whole environment the Service operates within both internally and externally (save for political matters)

- provide a framework of wider community focused outcomes, which meet the priorities and commitments of the integrated risk management plan.
- are high level in design and provide direction for what ‘needs’ to be achieved as outcomes, but do not include the detail of ‘how’ to achieve them.

Political Decisions are those which:

- are based on the policies, objectives, stated aims and ambitions or activities of a political party to which an individual belongs
- represent the interests of their electorate

4.3.2 The Authority recognises the operational independence of the Chief Fire Officer. Operational decisions are those taken by the CFO and Officers in delivering against the strategic agenda set by the Authority. These decisions are taken independently and in line with the Scheme of Delegations. The CFO and Officers are accountable for operational decisions aligned to the following definition:

Operational Decisions are those which:

- operate within the strategic and governance framework provided by the Authority (see explanatory note)
- direct and detail ‘how’ the strategic priorities and outcomes are achieved to meet the priorities of the Community Risk Management plan (CRMP)
- manage resources (people, finance, fleet, assets) in the most appropriate way to achieve the priorities of the CRMP and strategic priorities, but do not represent a reduction that leads to a significant change to the CRMP or strategic priorities such as the closure of fire stations or the permanent reduction of fire appliances.
- are aligned to the role of the Head of Paid Service and the CFO as set out in the constitution and appropriate legislation

Decisions relating to the functions listed in Article 4 will be made by the Authority and not delegated.

4.4 **Decision Making by the Authority and its Committees**

4.4.1 The Authority and its committee meetings will comply with the Authority’s procedural rules and Standing Orders set out in Part 4 of this constitution when considering any matter.

4.4.2 The Fire Authority will be asked by officers to ‘note’ or ‘approve’ recommendations.

Recommendations to ‘**note**’ will be where:

Decisions fall within the delegations and financial thresholds of officers as set out in Articles 5 and 6, and Part 3 section of this constitution and are centred on the delivery of an agreed Authority strategy.

Recommendations to ‘**approve**’ will be where:

Decisions are outside of the delegations and financial thresholds of officers and/or are decisions which will require a review if the Authority’s strategy.

4.5 Decision Making by Officers

4.5.1 The CFO and officers have full accountability to make decisions on all matters relating to the administration of the Authority’s functions under the Fire and Rescue Services Act 2004 and any other enabling legislation. This shall include taking and implementing decisions that are:

- Defined as the role of the CFO as set out in section Article 5, section 5.2,
- Defined as ‘operational decisions as set out in Article 4, section 4.3.3 (and explanatory guide) and
- aligned to the Scheme of Delegations set out in this constitution.

Article 5 – Roles and Functions of Officers

5.1 Management Structure

5.1.1 The Authority may appoint such staff (officers) as it considers necessary to carry out its functions.

5.2 Chief Fire Officer

5.2.1 The Chief Fire Officer ([CFO](#)) will engage appropriately with the Authority on the manner in which the discharge of the Authority's functions are coordinated.

[5.2.2](#) The role of the CFO will:

- provide professional, technical advice, so that FRA members can take strategic policy decisions from a well informed and evidence-based position
- implement the strategic decisions that members have taken in an efficient, effective and timely manner
- report progress on implementation of the strategy and the extent to which they are achieving their intended objectives.

[5.2.3](#) The CFO will:

- have the professional knowledge and understanding to ensure that services can be delivered to the most vulnerable within the community they serve.
- be accountable to the Authority and communities for ensuring the delivery of the roles set out in this legislation in a safe, assertive and effective way as set out in the Fire and Rescue Service National Framework.
- be 'operationally independent', which enables the CFO to make financial, staffing, workforce development and resource-based decisions regarding the ongoing operation of the Service. These decisions will be made aligned to the operational decision-making definition set out in Article 4 and Scheme of Delegations and will support the delivery of the Authority approved Strategy.
- be politically independent and therefore it is not the role of the CFO or officers to provide advice on political decisions or align any professional and technical advice to political matters.

5.2.4 This area of responsibility and accountability will be conducted in line with the CFO accountabilities as set out in the Scheme of Delegations (Part 3).

5.2.5 Head of Paid Service

In accordance with the Local Government in Housing Act 1989 (part 1, section 4) local authorities are required to designate one of their officers as the head of paid service. The Chief Fire Officer is the Head of Paid Service for the Authority.

The functions of the head of paid service is to engage appropriately with the Authority as to the discharge of the Authority's functions. Legislation defines this as setting the staffing structure, appointment, and proper management of staff. This area of responsibility and accountability will be conducted in line with the CFO accountabilities as set out in the Scheme of Delegations (part 3) and operational decision-making definitions set out in Article 4.

5.3 Deputy Chief Fire Officer

5.3.1 The Deputy Chief Fire Officer will deputise for the Chief Fire Officer in their absence.

5.4 Assistant Chief Fire Officer(s) (uniformed)

5.4.1 The Authority has designated Assistant Chief Fire Officer(s) as set out in Part 7 of this Constitution.

5.5 Clerk to the Authority

The Authority has appointed a Clerk to [act on behalf of](#) the Authority.

5.5.1 The functions of the Clerk are to:

- Oversee the effective management of the Authority's democratic services
- Advise officers and members of the proper operation of the Authority aligned to this constitution, Committees, and other forums.
- Sign and/ or seal documents (including via a suitably secure e-signature system) on behalf of the Authority.
- To support the monitoring officer in the maintenance of the constitution, maintaining the Statutory Register of Members interests and Register of Gifts and Hospitality.

- Undertaking the development, review and administration of the Members Allowances Scheme, in accordance with the Local Authorities (Members' Allowances) Regulations 2003.

5.6 Monitoring Officer

In accordance with the Local Government and Housing Act 1989 the Authority has appointed a Monitoring Officer.

5.6.1 Functions of the Monitoring Officer: -

- Maintaining an up-to-date version of the constitution and ensuring that it is available for inspection by members, staff and the public.
- Appointment and replacement of members on the Authority under the procedures set out in the Local Government Act 1985.
- Maintaining the Statutory Register of Members' Interests and the Register of Gifts and Hospitality under the Authority's Code of Conduct and advising on members' interests as appropriate.
- Assisting the Authority in meeting its obligations under Freedom of Information and Data Protection legislation as required.
- Ensuring lawfulness and fairness of decision-making - After consulting with the Treasurer and the Chief Fire Officer, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which, in their view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- Supporting the Standards Committee and contributing to the promotion and maintenance of high standards and support the Standards Committee in dealing with any allegations of misconduct.
- Conducting investigations into matters referred to him/her into complaints made against members of the Authority and/or (providing no conflict arises) provide or arrange for the provision of legal advice to the Standards Committee.
- Ensuring that the requirements of the Local Government Act 1972, as amended, will be met in relation to the publication of relevant committee reports, background papers and decisions

and that they will be made publicly available (subject to any restrictions on disclosure) as soon as possible.

- Providing advice on the scope of the powers of the Authority and its committees and officers to take decisions and in connection with matters involving maladministration and probity.

5.6.2 The Monitoring Officer cannot be the Chief Finance Officer.

5.7 Treasurer

In accordance with Section 73 of the Local Government Act 1985, the Authority has appointed a Treasurer.

5.7.1 Functions of the Treasurer

- Ensuring lawfulness and financial prudence of financial decision making - After consulting with the Clerk and the Monitoring Officer, the Treasurer will report to the Authority and to the Authority's external auditor, if he/she considers that any proposal decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- Administration of financial affairs of the Authority.
- Contributing to corporate management, in particular, through the provision of professional financial advice.
- Providing advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its committees, members and officers and will support and advise members and officers in their respective roles.

5.7.2 Duty to provide sufficient resources to the Monitoring Officer and the Treasurer

The Authority has a duty to provide the Monitoring Officer and the Treasurer with sufficient resources to allow their duties to be performed.

5.8 Conduct

Officers will comply with the [Service's](#) Code of Conduct [policy](#).

5.9 Employment

The recruitment, selection and dismissal of officers will comply with Part 6 of the Authority's Standing Orders regarding Appointment, Dismissal and Disciplinary Action set out in Part 4 of this constitution.

Article 6 - The Authority

6.1 Legal Structure/Delegations

6.1.1 The Authority is a corporate body with the legal responsibility for making decisions about all matters concerning the functions, powers, duties and responsibilities of the Authority, which are invested in it by statute and/or common law. The Authority has delegated a range of decisions about various matters to committees and officers as set out in this constitution but has otherwise reserved powers to itself. The exercise of any delegated powers and decision making by committees appointed by the Authority and described in this constitution shall be subject to:-

- (i) statutory or legal requirements;
- (ii) standing orders and financial regulations of the Authority;
- (iii) strategic and corporate policies adopted by the Authority and/or any directions given by the Authority in relation to the exercise of delegated functions.

6.1.2 No delegation which may be given by the Authority shall preclude the reference of matters by a committee to the Authority, nor preclude the Authority from exercising any powers so delegated except, where action has already been taken pursuant to a resolution of a committee under its approved terms of reference and delegated Authority.

6.1.3 To manage these responsibilities the role of the Authority as a governing body, aligned to [relevant](#) legislation , is to:

- set a strategic agenda/plan for what the Fire Service priorities and outcomes are – what it should achieve.
- set a budget to fund delivery of that strategic agenda/plan.
- [secure](#) assurance that the budget is being spent wisely on delivering the strategic agenda set by the authority, with ‘public safety’, ‘efficiency’ and ‘effectiveness’ as priorities.

6.2 Matters Reserved to the Authority

Only the Authority will exercise the following functions:-

6.2.1 Governance:

- (i) Appointment of committees and panels, their terms of reference, appointment of chairs and vice chairs, Section 41 members and appointments to other bodies.
- (ii) Approval and variation of Authority procedural Standing Orders, procurement standing orders and Financial Regulations and any other standing orders/procedures/protocols deemed, by the Chair, to be reserved to the Authority.
- (iii) Approval of the Members' Allowances Scheme.
- (iv) Establishment of a Standards Committee and appointment of the independent person(s) appointed in pursuance of Section 28 of the Localism Act 2011.
- (v) Overview of corporate governance and the regulatory framework [delegated to Audit and Risk Committee].
- (vi) Overview of the progress of governance arrangements in relation to the formation of 'significant' collaborative working and/or, shared service delivery arrangements being implemented by Officers.

Please see Explanatory guidance: 2 to define significant collaborations.

(vii) To ensure compliance in the management and administration, through the Audit and Risk Committee, of the Pensions Board.

6.2.2 Setting the Strategic (agenda) Plan:

Aligned to the Authority's 'governance' decision making definitions, ensure that the Service delivers an effective and efficient fire and rescue response service underpinned by prevention and protection activities through the:

- i. Approval of any Community Risk Management Plan (CRMP) consultation prepared and proposed by the CFO on, at least, a 3-year rolling basis

- ii. Approval of the Community Risk Management Plan (Community Safety Strategy) and the Authority's 3-year Strategy as prepared and proposed by the CFO on at least an annual basis, to enable implementation over years 2 and 3

A 3 rolling year strategy provides a strategic vision over this period where agreement can be reached in year 1 for what can be delivered over years 2 and 3. An understanding of risk through the CRMP is considered against the expectations of the Medium-Term Financial Plan to enable realistic planning.

This approach supports continuous engagement between officers and Authority Members in delivering against the current year objectives through PPF. This then enables the Strategy to be a responsive to change when refreshed on at least a 12-month basis and/or where there are changes in risk.

- iii. Approval of any fundamental changes to the Authority's CRMP and/or 3-year Strategy arising from any significant matters as prepared and proposed by the CFO. [\(Please see explanatory guidance:3 for significant definition\).](#)
- iv. Assurance of the delivery of the 3-year Strategy and budget in meeting the CRMP via the role of the Scrutiny Committee as defined in Article 9 and Audit and Risk Committee as defined in Article 10

The above responsibilities of the Authority provide the Chief Fire Officer, as Head of Paid Service, with the necessary framework in which to independently lead the Service, set its direction and culture and make 'operational' decisions regarding the operation of the Service to deliver the approved Authority Strategy. This is further defined in 'Scheme of Delegations'

The Authority will approve the priorities, to be included in the Plan for the following financial year at the February meeting of the Authority. Following Authority approval, the Chief Fire Officer will, via [their](#) Scheme of Delegations, ensure the appropriate and flexible allocation of [resources](#) to meet the needs of local communities and enable the delivery of The Plan, based on analysis of risk and best use of the resources available to him/her. Through Officer and Member engagement there will be regular awareness built through PPFs of ongoing performance against the Strategy.

6.2.3 Budget setting and land matters

- i. Capital and revenue budget setting including setting the precept and budget monitoring.
- ii. Approval of expenditure that exceeds that included in approved revenue or capital budget.
- iii. Approval of expenditure exceeding £250,000. [except in relation to urgent operational matters, when such expenditure may be approved as a Matter of Urgency or where necessary approved retrospectively.](#)
- iv. Approval of the accounts and the Annual Governance Statement (delegated to the Audit and Risk Committee).
- v. Acquisition and disposal of land and property where not otherwise delegated to the Chief Fire Officer.
- vi. Overview of internal and external audit functions [delegated to Audit and Risk Committee].
- vii. Matters reserved to the Authority under financial regulations and procurement standing orders including approving:-
 - [viii.](#) The procurement process in respect of tenders with value in excess of £250,000
 - [ix.](#) The award of contracts valued in excess of £100k where it is proposed to accept a tender other than the lowest price, or where there is no budget provision, or in any case where the Committee has reserved the right to approve the award of a contract;
- x. Approval of commissioning arrangements in excess of £250,000;
- xi. Virement in excess of £250,000;
- xii. Approval of sponsorship arrangements in excess of £250,000, which support the delivery of the Authority Strategy.
[Please see Explanatory Guidance: 4 for further guidance.](#)
- xiv. Overview of the Authority's risk management strategy as defined in the Financial Regulations [delegated to Audit and Risk Committee].

6.2.4 Human Resources

- i. Approval of the staffing structure and pay and conditions of service for principal and statutory officers.
- ii. Appointment of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officers [delegated to Appointment, Standards and Appeals Committee] in line with the processes set out within Part 6 of the Standing Orders.
- iii. The appointment of the Clerk, Monitoring Officer and Treasurer in line with the processes set out within Part 6 of the Standing Orders.
- iv. Discipline and dismissal of the Chief Fire Officer, Clerk, Monitoring Officer and Treasurer in line with the processes set out within Part 6 of the Standing Orders.
- v. to hear and decide upon appeals by the Deputy Chief Fire Officer, and Assistant Chief Fire Officer against dismissal or other disciplinary action [Appointments, Standards and Appeals Committee] in line with the processes set out within Part 6 of the Standing Orders.
- vi. [To decide upon any proposed Special Severance Payments over £100,000, in line with *Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England*. In accordance with that statutory guidance, any such decision to be made in consultation with the S151 Officer \(Treasurer\) and Monitoring Officer.](#)
- vii. Deciding appeals under the firefighter pension schemes and the local government superannuation regulations [Appointments, Standards and Appeals Committee].

6.2.5 Generally

Any other matters which must by law be reserved to the Authority.

(a) Authority Meetings

There are three types of Authority meeting:-

- (i) The annual meeting
- (ii) Ordinary meetings

- (ii) Extraordinary meetings - These meetings will be conducted in accordance with the Authority's Standing Orders set out in Part 4 of this constitution

(b) Quorum

Seven Members who are eligible to vote shall form the quorum of the Authority. No business shall be transacted at any meeting of the Authority unless a quorum is present.

Article 8 – Collaboration and Transformation Committee

8.1 The Authority has established a Collaboration and Transformation Committee of seven members, with a quorum of three members who are eligible to vote.

8.2 Role and Functions:-

- To support the Fire Authority's role and responsibility with regards to:

The strategic development and assurance of transformational collaborative working agreements (up to implementation) aligned to the 'Duty to Collaborate' (Policing and Crime Act 2017) and/or the delivery of the Authority' Strategy, The Plan.

- To review the strengths, weaknesses and opportunities of strategic collaboration work between the service and regional partners.
- To receive updates on digital innovations and strategic collaborations with other organisations.

8.3 Findings and recommendations of the Collaboration and Transformation Committee are to be submitted to the Authority by the Chair of the Collaboration and Transformation Committee.

8.4 To submit its minutes to the Authority.

Article 9 - Scrutiny Committee

9.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives. The committee ensures that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

9.2 Effective scrutiny frameworks will be in place for both the scrutiny of strategic policy, as well as performance. Aligned to the role of the Fire Authority and CFO as set out in articles 4 and 5 of this constitution, the scrutiny function should scrutinise decisions made or to be made, on the basis of 'public safety' aligned to the following definitions:

Pre scrutiny enables changes proposed to strategic policy decisions to be scrutinised. These are decisions which if implemented, would change the strategic priorities and outcomes agreed by the Fire Authority (for example, matters contained in Authority 'forward plan' for approval). Pre scrutiny can:

- i) Inform policy development and/or
- ii) Hold the Authority to account

Post scrutiny enables the Fire Authority to seek assurance around operational decisions already made by the CFO and other officers in the delivery of strategic priorities and outcomes (for example: training, partnership working). Post scrutiny can:

- i) Scrutinise performance of specific issues and/or
- ii) Hold officers to account

9.3 Role and Functions: -

- To carry out scrutiny reviews selected by the Committee, with appropriate consideration of committee and officer capacity and cost. Such reviews will be member-led, and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority.
- To track and monitor the implementation of review recommendations that are accepted by the Authority.

- To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.
- To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.
- To receive and scrutinise performance information including progress against the Community Risk Management Plan and 'The Plan', the objectives and priorities and corporate performance indicators and review performance targets.
- To review and scrutinise strategic performance information of the Shared Fire Control on a bi-annual basis.
- To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality and diversity throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.
- To monitor and scrutinise as appropriate the Authority's HR policies.
- To monitor and scrutinise sickness levels, promotion policies and employee exit information.
- To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.
- To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.
- To deal with any matters referred to it by the full Authority, the Policy Planning Forum, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.
- To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.
- To submit its minutes and an Annual Report to the Authority.

9.4 In order to allow for separation of the Scrutiny and decision-making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

9.5 The Committee will sit in public with minimum exceptions.

9.6 In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

9.7 Three Members who are eligible to vote shall form the quorum of the Committee. No business shall be transacted at any meeting of the Authority unless a quorum is present.

Article 10 – Audit and Risk Committee

- 10.1 The Authority has established an Audit and Risk Committee comprising five members, selected in accordance with current proportionality requirements with a quorum of [three](#) members.
- 10.2 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee:
- 10.2.1 The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and overseeing the Authority's financial reporting process.
- 10.2.2 The appointment is reviewed on a three-year basis.
- 10.3 Role and Functions: -

Statement of purpose

Our Audit and Risk Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit and Risk Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve the risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

To provide free and unfettered access to the Audit and Risk Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

External Audit

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the Authority's auditor panel as appropriate.

Financial Reporting

To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose [and provide an annual report on the work of the Committee and submit its minutes to the Authority.](#)

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the fire fighter pension scheme.

Pensions Board

The pensions board assists the Audit and Risk Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.

To submit its minutes and Annual Report to the Audit and Risk Committee.

Article 11 – Appointments, Standards and Appeals Committee

11.1 The Authority has established an Appointments, Standards and Appeals Committee under which allegations of breach of the member Code of Conduct can be investigated and decisions on allegations can be made. The Appointments, Standards and Appeals Committee also operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters and the appointment of Principal Officers.

11.2 The Appointments, Standards and Appeals Committee comprises seven members and at least one independent person in accordance with current proportionality requirements and to represent each of the seven constituent authorities, with a quorum of [three](#) Members.

11.3 Standards Role and Functions: -

- To promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Authority.
- [To assist members and co-opted members of the Authority to observe the Authority's Code of Conduct and Code of Ethics for Members and Co-opted Members.](#)
- [To support Authority to deliver against its responsibilities within Fire Standards as published by the Fire Standards Board.](#)
- To advise the Authority on the adoption or revision of a Code of Conduct [and Code of Ethics](#) for Members and Co-opted Members.
- To monitor the operation of the Authority's Code of Conduct [and Code of Ethics](#) for Members and Co-opted Members.
- To advise, train or arrange for training for members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct [and Code of Ethics](#) for Members and Co-opted Members.
- [To assist members and co-opted members of the authority to participate in the Member Development Strategy.](#)
- [To determine, monitor and revise the Member Development Strategy.](#)

- To determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Standards Committee under those arrangements.
- To appoint Sub-Committees with delegated power to consider investigation reports and to conduct hearings on its behalf (including the imposition of sanctions).
- To grant dispensations to members and co-opted members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

11.4 Appointments Role and Functions: -

- To make the appointments of the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer(s).
- To make an appointment to act up to the post of Chief Fire Officer.
- Following the consideration of a grievance, in respect of the CFO, by the Monitoring Officer and the appropriate application of the procedure set out in the relevant scheme of conditions, in line with the [Prospect Fire Leaders Association \(FLA\)](#) guidance and authority standing orders:
 - To consider any appeal arising by way of a review of the previous decision
- To hear and decide upon appeals by the Deputy Chief Fire Officer and Assistant Chief Fire Officer against dismissal or other disciplinary action.
- To oversee, consider and where appropriate make a recommendation to the Authority on dismissal in respect of the Chief Fire Officer, following the appropriate application of the procedure set out in the relevant scheme of conditions, in line with [FLA](#) guidance and Authority Standing orders
- Pursuant to Section 28(7) of the Localism Act 2011, to shortlist and interview candidates for appointment as independent person of the Standards Committee, and to make a recommendation to the Authority as to the person/s to be appointed.

11.5 Appeals Role and Functions: -

To hear and decide upon: -

- Appeals under the Firefighters Pensions Schemes, and the Firefighters Compensation Scheme.
- Appeals under the Local Government Superannuation Regulations.
- An appellant may attend a meeting of the appeals panel where their appeal is being heard.
- To exercise any functions which the Authority may consider appropriate from time to time.
- To meet at least annually and as and when appropriate.
- To submit an Annual Report to the Authority if significant activities are conducted in relation to its role.

Article 14 – Finance, Contracts and Legal Matters

14.1 Financial Management

14.1.1 The management of the Authority's financial affairs will be conducted in accordance with Financial Regulations set out in Part 4 of this constitution.

14.2 Contracts

14.2.1 Contracts made by the Authority will comply with the Procurement Procedures set out in Part 4 of this constitution.

14.3 Legal Proceedings

14.3.1 The Monitoring Officer, are authorised to institute, defend or [settle](#) any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where he/she considers that such action is necessary to protect the Authority's interests.

14.4 Authentication of Documents

14.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Clerk to the Authority, following advice where required from the Monitoring Officer or a nominated deputy. The Procurement Procedures and associated standing orders of the Authority in relation to contracts, set out in Part 4 of this constitution, make further provision in relation to formal processes involving the award of contracts.

West Midlands Fire and Rescue Authority

Scheme of Delegations

This scheme grants powers to officers to exercise powers and carry out duties of the Authority under various statutes, orders, regulations and byelaws and at Common Law.

The scheme should be read in conjunction with the Matters Reserved to the Authority, as set out in Article 6 and will be reviewed at each annual meeting of the Authority and otherwise as necessary. Paragraph 33 of the Authority's Procedural Standing Orders also applies to the scheme of delegation.

1. Conditions of Delegations

- 1.1 It is the duty of officers to whom the exercise of powers is delegated to keep members of the Authority informed of activity arising within the scope of the delegated powers given to them, [especially where it may be of particular political, media or public interest](#).
- 1.2 In exercising delegated powers, officers shall consult with each other as appropriate in the circumstances and shall have regard to any advice given.
- 1.3 It shall always be open to an officer to seek authority or guidance from the Authority (particularly Statutory Officers) and to elect not to exercise delegated powers; or to consult with members on the exercise of delegated powers, [especially where their use may they may be of particular political, media or public interest](#).
- 1.4 The exercise of delegated powers by an officer shall be in accordance with: -
 - (a) The policies of the Authority and its decisions from time to time;
 - (b) The Authority's Standing Orders and Financial Regulations.
- 1.5 A written record will be kept of all [decisions](#) taken under delegated [Authority](#).

2. Powers not to be delegated

- 2.1 This Scheme does not delegate: -

- (a) Any matter reserved to the Authority.
- (b) Any matter that must not by law be delegated to an officer.

2.2 Powers should not be delegated

- 2.2.1 Where to do so would effectively result in the officer making a decision reviewing their own decision in relation to pension and disciplinary matters.
 - 2.2.2 Where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force.
 - 2.2.3 In respect of action constituting the appointment or dismissal of the Chief Fire Officer, the Clerk, Monitoring Officer or the Treasurer; appointment of the Deputy Chief Fire Officer or Assistant Chief Fire Officer; or the determination of appeals against dismissal or other disciplinary action in respect of the Deputy Chief Fire Officer or the Assistant Chief Fire Officer(s).
 - 2.2.4 Where to do so would result in the Authority incurring expenditure for which no budgetary provision exists within the budget heads for which the officer proposing to exercise delegated powers is responsible.
- 2.3 No officer other than the Treasurer (S151 Officer) shall have the power to write off debts due to the Authority.
- 2.4 The term "officer" means the holder of a post named as having delegated powers or duties under this scheme.

3. Delegations to the Chief Fire Officer

As Head of Paid Service and aligned to the definition of operational decision making described in Article 4, and the role of the CFO described in Article 5, the CFO will be responsible for the direction, culture, delivery and management of the service, within the Authority's approved strategy. More specifically the CFO has responsibility for;

Strategic

- 3.1 Delivering against the requirements of the Fire and Rescue Services Act 2004, Fire Service National Framework, Regulatory Reform Order 2005, Civil Contingencies Act 2004 and all other relevant or superseding legislation.

- 3.2 The determination of the staffing structure, the direction and leadership of staff and services and the culture of the Service.
- 3.3 The preparation of the Community Risk Management Plan (CRMP) and the Strategy, and their implementation following Authority consideration and approval.
- 3.4 The preparation and proposal of an annual budget with the Treasurer (S151 Officer) or Authority consideration and approval, to enable effective and efficient delivery of the approved Strategy.
- 3.5 The management and allocation of finances, assets and fleet to support the most effective staffing structure and delivery of services within the Authority's approved Strategy.
- 3.6 The setup, development and progression of collaborative partnerships and sponsorship arrangements to enable the delivery of the Authority's approved Strategy
- 3.7 The appointment and dismissal of all Service staff (with the exception of Brigade Managers and Statutory Officers).
- 3.8 Managing all staff and staffing structures and decide on personnel issues in line with agreed Authority policies.
- 3.9 Ensuring that nationally and locally agreed conditions of service are properly implemented in line with agreed Authority policies.
- 3.10 After consultation with the Treasurer (S151 Officer), authorising the implementation of any nationally agreed pay award in respect of all employees, subject to any element of discretion being referred to the Authority for consideration.
- 3.11 Varying the grading of individual posts up to (but not including) Assistant Chief Fire Officer (including progression within and between grades), having regard to the national Job Evaluation Scheme.
- 3.12 Determining acting-up arrangements in respect of vacancies occurring at Deputy Chief Fire Officer and Assistant Chief Fire Officer level, subject to regular review in accordance with the Authority's employment policies.
- 3.13 In line with *Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England*, Determining Special Severance Payments of between £20,000 and

£100,000 with the agreement of the Chair of the Authority and in consultation with the Treasurer (S151 Officer) and Monitoring Officer. Where such a payment is to be made to the Head of Paid Service/Chief Fire Officer, the payment should instead be approved by a panel including at least two independent persons.

3.14 Determining Special Severance Payments of below £20,000 in line with service policy.

3.15 Ensuring that the Fire Authority's employment policies and procedures are based on best practice guidance and are properly applied and enforced.

Finance, Assets and Estate

3.16 Undertaking all matters of day-to-day financial administration for the Service, in accordance with the Standing Orders and Financial Regulations of the Authority.

3.17 Approving virement on budgets under their control of amounts up to £250,000 on any one budget head during the year, subject to consultation with the Directors affected by the virement and notification to the Treasurer and in accordance with the scheme of virement set out in the Financial Regulations.

3.18 Approving sponsorship arrangements up to £250,000, subject to consultation with the Chair of the Authority.

3.19 Managing and maintaining land and property on a day-to-day basis, whether owned or leased, including determining requests received for the use of the Authority's premises and to waive or vary charges in appropriate circumstances or in circumstances where this is beneficial to the Authority. -

3.20 Authorising disposal or write off of redundant stocks and equipment by competitive quote or auction unless, following consultation with the Treasurer (S151 Officer).

3.21 Disposal of scrap or old/obsolete items of stock or equipment in accordance with procurement standing orders unless otherwise agreed with the Treasurer (S151 Officer), and where the estimated value exceeds £10,000, disposal is to be by tender.

- 3.22 Approving requests for items of obsolete equipment and uniform to be donated overseas or in the UK [excluding fire appliances, which will be disposed of on the open market].

Enforcement

- 3.23 To exercise all the powers of the Authority as an enforcement authority under relevant legislation, without prejudice to the generality of this position he/she may in particular:

3.21.1 Authorise the commencement of criminal proceedings (after consultation with the Monitoring Officer to the Authority) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake.

3.21.2 Take appropriate action on behalf of the Authority under the Regulatory Reform (Fire Safety) Order 2005.

3.212 Designate persons as Inspectors under Article 26 of the Fire Safety Order 2005 and the Health and Safety at Work Act 1974.

3.21.3 Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order 2005.

3.21.4 Take appropriate action on behalf of the authority to meet the requirements of the Building Safety Act 2022.

Pensions

- 3.24 Making determinations, in consultation with the Treasurer (S151 Officer) and the Chair of the Authority, in relation to discretionary elements of the Local Government Pension Scheme/ Firefighters Pension Scheme and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.

- 3.25 Hearing disputes under the first stage of the Internal Disputes Resolution Procedure, which have been lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.

Governance

- 3.26 Implementing and maintaining an officers register of interests in accordance with the Authority's Code of Conduct for Officers.
- 3.27 Issuing any certificate required under Section 3 of the Local Government and Housing Act 1989 and to determine whether posts should be included in the list of politically restricted posts; and to maintain the list of politically restricted posts.

Trades Unions

- 3.28 The engagement with recognised trades unions through the agreed Employee Relations Framework.
- 3.29 To seek repudiation from trades unions of any industrial action that does not comply with the legal process set out in the Trades Union and Labour Relations (Consolidation) Act 1992; in consultation with the Treasurer (S151 Officer), to take such measures to mitigate risk to the community in the event of a firefighters' strike or any type of industrial action by Authority employees and to report such action and associated expenditure to the Authority; and to pursue the recovery of actual and necessary expenditure on contingency arrangements.

Delegation

- 3.30 The CFO (and in their absence the Deputy Chief Fire Officer) may further delegate to any other competent officer as appropriate.

4 Delegations to Monitoring Officer

- 4.1 To act as the Proper Officer for the purposes of the Local Government (Access to Information) Act 1985 and the Local Government and Housing Act 1989, Section 15 (proportionality on committees).
- 4.2 To act as Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989 with all powers and duties under the Act.
- 4.3 To take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning legal advice to and

representation of the Authority and incur expenditure in connection therewith.

4.4 To institute on behalf of the Authority such proceedings or to take such other steps as he/she may consider necessary to:-

4.4.1 Secure the payment of any debt;

4.4.2 Recover possession of any land;

4.4.3 Enforce the performance of any obligations due to the Authority and to take such steps as he/she may consider necessary to enforce any judgment or order obtained in any such proceedings after consultation with the Chair of the Authority.

4.5 To take any necessary action to give effect to, or carry out any decision of the Authority, or the Chief Fire Officer acting under [their](#) delegated powers, with regard to the acquisition or disposal of land and premises, the management of leasehold land and premises [including the letting, underletting, licensing, re-letting and surrender of land, property or facilities under the control of the Authority for up to ten years with rent reviews at five-yearly intervals, management of tenancies of residential properties, the grant of rights of way, wayleaves and easements, consents to assign and alteration and variation of user]

4.6 To enter a defence to any claim brought against the Authority.

4.7 To authorise any person to appear on behalf of the Authority in any court, tribunal or inquiry on any matter relating to the business of the Authority.

4.8 The above powers may be delegated to a solicitor other than the [Authorities Monitoring Officer](#). [KT1]

5 Delegations to the Clerk to the Authority

In line with section 4 above and specifically 4.6 above:

5.1 To execute and issue all legal documents (including all contracts) necessary to implement decisions made by the Authority or its Committees or officers in pursuance of delegated powers, except where another officer has been authorised to take such action or the Monitoring Officer has authorised him/her to do so.

- 5.2 To act on behalf of the Authority in the formal and final signing of contractual documents, signing and/or affixing, where necessary, the Authority's common seal to documents. [This can include via a suitably secure electronic signature system.](#)
- 5.3 To enable notification to the Monitoring Officer and Chair of the Authority of organisational changes which will require their engagement at an early stage prior to reporting to the Authority.
- 5.4 To ensure the maintenance of effective and proactive work relationships between the Chief Fire Officer and Statutory Officers in line with this Constitution.
- 5.5 [To implement and maintain a register of interests in accordance with the Authority's Code of Conduct for Members.](#)

6 Delegations to the Treasurer

- 6.1 To act as the officer responsible for the administration of the Authority's financial affairs in accordance with Section 73 of the Local Government Act 1985.
- 6.2 To write off as irrecoverable individual items of general income up to and including £5,000 in accordance with the provisions of the Financial Regulations.
- 6.3 To make determinations relating to capital expenditure required in any particular year in accordance with the Local Government Act 2003.
- 6.4 To determine the accounting procedures and audit arrangements for the Authority.
- 6.5 [To award tenders and agree extensions and variations of contracts and exemptions in accordance with Standing Order 1/8 \[procurement procedures\] except where decisions are reserved to the Fire Authority of the Authority.](#)
- 6.6 [To approve the procurement process in respect of tenders with value of up to £250,000.](#)

7. Delegations to miscellaneous officers

Fire safety officers

- 7.1 To undertake fire safety inspections under the Regulatory Reform (Fire Safety) Order 2005 on behalf of the Crown Property Inspection Group.

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WEST MIDLANDS
FIRE AND RESCUE AUTHORITY

Item 14

**STANDING ORDERS OF
THE AUTHORITY**

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

STANDING ORDERS

C O N T E N T S

STANDING ORDER

PART 1: PRELIMINARY

1. Standing Orders

PART 2: MEETINGS OF THE AUTHORITY

2. Annual and ordinary meetings of the Authority
3. Extraordinary meetings of the Authority
4. Person presiding at meetings of the Authority
5. Quorum of meetings of the Authority
6. Order of business at Authority meetings
7. Written Notices of Motion from Members at Authority meetings
8. Presentation of petitions to meetings of the Authority
9. Consideration of reports and recommendations at meetings of the Authority

PART 3: COMMITTEES

10. Appointment of Committees
11. Substitute Members
12. Meetings of Committees
13. Persons Presiding at Meetings of Committees
14. Quorum of Committees
15. Committee Business Raised at Members' Request
16. Order of Business in Committees
17. Arrangements to Act in Matters of Urgency
18. Reference-up of Decisions

STANDING ORDERS

PART 4: CONDUCT OF MEETINGS

19. Confirmation of Minutes as a Correct Record
20. Rules of Debate
21. Prevention of Disorderly Conduct
22. Voting
23. Attendance Register
24. Observers at Meetings

PART 5: DECLARATION OF INTERESTS

25. Members' Interests
26. Officers' Interests

PART 6: APPOINTMENT AND DISCIPLINE OF STAFF

27. Appointment, Dismissal and Disciplinary Action
28. Arbitration

PART 7: MISCELLANEOUS

29. Attestation of Documents
30. Papers and Advice
31. Access to Documents, Information and Land
32. Public Disclosure of Information Relating to Employees
33. Delegation of Powers to Chief Officers
34. Definitions

PART 1 – PRELIMINARY

1. Standing Orders

- (1) The Authority shall not consider any motion to change or revoke any of these Standing Orders until it has received a written report from the Monitoring Officer.
- (2) Apart from this Standing Order, the other Standing Orders may be suspended during a meeting of the Authority provided that either:-
 - (a) notice of intention to move such a suspension has been included in the agenda for the meeting; or
 - (b) at least 7 Members of the Authority support the suspension.
- (3) No motion to suspend any of these Standing Orders shall be considered if the effect of adopting the motion would be to contravene any legal provision, regulation or other statutory requirement.
- (4) The ruling of any person presiding at any meeting to which these Standing Orders apply, concerning the interpretation or application of any of these Standing Orders, shall not be challenged at that meeting.
- (5) Any challenge to the ruling of the person presiding at any meeting to which these Standing Orders apply concerning the interpretation or application of any of these Standing Orders shall be made in writing, to the Monitoring Officer, after the meeting.
- (6) A copy of these Standing Orders shall be provided to every Member of the Authority.

PART 2 – MEETINGS OF THE AUTHORITY

2. Annual and Ordinary Meetings of the Authority

- (1) Unless special or emergency circumstances arise, the annual meeting of the Authority shall be held during June on a date, time and in a venue to be decided by the Authority.
- (2) Other ordinary meetings of the Authority for the transaction of general business shall be held on dates, times and in venues to be decided by the Authority. [Should the date, time or place of the ordinary meetings not set be the Authority, the Chair of the Authority may set the details of the first ordinary meeting of the Authority in any particular year.](#)
- (3) Where it becomes necessary (for whatever reason) to change the date, time or venue of a meeting of the Authority, the Clerk shall make the necessary arrangements following consultation with the Chair of the Authority and the Leader of the Main Opposition Group.

3. Extraordinary Meetings of The Authority

- (1) Meetings of the Authority, which are in addition to the programme of ordinary meetings, may be called by:-
 - (a) the Authority itself;
 - (b) the Chair of the Authority (or in his/her absence or inability to act, the Vice- Chair);
 - (c) the Clerk/Monitoring Officer.
- (2) A minimum of any three Members of the Authority may request the Chair of the Authority (or in his/her absence the Vice-Chair), to call an extraordinary meeting of the Authority. Such a request must be in writing and signed by the Members concerned. The request may be presented to the Chair by leaving it for him/her with the Clerk.
- (3) The Clerk shall arrange for the additional meeting to be held within 21 days of the receipt of the request. If, after such a request has been made, and for whatever reason, no meeting has been called within seven days, the Members concerned shall inform the Clerk of their intention to call an extraordinary meeting of the Authority, the business to be transacted and the date and time of the meeting. The

Clerk will ensure that the proper notices of the meeting are published and sent.

- (4) An extraordinary meeting of the Authority shall only be called if it is to consider business for which the Authority has responsibility or functions and which affects the area of the Authority, or part of it, or the inhabitants of the area, or some of them.

4. Person Presiding at Meetings of the Authority

- (1) The Chair of the Authority shall preside at meetings of the Authority. In his/her absence, the Vice-Chair of the Authority shall preside at meetings of the Authority.
- (2) Any power of the Chair in relation to the conduct of a meeting of the Authority may be exercised by the person presiding at that meeting.
- (3) If it is necessary to choose a Member to preside in the absence of the Chair and Vice-Chair, or for any other reason, the Clerk shall invite the Authority to nominate a Member to preside at that meeting.

Such a nomination, and any amendments, shall be moved and seconded and put to the vote (see Standing Order No. 22).

- (4) If discussion arises about the choice of a person to preside at a meeting, the Clerk shall regulate that discussion, and maintain order at the meeting, until such time as a person is appointed to preside.
- (5) In the case of an equality of votes, the person presiding at any meeting of the Authority, who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

5. Quorum of Meetings of the Authority

- [KT2](2) No meeting of the Authority shall commence unless there is a quorum present. If a meeting has not started within 15 minutes of the time specified on the summons and agenda, the meeting [shall be adjourned for a specified time. Should the meeting remain not be quorate following the adjournment, the meeting shall be postponed.](#)

All business which would have been considered at that meeting shall stand referred to the next ordinary meeting of the Authority, unless arrangements are made for an extraordinary meeting of the [Authority](#), or the business is dealt with as a matter of urgency.

- (3) If during any meeting of the Authority, the person presiding declares that there is not a quorum present, the meeting shall be [postponed](#). All business which has not been completed shall stand referred to the next ordinary meeting of the Authority, unless arrangements are made for an extraordinary meeting of the Authority, or the business is dealt with as a matter of urgency.

6. Order Of Business at Authority Meetings

- (1) As a general rule, the order of business at meetings of the Authority shall be: -
 - (a) at the annual meeting, and at any other meeting which is the first after the office of Chair has become vacant, to elect a Chair;
 - (b) at the annual meeting, and at any other meeting which is the first after the office of Vice-Chair has become vacant, to elect a Vice-Chair;
 - (c) in the absence of both the Chair and Vice-Chair to appoint a person to preside at the meeting;
 - (d) to receive any apologies for absence;
 - (e) to receive any declarations of interests by Members and employees of the Authority;
 - (f) to receive announcements from the person presiding;
 - (g) to approve as a correct record the minutes of previous meeting(s) of the Authority;
 - (h) to receive any petitions under Standing Order 8;
 - (i) to consider any other specific items of business included at this point in the summons and agenda;
 - (j) to receive minutes, reports and recommendations from any of the Committees, Panels or Fora established by the Authority;
 - (k) to deal with any opposition business:

The leader of an opposition group on the Authority shall be required to notify the Clerk not later than 12 noon on the sixth working day before the day of the Authority meeting, but not including the day of the meeting itself, of that group's intention to raise opposition business.

The Clerk shall indicate on the agenda if any items are to be treated as opposition business.

The discussion of such business at a meeting shall be limited to 15 minutes, however, this may be extended with the agreement of the person presiding.

- (l) to consider notices of motion given by Members under Standing Order No. 7;
 - (m) any other items of business, not on the agenda, but which the person presiding is of the opinion should be considered at the meeting as a matter of urgency.
- (2) With the exception of (a) to (g) above, the order of business can be varied:-
- (a) at the direction of the person presiding;
 - (b) by resolution of the Authority. Such a motion may be moved, seconded and put to the vote without discussion.

The Chair may, without debate, withdraw items from the agenda if he/she deems it appropriate to do so. The Chair shall state the reason for the withdrawal of the item which shall be recorded in the minutes of the meeting.

- (3) Subject to any directions given by the Chair (or in his/her absence the Vice- Chair) the items of business for any meeting of the Authority shall be arranged in such order as the Clerk thinks will ensure the effective transaction of business. The Clerk shall be authorised to structure the agenda of the Authority meeting in accordance with any instructions given by the Authority.

7. Written Notices of Motion from Members at Authority Meetings

- (1) Any Member of the Authority may give notice of not more than one motion for consideration at any meeting of the Authority. Such a motion may be considered at the request of that Member without prior reference to a Committee of the Authority.

However, this shall not preclude any Member from submitting a second and unrelated motion in circumstances where a motion by that Member, raised under this Standing Order, was deferred from a previous meeting.

- (2) The Chair of the Authority may give notice of more than one motion for consideration at any meeting of the Authority.
- (3) Unless the person presiding at any meeting of the Authority is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Authority shall: -
 - (a) be given in writing and signed by the Member or Members who propose to move the motion;
 - (b) state the date of the Authority meeting at which it is proposed to be moved;
 - (c) be delivered to the Clerk not later than 12 noon on the sixth working day before the day of the Authority meeting, but not including the day of the meeting itself.
- (4) Motions will be listed on the agenda in the order of which notice was received by the Clerk unless the Member giving notice states in writing that they propose to move it to a later meeting or withdraw it.
- (5) The Clerk shall only accept notices of motion which relate to matters for which the Authority has responsibility or functions and which affects the area of the Authority, or part of it, or the inhabitants of the area, or some of them. The Clerk shall keep a record of the date and time at which every motion is delivered to him/her. That record shall be open to inspection by the public.
- (6) A motion shall only be moved by the person who has submitted it or by another Member nominated by the person prior to the commencement of the meeting.
- (7) Unless a Member requests otherwise under paragraph (1) above, a motion, notice of which has been received, shall stand referred to the appropriate Committee.

Such motions shall be moved, seconded (without discussion) put to the vote and, if approved, referred to the next meeting of the appropriate Committee.

If any question arises as to where the motion is to be referred, it shall be determined by the person presiding at the meeting.
- (8) Where a Member has given notice of his/her intention to move a motion under this Standing Order which relates to any matter which

has already been determined by a Committee, or an officer acting under delegated powers, such a motion shall not seek to amend the decision.

- (9) The mover of a motion, under this Standing Order, may speak in support of that motion for no more than 10 minutes.

At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply for not more than 5 minutes.

If an amendment is moved, the mover of the original motion shall have a right of reply of not more than 5 minutes at the close of the debate on the amendment but shall not otherwise speak on the amendment.

- (10) Where notice of a motion has been given and has been included on the agenda for a meeting of the Authority, but the motion has not been moved and seconded (for whatever reason) nor deemed to have been referred to a Committee, that motion shall lapse.
- (11) Where a meeting of the Authority is cancelled, postponed or adjourned to a later date under Standing Order 5, any unconsidered motions will be considered at the next meeting of the Authority or at a later meeting selected by the Member proposing the motion.

8. Presentation of Petitions to Meetings of the Authority

- (1) Petitions can be presented by Members if they relate to matters for which the Authority has responsibility or functions and which affect the [geographical](#) area of the Authority, or part of it, or the inhabitants of the [geographical](#) area.
- (2) Any Member wishing to present a petition to the Authority shall:-
- satisfy him/herself that the petition is relevant to be received [and meets the criteria set out under paragraph \(3\) below](#);
 - give notice to the Clerk [before the meeting at which the petition is to be presented](#);
 - notify the Clerk of the name and address of the person who has organised the petition.
- (3) [Petitions must meet the following criteria to be considered. The chair of the meeting to which the petition is to be presented retains the](#)

discretion not to hear a petition if they believe it does not meet these criteria.

- a) Petition must include the name and contact address of the lead petitioner must be included, and this person must be a resident of the West Midlands.
- b) Petitions must have a minimum of ten signatories who are residents of the West Midlands
- c) The petition must clearly state the action it wishes the authority to take.
- d) Petitions should be submitted in good faith and be decent, honest and respectful
- e) Petitions must not relate to;
 - personal or commercial issues;
 - specific or individual employee relations matters;
 - disciplinary or grievance matters;
 - matters which are subject to formal or statutory appeal processes or are sub judice (under consideration by a judge or court
- f) Petitions must not include;
 - offensive, intemperate, inflammatory, sarcastic or provocative language, discriminatory as defined within equalities legislation or language that might reasonably offend readers;
 - false or defamatory statements;
 - information which is protected by an interdict or court order; (e.g. the identities of children in custody disputes); or in accordance with any other enactment;
 - commercially sensitive or confidential material;
 - in relation to criminal accusations, the names of individuals, or information that might easily identify them.
 - the names of individual officials of public bodies;
- g) Petitions must not be the same or substantially similar to other petitions and which are lodged by or on behalf of the same person or organisation, or which have been considered within the past two years.

- (4) At meetings of the Authority, the presentation of a petition shall be limited to not more than five minutes and shall be confined to summarising the purpose of the petition, stating to which Committee

he/she feels it should be referred, the number of signatories and any further relevant supporting remarks.

- (5) Petitions shall be presented in the order of which notice of them was given to the Clerk. Any question as to where a petition should be referred shall be determined by the Clerk.
- (6) The right of Members of the public to speak at meetings of the Authority shall be at the discretion of the person presiding.

9. Consideration of Reports and Recommendations at Meetings of the Authority

- (1) Reports and recommendations will be submitted for consideration by the Authority in accordance with the agreed scheme of delegation and terms of reference of committees. Any Member of the Authority shall be entitled to ask questions and the Authority may discuss matters arising from the reports and recommendations.
- (2) Members shall be allowed to move any motions which are relevant to the reports and recommendations under consideration.
- (3) Where a Member moves a motion under paragraph (2) above, relating to any matter which has been determined by a Committee or an officer acting under delegated powers, such a motion shall not seek to amend the decision.

PART 3 – COMMITTEES

10. Appointment of Committees

- (1) Following the receipt of a report from the Clerk, the Authority [or its Committees](#) may, at any time during the year, make changes to the terms of reference, functions and political composition of any of its Committees.
- (2) Whenever the Authority resolves, or is required by statute, Government or legal directive to review the allocation of seats on Committees between political groups, the Clerk shall, as soon as practicable, submit a report to the Authority showing what allocation of seats would, in his/her opinion, best meet the requirement for the allocation of seats on Committees to be in proportion to the political composition of the Authority.
- (3) Every Committee constituted by the Authority shall continue in being, exercising the functions allocated to it, until such time as it is disestablished by the Authority.
- (4) Any person appointed to serve on a Committee shall continue to serve on it until such time as his/her appointment is terminated by the Authority or if he/she resigns or becomes disqualified for any reason. A Member will automatically cease to be appointed to any of the Authority's Committees if he/she ceases to be a Member of the Authority.
- (5) So far as the law permits, the Authority may decide whether or not persons who are not elected Members should be appointed to serve on any of the Committees of the Authority and whether those persons should be treated as voting or non-voting Members or advisors.
- (6) The Authority may establish other Panels and Fora to act in an advisory capacity. Any such Panels and Fora shall not be regarded as ordinary committees for the purposes of Section 15 of the Local Government and Housing Act 1989.
- (7) Whenever an appointment of a voting Member of a Committee is to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment is

to be terminated in accordance with such wishes, then the Proper Officer shall make arrangements to deal with the matter accordingly.

- (8) Sub-Committees shall be appointed only with the prior approval of the Authority.

11. Substitute Members

- (1) In appointing Members to Committees, Panels and Fora, the Authority may make arrangements for the appointment of named substitute Members to attend meetings in the absence of ordinary Members.
- (2) Where the appointment is to a body external to the Authority, a substitute may only be appointed where the rules governing that organisation permit.
- (3) Substitute Members may attend meetings in that capacity only:
 - (a) to take the place of the ordinary Member for whom they are the designated substitute;
 - (b) where the ordinary Member will be absent for the whole of the meeting except, in the case of a quasi-judicial body, a member is required to withdraw for, or cannot attend to hear a particular case, where substitution will be permitted;
 - (c) after they or the Member they are substituting for has provided the Clerk with notice of the substitution before the start of the meeting in question;
 - (d) where an adjourned meeting is reconvened, and it is essential for that substitute Member to continue to attend to comply with the spirit of natural justice. In such instances, the ordinary Member may not attend other than as an observer.
- (4) Substitute Members will have all the same powers and duties of any ordinary Member of the committee but will not be able to exercise any additional powers or duties which may be exercisable by the person they are substituting.
- (5) Should the named substitute be unable to attend, a member of the same political party can be appointed by the leader of the relevant party, subject to that member having had relevant training for the Committee/Panel in question.

12. Meetings of Committees

- (1) The Authority may set the date, time and place of ordinary meetings of Committees.
- (2) If the date, time or place of the ordinary meetings of a Committee are not set by the Authority, a Committee may agree those details itself. However, the person who has been appointed to Chair the Committee (or the Chair of the Authority in his/her absence) may set the details of the first ordinary meeting of the Committee in any particular year.
- (3) The person who has been appointed as the Chair of a Committee may cancel or change any of the details of programmed meetings of the Committee concerned. This is subject to a requirement to consult (so far as practicable) with the lead spokesperson of the main opposition group represented on the Committee. This paragraph shall not apply to a special meeting called under the provisions of paragraphs (5) to (7) below.
- (4) The person appointed as the Chair of a Committee or, in their absence, the Vice-Chair may call a special meeting of the Committee at any time.
- (5) One quarter of the voting Members of a Committee, or any two voting Members of that Committee (whichever is the greater) may request the Chair of a Committee to call a special meeting. Such a request must be in writing and signed by the Members concerned. The request may be presented to the Chair of the Committee by leaving it for him/her with the Clerk.
- (6) If, after such a request has been made and for whatever reason no meeting has been called within seven days of the request, the Members concerned shall inform the Clerk of their intention to call a special meeting, the business to be transacted and the date and time of the meeting.
- (7) Within 7 days, the Clerk shall arrange a suitable venue, issue the summons and agenda for the meeting and shall publish the necessary notices of the meeting.
- (8) No special meeting shall be called unless it is to consider a matter which falls within the terms of reference of that Committee.

13. Persons Presiding at Meetings of Committees

- (1) The Authority may appoint a Member to preside at meetings of a Committee and a person to preside in his/her absence. If the Authority does not make an appointment itself, a Committee shall elect, from amongst its membership, a person to preside at its meetings and a person to preside in his/her absence.
- (2) If both the appointed persons referred to in (1) above are absent, the Committee shall choose from amongst its membership, a person to preside at that meeting.
- (3) If it is necessary to choose a person to preside, the Clerk shall invite the Committee to nominate a Member to preside at that meeting.
Such a nomination and any amendments shall be moved and seconded and put to the vote (see Standing Order No. 22).
- (4) All legal powers in relation to the conduct of a meeting may be exercised by the person appointed to preside at that meeting.
- (5) If discussion arises about the appointment of a person to preside at a meeting, the Clerk shall regulate that discussion and maintain order at that meeting, until such time as a person is appointed to preside.
- (6) In the case of an equality of votes, a person presiding at any meeting of a Committee who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

14. Quorum of Committees

- (1) No business may be transacted at any meeting to which these Standing Orders apply unless a quorum is present.
The quorum is 3 voting Members.
- (2) No meeting shall commence unless there is a quorum present. If during any meeting of a Committee, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for [a set time](#).
- (4) If after [the adjournment](#) there is still no quorum, the meeting shall be [postponed](#). All business which has not been completed at a meeting which has been postponed shall stand referred to the next ordinary

meeting, unless arrangements are made for a special meeting to consider that business or the business is dealt with as a matter of urgency.

15. Committee Business Raised at Members' Request

- (1) Any Member of a Committee may give notice of not more than one item for consideration at any meeting of the Committee.
- (2) Unless the person presiding at any meeting is of the opinion that an item should be considered as a matter of urgency, notice of every item for consideration at a meeting proposed by a Member of a Committee shall:-
 - (a) be given in writing and signed by the Member concerned;
 - (b) state the name of the Committee to which the item should be referred;
 - (c) be delivered to the Clerk at least 14 days before the date of the next scheduled meeting of the Committee concerned;

The Clerk shall arrange for the matter to be included on the agenda for that meeting.

- (3) The Clerk shall only accept matters which fall within the terms of reference of the Committee concerned.

16. Order of Business in Committees

- (1) As a general rule the order of business [for Committees with be in line with that of the Authority \(where applicable\), outlined in Part 2 of these Standing Orders.](#)
- (2) [The](#) order of business can be varied: -
 - (a) at the direction of the person presiding;
 - (b) by resolution of the Committee;

The Chair may, without debate, withdraw items from the agenda if he/she deems it appropriate to do so. The Chair shall state the reason for the withdrawal of the item which shall be recorded in the minutes of the meeting.

- (3) Subject to any directions given by the person appointed to preside at a meeting of a Committee, the items of business for that meeting

shall be arranged in such order as the Clerk thinks will best ensure the effective transaction of business.

17. Arrangements to Act in Matters of Urgency

- (1) The Authority shall make arrangements for its function to be discharged, in cases of urgency, as follows:-

(a) by delegation [only to](#) the Chief Fire Officer where matters of an urgent nature cannot be reasonably delayed, until the next ordinary meeting of the Authority, or appropriate Committee.

This Standing Order shall not apply to the functions which are properly undertaken by the Appointments, Standards and Appeals Committee, or the Audit and Risk Committee.

- (2) Where the Chief Fire Officer proposes to act on a matter of urgency, such action must be within approved Authority policy. The Chief Fire Officer proposing to act under these arrangements must:-

(a) seek the agreement of the Clerk that he/she is satisfied that the matter in question constitutes a genuine matter of urgency, that all other avenues for the determination of the matter have been exhausted and that the urgency has not arisen due to a failure to finalise reports in time under normal procedures;

(b) consult the Chair and Vice-Chair of the Authority on the action the Chief Fire Officer proposes to take.

- (3) The Chief Fire Officer concerned shall record the urgent circumstances which make it necessary for action to be taken before the next ordinary meeting of the Authority or relevant Committee concerned.

- (4) Where action is taken under any of these circumstances, a report of that action, including a note of the circumstances which made it necessary, must be reported to the next ordinary meeting of the Authority.

18. Reference-up of Decisions

- (1) Any Committee may resolve to refer a matter to the Authority for determination. Any Committee may refer a matter to another Committee in accordance with the terms of reference and scheme of delegations approved by the Authority.

- (2) This Standing Order shall not apply to the business of quasi-judicial bodies when they are considering individual matters before them. However, such bodies shall be required to refer any issues which are contrary to Authority policy or do not fall within their terms of reference, in accordance with (1) above.

PART 4 – CONDUCT OF MEETINGS

19. Confirmation of Minutes as a Correct Record

- (1) The person presiding shall put the question that the minutes submitted to the meeting be approved as a correct record.
- (2) No discussion shall take place on the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised then as soon as it is disposed of, the minutes shall be confirmed and signed in due course.
- (3) Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20. Rules of Debate

These rules of debate apply to meetings of the Authority and all of its Committees.

Speeches

- (1) While a Member is speaking, the other Members shall not speak, unless raising a point of order or a point of personal explanation.
- (2) Whenever the person presiding rises or issues a clear instruction of intent during a debate, Members shall resume their seats and the meeting shall be silent.
- (3) If two or more Members ask to speak, the person presiding shall decide the order in which they may address the meeting.
- (4) When speaking, a Member shall address the person presiding.
- (5) A Member shall direct his/her speech to the matter under discussion, or to a personal explanation or a point of order.

Motions

- (6) A motion shall not be discussed unless it has been moved and seconded except in a Committee of five Members or less where motions do not need to be seconded.
- (7) When seconding a motion, a Member may reserve his/her speech unless a later period of the debate by declaring his/her intention to do so.
- (8) On consideration of a report or a recommendation from another Committee or a Chief Officer, the adoption of the report or recommendation and any resolutions relevant to that adoption may be moved.
- (9) The following motions may be moved at any meeting at which they would be in order:
 - (a) motions to nominate a Member to Chair the meeting;
 - (b) motions to refer an item of business to the next appropriate meeting;
 - (c) motions to refer an item of business to another Committee, Panel or Forum;
 - (d) motions to withdraw an item of business from consideration at that meeting provided that to do so would not contravene any statutory provision;
 - (e) motions relating to the accuracy of the minutes;
 - (f) motions to change the order of business;
 - (g) closure motions under paragraph (14) below;
 - (h) motions to exclude the public from a meeting where there is likely to be disclosure of exempt or confidential information;
 - (i) motions giving consent of the meeting where it is required under these Standing Orders;
 - (j) motions concerning the prevention of disorderly conduct;
 - (k) motions to record appreciation or condolences;
 - (l) motions concerning the constitution of Committees;

- (m) motions to suspend any of these Standing Orders (see Standing Order 1).
- (10) When any motion has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.
- (11) With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion which he/she has moved; or
 - (b) with the further consent of the seconder, alter a motion which has been moved and seconded.
- (12) With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of a motion may withdraw it. No Member shall speak on a motion which has been withdrawn.

Motions Which May Be Moved During a Debate

- (13) When a motion is under debate, no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) to withdraw the motion;
 - (c) a closure motion;
 - (d) a motion concerning the prevention of disorderly conduct;
 - (e) a motion to exclude the public.

Closure Motions

- (14) At the conclusion of a speech by a Member on a motion before a meeting, any Member may move without comment, a motion:-
- that the meeting proceed to the next business;
 - that the matter be put to the vote;
 - that the meeting is adjourned.

If the closure motion is seconded, then the person presiding shall proceed as follows:

- (a) on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put

the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise his/her right of reply under paragraph (16) below, before the original motion is put to the vote;

- (b) on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion his/her right of reply on that occasion.

The original motion or remaining business shall then stand over as uncompleted business until the next ordinary meeting, unless arrangements are made for an extraordinary or special meeting to consider that business or the business is dealt with as a matter of urgency.

- (15) If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may move, from the Chair, that the matter be put to the vote.

Right of Reply

- (16) The mover of any motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment.

The mover of an amendment shall have no right of reply to the debate on that amendment.

For the purposes of this paragraph a person who moves an amendment is not moving a motion.

Points of Order or Personal Explanation

- (17) A Member may ask to speak on a point of order or in personal explanation and shall be entitled to be heard immediately.

A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Standing Order or procedural rule, and the way in which the Member raising it considers that it has been broken.

A personal explanation shall be confined to some material part of a former speech by him/her in the current debate which may appear to have been misunderstood.

- (18) The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be challenged at that meeting.

Amendments to Motions

- (19) An amendment shall be relevant to the motion and shall either be:-
- (a) to refer the matter to the appropriate body or individual, another Committee, Panel or Forum or an officer for consideration (or reconsideration);
 - (b) to leave out words; or
 - (c) to insert or add other words;
- but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.
- (20) An amendment shall not be discussed unless it has been moved and seconded except in a Committee of five Members or less, where amendments do not need to be seconded.
- (21) When seconding an amendment, a Member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.
- (22) No amendment shall be moved to an amendment.
- (23) When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.
- (24) With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of an amendment may withdraw it. No Member shall speak on an amendment that has been withdrawn.
- (25) Only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed of. However, the person presiding may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this would facilitate

the proper conduct of business and may direct the order in which such amendments are to be put to the vote.

- (26) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Consent of the Meeting

- (27) Where the consent of a meeting is required for anything, that consent may be given either:-
- (a) by the person presiding asking the meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or
 - (b) if objection is raised, or if the person presiding so chooses, by a motion moved, seconded and put to the meeting.

Previous Decisions and Motions

- (28) At a meeting of the Authority, no motion or amendment shall be moved to rescind any resolution which was passed within the preceding six months, or which has the same effect as one which has been rejected within that period.

However, such a motion may be moved if: -

- (a) it is a recommendation of a Committee; or
- (b) notice of such motion is given and signed by 7 Members of the Authority in accordance with the timescales set out in Standing Order No. 7.

21. Prevention of Disorderly Conduct

- (1) If the person presiding is of the opinion that any Member has misconducted or is misconducting themselves by persistently disregarding the ruling of the person presiding or by behaving irregularly, improperly or offensively or wilfully obstructing the conduct of business, he/she shall inform the meeting and may take the following course of action: -
- (a) the person presiding may move that the named Member be not further heard. If seconded, the motion shall be put and decided

without comment. If it is carried the Member named shall not speak further at that meeting;

- (b) if the Member continues to behave improperly, the person presiding may move that the named Member shall leave the meeting. This motion shall not require to be seconded but shall be put and decided without comment. If it is carried the Member named shall forthwith leave the meeting;
 - (c) at any time, the person presiding may adjourn the meeting for an appropriate period.
- (2) If a Member or Members of the public interrupt the proceedings at any meeting, or in the event of a general disturbance at any meeting, the person presiding may take the following action as appropriate to the circumstances: -
- (a) warn the person(s) concerned;
 - (b) order the person(s) to leave the room;
 - (c) order the person(s) to be removed from the room;
 - (d) adjourn the meeting for an appropriate period.
- (3) The provisions of this Standing Order are additional to any other powers which the person presiding may lawfully exercise.

22. Voting

- (1) Unless these Standing Orders or specific legal provisions require otherwise, any matter will be decided by a simple majority of those Members present in the room and eligible to vote at the time the question was put. The person presiding will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.
- (2) Immediately after any vote is taken any Member may request the Clerk to record in the minutes of that meeting the way he/she voted (or abstained).
- (3) Immediately before any matter is put to the vote, any Member may request that a named vote be taken. Such a request must be supported by at least five other voting Members, and all six Members shall clearly signify their support of this request.

At the request for a named vote the Clerk shall call upon all voting Members then present to state whether they wish to vote for or

against the question then under debate or whether they wish to abstain from voting. A record shall be made in the minutes of that meeting of the way Members voted.

- (4) When a vote is required to appoint or elect Members of the Authority or other persons to positions to be filled by the Authority, nominations to such positions shall be moved, seconded and determined in accordance with the motions and amendments procedure (see Standing Order 20).
- (5) If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- (6) In the case of an equality of votes, the person presiding at any meeting who is also entitled to vote at that meeting shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

23. Attendance Register

- (1) The Clerk shall keep a record of attendances at meetings.
- (2) It is the responsibility of any Member attending any meeting, either as a voting Member or as an observer, to sign the attendance register for that meeting.

24. Observers at Meetings

- (1) The Chair and Vice-Chair of the Authority may attend the whole of the proceedings of any meeting of any Committee of which they are not ordinary Members. They may speak, but may not vote, at meetings of a Committee if they are not in attendance as a member of that committee or as a recognised substitute. This entitlement shall also apply to the leader of any political group represented on the Authority.
- (2) Any Member of the Authority may attend any meeting of a Committee, to which he/she has not been appointed, to observe the public part of the proceedings of that Committee. Members attending meetings as observers shall not be entitled to vote and shall only speak at such meetings: -

- (a) on a matter relating to a motion of which he/she gave notice or seconded at an Authority meeting which has been referred to that Committee;
 - (b) with the agreement of the person presiding at that meeting.
- (3) A Member's attendance as an observer during the confidential proceedings of any Committee shall be at the discretion of the person presiding at that meeting, subject to that Member satisfying the person presiding of his/her need to know.

Special Observers are entitled to contribute to Authority and PPF meetings only in line with the agreed Memorandum of Understanding.

PART 5 – DECLARATION OF INTERESTS

25. Members' Interests

- (1) If a Member has any interest to declare in any matters to be discussed at a meeting, and that interest is not already included in their Statutory Declaration of Interests, they must disclose the interest verbally at that meeting. The disclosure of an interest should be recorded in the minutes of the meeting at which it is made. Following the meeting, the member must notify the Clerk and Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification).
- (2) Members shall be required to declare interests in accordance with any relevant statutory provisions and the Members' Code of Conduct. The question of the participation of a Member in the discussion of any item where he/she has disclosed an interest shall be determined in accordance with the provisions of the Members' Code of Conduct.
- (3) The requirements for Members to disclose their interests shall apply equally to any co-opted Members, advisors or persons appointed to discharge any functions in connection with a Committee whether they have voting rights or not.
- (4) The Clerk shall be responsible for keeping a register of Members interests and making it open for public inspection during office hours.

26. Officers Interests

- (1) Officers shall be required to declare any interests in accordance with their terms and conditions of employment, any relevant statutory provisions and the requirements of any codes of conduct, standing orders or protocols which, the Authority may adopt from time to time.
- (2) For the purposes of this Standing Order, an officer shall be considered to have an interest in a matter if, on the assumption that if he/she were a Member of the Authority, the interest would have to be declared in accordance with the Member Code of Conduct set out in the Appendix to these Standing Orders.

- (3) Where any employee submits a written report to any meeting on any matter in which he/she has disclosed an interest, the report should contain a separate paragraph in the document setting out the details of the nature of the interest.
- (4) If an employee advises any meeting verbally on any matter in which he/she has disclosed an interest, he/she should state the nature of the interest, and this should be recorded in the minutes of that meeting.
- (5) The Chief Fire Officer shall maintain a register of officers interests to be open for inspection during normal office hours.

PART 6 – APPOINTMENT AND DISCIPLINE OF STAFF

27. Appointment, Dismissal and Disciplinary Action

- (1) The appointment of the Chief Fire Officer, the Deputy Chief Fire Officer and the Assistant Chief Fire Officer shall be made by the Appointments function of the Appointments, Standards and Appeals Committee of the Authority. These posts shall be subject to the National Joint Council's scheme of conditions of service for Brigade Managers of Local Authorities Fire and Rescue Services as amended from time to time and be subject to the relevant disciplinary regulations which apply to the employee(s) concerned.
- (2) Where the Authority proposes to appoint a Chief Fire Officer, the Authority:-
 - (a) will draw up a statement specifying:
 - (i) the duties of the Chief Fire Officer; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) will make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (c) will make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to all applicants for any particular post and to any other person on request

Once applications have been received, the Chief Fire Officer (or appropriately qualified external advisor in the absence of a CFO) will undertake a process of evaluation to determine technical, behavioural and operational competency and qualification for the role. This will include relevant behavioural and psychometric assessments and professional conversations. The CFO (or external advisor) will provide updates on this process to the Authority as required.

Following this process, the Authority, with the support of the Chief Fire Officer (or appropriate external advisor) and a People Support

Services representative, will either interview all qualified applicants for the post or select a short list of qualified applicants and interview those on the short list. This interview process will take place in accordance with all applicable service recruitment policies. If no qualified person applies, the Authority shall make arrangements for further advertisement in accordance with (b) above.

- (3) Where the Authority proposes to appoint a Deputy or Assistant Chief Fire Officer, the Chief Fire Officer;
 - (a) will draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) will make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (c) will make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to all applicants for any particular post and to any other person on request.

Once applications have been received, the Chief Fire Officer will undertake a process of evaluation to determine technical, behavioural and operational competency and qualification for the role. This will include relevant behavioural and psychometric assessments and professional conversations. The CFO will provide updates on this process to the Authority as required. The CFO will then select a shortlist of the suitably qualified candidates for interview by the Appointments Committee.

Following this process, the Authority, with the support of the Chief Fire Officer and a People Support Services representative, will interview all shortlisted applicants. This interview process will take place in accordance with all applicable service recruitment policies. If no qualified person applies, or the Authority does not believe there to be sufficient qualified candidates for interview, the Chief Fire Officer shall make arrangements for further advertisement in accordance with (b) above.

- (4) Subject to paragraphs (8), (9) and (10) below, the appointment, dismissal and taking disciplinary action against any other employee

must be carried out by the Chief Fire Officer or by an officer who can lawfully be nominated by him/her. Any such action shall be taken in accordance with any legislative requirements, the Authority's policies and procedures and be subject to any specific rules or regulations which apply to the conditions of service of the employee(s) concerned.

Councillors will not be involved in disciplinary action against any officer below Assistant Chief Fire Officer level.

- (5) The Authority will require any candidate for appointment to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Authority, or the partner of such persons.
- (6) No candidate related to a councillor or officer as described above will be appointed without the agreement of the Chief Fire Officer or an officer nominated by him/her.
- (7) The Authority will disqualify any applicant who directly or indirectly seeks the support of any member of the Authority for any appointment. No member of the Authority will seek support for any person for any appointment with the Authority.
- (8) The Authority shall make the arrangements for the appointment of:-
 - (a) the Clerk
 - (b) the Monitoring Officer under the provisions of the Local Government and Housing Act 1989;
 - (c) an officer to be responsible for the proper administration of the authority's financial affairs under the provisions of the Local Government Act 1985 (the Treasurer).
- (9) No disciplinary action in respect of the Chief Fire Officer, Clerk, Monitoring Officer or the Treasurer, except action described in paragraph (9), may be taken by the Authority, or by a committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by an independent person as set out under this Standing Order.

- (10) The action mentioned in paragraph (8) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect. The decision to suspend shall be made by the Authority.
- (11) If it appears to the Authority that an allegation of misconduct by the Chief Fire Officer, [the](#) Clerk, Monitoring Officer or the Treasurer as the case may be ('The Relevant Officer') requires to be investigated, the Authority must appoint [an](#) Independent Person.
- (12) The Independent Person must be such person as may be agreed between the Authority and the Relevant Officer or, in default of agreement, nominated by the Secretary of State.
- (13) The [Independent](#) Person:
- (a) may direct: -
 - (i) that the Authority terminate any suspension of the Relevant Officer;
 - (ii) that any such suspension must continue after the expiry of the period referred to in paragraph (9);
 - (iii) that the terms on which the suspension has taken place must be varied in accordance with that direction; or
 - (iv) that no steps (whether by the Authority or any committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the Relevant Officer, other than steps taken in the presence, or with the agreement, of the Independent Person, are to be taken before a report is made under sub-paragraph (d).
 - (b) may inspect any documents relating to the conduct of the Relevant Officer which are in the possession of the Authority, or which the Authority has the power to authorise him or her to inspect;
 - (c) may require any Member of staff of the Authority to answer questions concerning the conduct of the Relevant Officer;
 - (d) must make a report to the Appointments, Standards and Appeals Committee: -

- (i) stating his or her opinion as to whether (and if so to what extent) the evidence that he or she has obtained supports any allegation of misconduct against the Relevant Officer; and
 - (ii) recommending any disciplinary action which appears to him or her to be appropriate for the Authority to take against the Relevant Officer; and
- (e) must no later than the time at which he or she makes their report under sub paragraph (d) send a copy of the report to the Relevant Officer.
- (14) The Appointments, Standards and Appeals Committee will, after considering the report of the [Independent](#) Person, make a recommendation to the Authority with regard to dismissal or any disciplinary action in respect of the Chief Fire Officer, Clerk, Monitoring Officer or the Treasurer.
- (15) In paragraph (12) 'disciplinary action' and 'independent person' have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

28. Arbitration

- (1) It is in the interests of the Authority for a constructive working relationship to exist between chief officers and authority members, in particular their relationship with the Chair of the Authority.
- (2) If it appears to the Authority that the relationship between the Chief Fire Officer, Clerk, Monitoring Officer or the Treasurer as the case may be ('The Relevant Officer') and the Chair of the Authority has broken down, the Authority must appoint an [Independent](#) Person to act as Arbitrator to seek to resolve the issues.

PART 7 – MISCELLANEOUS

29. Attestation of Documents

- (1) In addition to any other person who may be authorised by resolution of the Authority for the purpose, the 'Proper Officer' for the purpose of Section 234 of the Local Government Act 1972 (authentication of documents) shall be the Clerk to the Authority or any officer authorised in writing by him/her.

30. Papers and Advice

- (1) The Clerk shall be responsible for the distribution of papers for all Authority and committee meetings in accordance with the access to information provisions of the Local Government Act 1972 (as amended). The Clerk shall, [in consultation with the Monitoring Officer](#), determine any questions regarding the entitlement of any person to receive such papers.
- (2) At his/her request, the Authority and every committee shall give a Chief Officer who is concerned with the work of that committee an opportunity to advise on any matter under consideration either in writing or orally.
- (3) If the Authority considers a matter which has not previously been the subject of consideration or a report to the Authority or relevant Committee, the person presiding shall ensure that the question is not put to the vote before any Chief Officer who has responsibilities relating to the matter has had the opportunity to advise the Authority orally.

31. Access to Documents, Information and Land

- (1) In addition to their legal rights, but subject to certain restrictions, the following persons shall have access to information as follows:-
 - (a) any [Elected](#) Member of the Authority may have access to any document held by the Authority or any other information which it is necessary for the Member to have access to for the proper discharge of his/her function as a Member of the Authority or as a Member of any Committee.
 - (b) any co-opted Member or advisor appointed to any Committee may have access to any document or any other information held

by the Authority relating to a matter under consideration by a Committee of which he/she is a Member/advisor, which is necessary for that person to properly discharge his/her functions/duties in respect of that Committee;

- (c) any employee of the Authority may have access to any document or any other information held by the Authority which is necessary for him/her to properly discharge his/her duties as an employee.
- (2) No Councillor or co-opted Member/advisor of a Committee or any employee of the Authority shall be entitled to inspect any document or to have access to any information relating to a matter in which he/she has a personal or prejudicial interest.
- A person has a personal or prejudicial interest in a matter if, on the assumption that if he/she were a Member of the Authority, the interest would have to be declared at a meeting in accordance with the Member Code of Conduct set out in the Appendix to these Standing Orders.
- (3) A Councillor, co-opted Member/advisor or an employee may be refused the right to inspect a document which, in the opinion of the appropriate Chief Officer, it is not necessary for him/her to inspect for the proper discharge of their functions as a Member of the Authority or in relation to a Committee or as an employee, or if there is good reason why such access should be refused.
- (4) The Monitoring Officer shall be responsible for deciding whether any Councillor, co-opted Member/advisor or employee of the Authority shall be entitled to inspect a document or have access to certain categories of information taking account of issues such as their need to know and potential legal restrictions.
- (5) Access to information not in the form of a document need not be given where the cost of providing the information would be unreasonably high or in cases where the period of time required to provide the information would unreasonably disrupt the work of the Authority.
- (6) Where a person exercises their right to inspect a document and the Authority may lawfully make a copy of it, he/she shall be entitled to a copy on request, provided that: -

- (a) a reasonable charge, at a level to be decided by the Authority, may be made for the copy, unless the appropriate Chief Officer directs otherwise;
 - (b) a copy may be refused if the appropriate Chief Officer considers it impractical to make a copy.
- (7) If any Councillor, co-opted Member/advisor or employee is dissatisfied with any decision of a Chief Officer relating to access to information, he/she may refer the matter to the Chair of the Authority/Authority for consideration. This is additional to any other statutory rights which they may have in relation to access to information.
- (8) No Member of the Authority and no other Member (whether voting or non-voting) of a Committee shall have any claim by virtue of his/her position: -
 - (a) to enter any land or buildings occupied by the Authority to which the public do not have access or to which Members of the Authority do not regularly have access except with the permission of the Chief Officer responsible for the service for which the land or buildings are occupied;
 - (b) to exercise any power of the Authority to enter or inspect other land or buildings, except where specifically authorised to do so by the Authority;
 - (c) to exercise any other power of the Authority.
 - (d) to issue any order with respect to any works which are being carried out by, or on behalf of the Authority, or with respect to any goods or services which are being, or might be, purchased by the Authority.
- (9) If a Member of the Authority or a co-opted Member/advisor of a Committee wishes to have access to land or buildings to which the public or Councillors do not regularly have access, he/she should apply to the Chief Officer responsible for the service to which the request relates.

The Chief Officer shall determine the request and may attach such conditions as are necessary including that the person be accompanied by an employee.

32. Public Disclosure of Information Relating to Employees

- (1) If any question arises at any meeting about the appointment, promotion, dismissal, salary, pension or conditions of service or about the conduct of any person employed by the Authority, such a question shall not be the subject of discussion until it has been decided whether or not the public should be excluded from the meeting.

33. Delegation of Powers to Chief Officers

- (1) The Clerk shall maintain a register of powers delegated to Chief Officers where such arrangements are made for an unspecified period or a specified period of more than six months. This register shall be open for inspection by the public during office hours.
- (2) A member of the Authority may inspect any document relating to action taken by Chief Officers under delegated powers subject to any restrictions on access to information referred to in Standing Order No. 30.
- (3) Where a Chief Officer is given delegated authority to act on any matter, the Authority or a Committee may require that Chief Officer to submit reports as appropriate on the action he/she has taken under those arrangements.
- (4) Every Chief Officer shall be required to maintain a record of the actions taken under their delegated powers as referred to in paragraph (1) above.

34. Definitions

- (1) The Interpretation Act 1978 shall apply to the interpretation of these Standing Orders as it applies for the interpretation of an Act of Parliament.
- (2) [Please see explanatory note guidance: 5 for definitions of terms used therein these standing orders, unless the context otherwise demands.](#)
- (2) Any reference in any Standing Order to a numbered paragraph is, unless the context otherwise required, a reference to the paragraph of that Standing Order bearing that number.

Part 4 - Access to Information Procedure Rules

The Authority will act in accordance with the Local Government Act 1972 as amended, the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended, or any other relevant statute.

In addition to making documents available in hard copy as indicated in these Rules, the Authority also maintains an electronic database of documents relating to meetings as defined below. The Committee Management Information System (CMIS) is available for public use via the Authority's website. It contains all committee documents (agenda, reports and minutes) from 2004 to the present date that are open to public inspection. Documents will be placed on CMIS, as well as made available in hard copy, within the statutory timescales referred to in the sections below.

1. Scope

These rules apply to all meetings of the Authority, and its [committees](#), with the exception of the Policy Planning Forum, Joint Consultative Panel and Pension Board.

2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in the constitution or the law.

3. Rights to Attend Meetings

Members of the public may attend all meetings under 1 above, subject only to the exceptions in these rules.

4. Reporting of meetings by the media and Public

Members of the public and the media are allowed by law to take photographs, film, sound record, tweet or blog at public meetings.

Members of the public and media are requested to advise officers of their intentions to use recordable devices.

5. Notices of Meeting

The Authority will give at least five clear days notice of any meeting subject to the constitution. This will be achieved by:

- a) posting details of the meeting at the Fire Service Headquarters;

- b) placing details of the meeting on the Committee Management Information System (CMIS) on the Authority's website.

6. Access to Agenda and Reports Before the Meeting

The Authority will endeavour to make copies of the agenda and those reports which are open to the public, available for inspection at the designated office and via CMIS on the Authority's website, at least five clear days before the meeting unless prevented from doing so due to the urgency of the matter and where any of the urgency provisions provided by the constitution apply.

If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda but no report on those items shall be made available to the public until after the completed report is sent to councillors.

7. Supply of Copies

The Authority will supply paper copies of the following to any person on payment of a charge for postage and other costs as determined appropriate:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
- (c) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

8. Access to Minutes etc after the Meeting

The minutes of any meeting, as defined in these Rules, will be available for public inspection via CMIS on the Authority's website as soon as is practicable thereafter. They will be kept available in this form for at least six years after the meeting.

The Authority will make paper copies of the following available, on request, for six years after a meeting to any person on payment of a charge for postage and other costs as determined appropriate:

- (a) the minutes of the meeting or where minutes have not been produced, the record of the decisions taken together with the reasons for the decision, excluding any part of the minutes of the

proceedings where the meeting was not open to the public and which disclose exempt or confidential information;

- (b) on request a summary of any proceedings not open to the public where the minutes which are open to public inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting;
- (d) reports relating to items considered when the meeting was open to the public.

9. Background Papers:

9.1 List of Background Papers

The Proper Officer will set out in every report, a list of those documents (background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based;
- (b) have been relied upon to a material extent in preparing the report.

9.2 Public Inspection of Background Papers

For four years after the date of the meeting, the Authority will retain for public inspection, one copy of each of the documents on the list of background papers, except for the documents, which may disclose exempt or confidential information.

10. Financial Documents

- (i) A member of the Authority has a right to inspect its accounts.
- (ii) Any local government elector for a district within West Midlands area has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit Regulations 1996.
- (iii) At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to

them - except that no personal information about a member of the Authority's staff is required to be disclosed.

11. Summary of Public Rights

This Constitution will be kept available to the public via CMIS on the Authority's website as a written summary of the public's rights to attend meetings and to inspect and copy documents.

It will also be available for inspection at the designated office during normal office hours.

12 Exclusion of the Public and Press from Meetings

12.1 Confidential Information - Requirement to Exclude the Public and Press

The public will be excluded from meetings whenever it is likely that in view of the nature of the business to be transacted or the nature of the proceedings, exempt or confidential information would be disclosed.

12.2 Exempt Information - Discretion to Exclude the Public

Further to Rule 12.1 above, where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the

Human Rights Act 1998 establishes a presumption that the meeting will held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

12.3 Meaning of Confidential Information

Confidential Information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by statute or by Court Order.

12.4 Meaning of Exempt Information

In accordance with Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. Effective: 1st March, 2006.

Exempt information means information falling within the following 7 categories (subject to any condition)

- 1 Information relating to any individual.
2. Information that is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

NOTE - Qualifications on the application of the Exemptions

8. Information falling within Paragraph 3 above is not exempt information if it is required to be registered under any of the following Acts:-
 - The Companies Act 1985
 - The Friendly Societies Acts 1974 or 1992
 - The Industrial and Provident Societies Acts 1965 to 1978 The Building Societies Act 1986
 - The Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10. Information which:-

- a. falls within any of Paragraphs 1 to 7 above; and
- b. is not prevented from being exempt by virtue of paragraphs 8 or 9 above,

is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. Exclusion of Access to Reports

If the Proper Officer thinks fit, the Authority may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked "[in accordance to service policy](#)" with the category of information likely to be disclosed.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. PORTFOLIO MANAGEMENT (3PT)**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the contents of the report be noted.

2. PURPOSE OF REPORT

- 2.1 This report provides a summary of the progression of the delivery of Portfolio Management towards delivering 'Our Plan'. The updates provided are based on the continual assessment of Investment and business benefits of projects being delivered through the three Programmes of Community Risk Reduction, Enabling Services and People.

3. BACKGROUND

- 3.1 To inform Members of the approach taken under Portfolio Management and the resulting outcomes of the workstreams within current Programmes and Projects, which support the Service to deliver continuous improvement and transformation.
- 3.2 This report will lead into the subsequent Fire Authority reports that support the delivery of the Strategy in one or more of the Programmes.

4. DELIVERABLES

- 4.1 The Programme Executives (Brigade Managers) are accountable to the Portfolio Executive (Chief Fire Officer (CFO)), through their programme objectives to deliver the Strategy of the WMFS. The Portfolio is led by the CFO to enable the delivery of the Authority's Strategic priorities, aligned to Community Risk Management Plan (CRMP) objectives.

- 4.2 The Portfolio is ultimately accountable for the Programmes and will provide assurance that the aims and objectives are being achieved. The Programmes are accountable for Projects.
- 4.3 The deliverables (aims and objectives) of the three Programmes are shown below, supported by recent Programme achievements.

6. **COMMUNITY REDUCTION RISK PROGRAMME (CRR)-
HIGHLIGHTS**

- 6.1 There was successful engagement in national campaigns such as National Volunteers Week, National Sprinkler Week and Road Safety Week.

To help highlight the importance of sprinklers and their ability to save lives, a press release was issued with a dramatic video where a West Midlands parent detailed that she, her partner and young son owe their lives to sprinklers after they doused a fire in their high-rise home.

The dramatic audio of the 999 call she made to Staffordshire and West Midlands Fire Control has been released within the video, painting a picture of how the control room operator relayed fire survival guidance as fire crews made their way to the scene. The drama unfolded in the early hours of 12 April 2023 at Salisbury Tower in Ladywood, Birmingham. Link to full article below:

<https://www.wmfs.net/news/ladywood-mum-praises-life-saving-sprinkler-system-after-fire-in-tenth-floor-flat/>

6.1.2 Emergency Planning

The Emergency Planning team (as the lead authority) are working closely with the Local Resilience Forum (LRF) to plan and deliver Control of Major Accident Hazards (COMAH) exercises in line with the Health and Safety Executive (HSE) schedule with one scheduled for November. Additionally, to this they continue to work with Fire Control to develop action plans for COMAH incidents.

On 28-30 March 2023, the WMFS took part in a National Power Outage Exercise (Ex. Mighty Oak) which was commissioned by the Home

Office to test LRFs. This was a 3-day exercise which tested Business continuity plans, following this the service will continue to develop its National Power Outage actions plans. This exercise is being debriefed by both the LRF and by the Service to ensure that we are prepared for business continuity events such as these.

UNISON, the UK's largest Trade Union and the WMFS's 2nd largest Trade Union (TU) by way of membership (non-operational staff), have informed the Service that they intended to ballot for national strike action. Ballot papers were despatched on 23 May 2023 with the earliest potential strike date being 16th July 2023. WMFS are currently undertaking an impact assessment to determine any likely/foreseeable impacts that may arise from UNISON members entering strike action.

6.1.3 Response

ISAR deployments

In February/March 2023, members of our UK United Kingdom International Search and (ISAR) capability have deployed to both Türkiye and Malawi as a part of the (UK ISAR) team response.

Türkiye - February 2023

Eight WMFS personnel travelled to Türkiye as part of the UK's response to devastating earthquakes that have struck the south of the country and northern Syria.

Thousands of people have been killed or injured, and hundreds of buildings destroyed. WMFS were among 14 UK fire and rescue services (FRSs) to have answered the call for international help.

Those deployed were volunteer members of UK International Search and Rescue (UKISAR). They include search dogs and handlers and have been joined by dedicated medical teams who volunteer from UK organisations outside of the fire and rescue service. This deployment, sanctioned by the Foreign, Commonwealth and Development Office (FCDO, is the latest example of UKISAR volunteers selflessly answering an international appeal for help.

Malawi – March 2023

Members of the West Midlands Fire Service (WMFS) deployed to Malawi as part of the United Kingdom International Search and Rescue (UK ISAR) team response to devastating storms that have swept the country.

The request for UK assistance from the Malawian government came after it declared a state of disaster in 10 southern districts, as Storm Freddy hit for a second time in the same month. WMFS is among other UK fire and rescue services to have answered the call for international help, by sending a 27-person flood response.

This deployment, sanctioned by the Foreign, Commonwealth and Development Office (FCDO) comes just a month after 77 members arrived back in the UK from earthquake-hit Türkiye.

6.1.4 Incident Command Review

The Service has recently undertaken a review of our Incident Command capability. Complementing our aspiration to be operationally excellent, the review looked at all four levels within the UKFRS Incident Command structure:

- Level 1 (Initial)
- Level 2 (Intermediate)
- Level 3 (Advanced)
- Level 4 (Strategic)

Alongside the policies, structures, systems, and processes in place, we also looked at how they are applied, to provide assurance that this critical aspect of all response operations enables the assertive, effective and safe resolution of incidents.

This has culminated in a schedule of work for the next 12 months to ensure that we can deal with incidents excellently. WMFS is absolutely committed to setting all current and aspiring Incident Commanders up to succeed and this future programme of both organisational and individual development, will enable all incident commanders to be confident, assertive, effective and safe in the operational environment

6.1.5 24 /7 System Approach Review

Flexi Duty Officers are our level two commanders who respond to more complex and specialist incidents. Our current model includes 48 officers spread over six command teams. They work a six-week model which includes weekdays and one weekend.

A review of the Flexible Duty Shift (FDS) model commenced in January 2022.

Formal consultation began through the JCC process in August 2022 based on the premise of increasing the number of Flexi Duty Officers (FDOs) on duty from a minimum of 8 to 10 at any one time to manage community risk. It also proposed a number of other recommendations to provide fairer distribution of incidents that will be attended by the cohort.

Consultation has now recommenced following its postponement in December due to Industrial Action planning. An interim solution was achieved in December 2022 whereby 10 FDOs are on continuous duty on each weekday. This continuation of the consultation is now underway, and we are encouraging the cohort to offer feedback and solutions. Weekly briefing sessions have been arranged for FDO to drop into and discuss any ideas, issues, and thoughts. The Representative Bodies are also being engaged on a weekly basis to discuss and engage.

6.1.6 BA Procurement

We are currently in the final phase of the tendering process for the procurement of new Breathing Apparatus (BA) sets as part of our BA Set Replacement Process. Our specification will challenge the sector to ensure that we have access to the most innovative, technologically advanced BA Sets which will future proof ourselves in the years to come. We have recently undertaken a rigorous testing programme at the Fire Service College of the equipment from the suppliers involved in the tendering process. This, along other considerations will determine which supplier will be awarded the contract. We are working towards an implementation of new BA at the beginning of 2024.

6.1.7 Vehicle Replacement Programme (VRP)

During the last 5 months, five new Pump Rescue Ladders (PRLs) were commissioned at the following Fire Stations:

- Sutton Coldfield - a new Technical Rescue Pump (TRP) has been commissioned and delivered to the new Technical Rescue Station at Sutton.
- Dudley
- West Bromwich
- Erdington
- Ward End

6.1.8 Operations

The sudden passing of Station Commander Simon Wheatley has undoubtedly sent shockwaves through the Service, particularly those who worked closest to him. We continue to liaise with Simon's family on funeral arrangements as well as working closely with colleagues supporting them through this difficult time.

6.1.9 Risk Based Crewing consultation closed on 6 June with an agreement to implement this approach at our 3 multi-pump stations (Coventry; Walsall and Highgate). Risk Based Crewing continues to allow us more flexibility to resource incidents to risk, both in terms of vehicles and number of crew.

We have attended several large-scale incidents in recent months which has included a 15-pump fire in Coventry and a 10-pump fire in Aston. Our average attendance time of 04:49 for category 1 incidents has supported our assertive, safe, and effective approach to dealing with incidents effectively.

We have taken an evidence-based decision to issue personal respirators to all operational staff, including resilience officers and flexi duty officers. Roll out began in May 2023 and are now in use across the Service. Initial feedback has been positive from crews using them and the issuing of respirators will improve the health and wellbeing of employees.

6.2 Prevention

Safe and Wells being completed from partner referrals now equates to nearly 60% as our commitment to partnership relationships continues to grow, such as the pilot with Orbit Housing and Birmingham City Council to use the SafeLink's online Safe and Well tool to refer tenants.

With a focus since August 2022 on quality of Safe and Well visits, rather than a requirement of quantity per appliance per day, the Safe and Well average assessment points have risen consistently showing these visits are being targeted at the most vulnerable communities.

New WMFS fire investigation dog 11-month-old working cocker spaniel, Giddy, completed her training in April 2023 alongside her handler Fire Investigator Alex Daw and they have both been attending incidents since.

WMFS Fire Investigator, Luke Beckett, was featured in an episode of the BBC series "Forensics: The Real CSI" where he investigated the cause of a severe recycling incident.

Speed Indication Devices have been used within the Birmingham Command since 2017. In April this was rolled out to Sandwell Command area to make the community aware of their road speed in order that it is reduced, and to support crews to target road safety interventions.

6.3 Protection

Safe and Strong digital workbooks and linked data analysis dashboard are now fully operational allowing our staff to collate; analyse and interpret safe and strong data in real time. This allows our crews to make more targeted Safe and Strong visits as well as share learning with other businesses and crews quickly and efficiently.

We continue to be instrumental in the momentum of the roll out of the Building Safety Regulations (BSR) for high rise buildings working alongside other regional BSR Manager and National Fire Chiefs Council (NFCC) leads.

7. **ENABLING SERVICES PROGRAMME (ES) – HIGHLIGHTS**

7.1 HQ Inclusion and Collaboration

This project has been initiated, to continue the work begun by the HQ Transformation project of providing agile workspace. The first phase of the project has seen all staff being relocated on the same floor of the building, this is to enable more effective collaborative working and underpin our commitment to 'Everything Connected'.

7.2 Corporate Communications

7.2.1 The CRMP Consultation planning is progressing well ahead of July's planned launch.

Planning has begun to consider refreshed branding, coupled with a new campaign to reflect the Service's approach to 'People, Professionalism and Pride'.

7.2.2 Social media campaigns in support of The King's Coronation and Birmingham Pride were well-supported across the Service and our communities.

7.2.3 Digital and Data

7.2.4 Service Level Agreements (SLAs) for business-as-usual first-line ICT support remain on-track and have been improved upon from the previous quarter.

7.2.5 Upgrades to connectivity at our stations continue and updated WIFI has been installed to support digitally enabled working practices.

7.2.6 Legacy-system transformation will deliver an autumn launch of a new Time and Attendance software system to improve current functionality, in collaboration with the People Programme. This project will also deliver updated Fleet and Asset Tracking systems.

7.2.7 Oracle

- In response to user-experience feedback from our stations, a refreshed approach to training and communication of updates and releases and progress has been well-received across the board.
- Staff are now getting used to these important changes for us as a Service. Over 100 'champions' have been recruited across the Service to support this and provide ongoing local training and provide key feedback.
- Oracle Guided Learning (which allows people to learn by doing) is receiving over 300 unique uses per day and all software is being reviewed through neuro-diversity assurance.
- Competency Risk and Standardised Assessment (CRSA) dashboards for managers and users have been going live sequentially across all required business areas and will be in place by the end of June. This will provide greater assurance of our staff competency.
- An Oracle Development Session for all Fire Authority Members is scheduled to take place on the 10 July 2023.

7.2.8 Sustainability

- WMFS was represented (and presented) at the West Midlands Combined Authority's (WMCA's) Green Network, whilst the scope of collaborative-working with Staffordshire FRS in support of this remit has been broadened.
- 12-month and whole-of-life (2041) Roadmaps towards carbon neutrality have been completed and reports on UN Compact and transfer of Environmental Responsibility have been prepared.
- Sustainability will form part of our CRMP public consultation so we can understand which areas are most important to our communities.
- The Strategic Enabling Team (SET) have committed to developing a greater understanding to allow an embedded Sustainability strategy, ensuring our work stays current and future generations are safer, stronger and healthier.

- A dashboard has been created to monitor and assess against 147 areas of legal compliance required of the Service.

7.2.9 Finance and Procurement

- The 2021/22 Statement of Accounts were signed-off in March 2023 with an unqualified external audit opinion.
- Global supply chain issues have been slowly improving, based on feedback from ongoing Contract Management discussions; price increases are being monitored.
- Internal assurance work is being undertaken with departmental stakeholders around procurement policy compliance, to ensure best practice is maintained.
- Preparation for Public Sector procurement reforms, due in 2024, is also underway. The Procurement Bill, looking to improve regulation and efficiency, is currently going through Parliament.

8. **PEOPLE PROGRAMME – HIGHLIGHTS**

8.1 New Strategic Goals (in line with People, Professionalism & Pride)

Agreed by Richard Stanton (ACFO and Director People), Kelly Harding (new to Service as Head of People Support) and Samantha Burton (Head of People Development and Inclusion).

- *Ensuring our workforce reflects the diverse communities it serves, at all levels in the Service.*
- *Creating an environment which enables everyone to thrive at work.*
- *Ensuring everyone knows how they contribute to the delivery of excellent services.*
 - *A safe and healthy place to work for all.*

8.2 People, Culture, Development and Inclusion: Recommendations Mapping

8.2.1 March's release of HMICFRS's 'Values & Culture in Fire & Rescue Services' saw the Service accept all 35 recommendations; cross-

department work is underway to ensure we meet key-milestone deadlines.

8.2.2 The People Programme has further agreed to collate recommendations from an additional 7 contemporary reports and has undertaken a cross-mapping exercise to inform priority workstreams/dependencies.

8.2.3 Work is continuing to develop a metric of progress measurement against these recommendations, aligned to tasks as part of a smart-project environment within 3PT.

8.3 Inclusion Action Plan

8.3.1 Following a review of the Joint Cultural Implementation Plan (JCIP), an Inclusion Steering Group has been established to develop and deliver this Action Plan. It will be evidence-based and underpinned by data to ensure we meet our Strategic Goals.

8.4 Departmental/Functional Reviews

8.4.1 People Support Services has undergone phase-one of a review with phase two now underway to look at potential delivery models of those service improvements identified.

8.4.2 A review of Trainee Firefighter Development Programme (TFDP) is also underway with the target of revised course delivery for new-entrant recruits by August 2023.

8.4.3 The scope, stakeholder agreement and roadmap has been agreed for the Competency Risk Assessment (CRA) review.

8.4.4 A review of Pensions is being scoped to ensure compliance against recent report recommendations.

8.5 Health and Wellbeing

8.5.1 A Mental Health Productivity Programme (MHPP) pilot saw 50% of our staff complete a wellbeing survey across April/May. A thematic evaluation is due imminently to shape our delivery of support services.

8.6 Attendance Management Governance Group

8.6.1 This group has been set up, with a core Action Plan in-development, aiming to improve attendance, support employee wellbeing and address other key contributors to the current ridership factor deficit.

8.7 Managing Vacancies and Development Pathways

8.7.1 Alongside an expansion of Talent Pools to ranks/grades below Group Commander, work is underway to explore all elements of career progression with supporting toolkits now being developed.

8.7.2 This includes ensuring our approach to both Positive Action and Future Leader Development provides, the best platform for all to succeed, across all levels of the Service.

9. **EQUALITY IMPACT ASSESSMENT**

9.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report will not lead to a policy change.

9.2 Areas of policy changes that are identified in Project(s) are subject to an Equality Impact Assessment.

10. **LEGAL IMPLICATIONS**

10.1 The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

11. **FINANCIAL IMPLICATIONS**

11.1 There are no direct financial implications arising from this report.

12. **ENVIRONMENTAL IMPLICATIONS**

12.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

Portfolio Management - Fire Authority Report June 2022

10706222 FRA Portfolio Management (3PT).docx

Portfolio Management – Fire Authority Report Oct 2022

[12009221 FRA Portfolio Management \(3PT\) - Oct 22.docx](#)

[12301233 FRA Portfolio Management \(3PT\) - Feb 23.docx](#)

The contact name for this report is Marc Hudson, Head of Portfolio, contact number 07973 810 139

Wayne Brown
Chief Fire Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. COMMUNITY RISK MANAGEMENT PLAN - CONSULTATION**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 That FA members approve the approach to Community Risk Management Plan (CRMP) consultation in July 2023 as outlined within this report, including the consultation themes and questions.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to inform FA Members of the consultation of West Midlands Fire and Rescue Authority's (WMFRA) CRMP commencing in July 2023 as part of the preparation of our three-year rolling strategy, Our Plan 2024-2027.

3. BACKGROUND

- 3.1. Under the National Fire and Rescue Framework, West Midlands Fire and Rescue Authority (WMFRA) has committed to consult on our CRMP every three years, or where there is a material change to it. WMFRA is committed to enabling the wider community to understand the strength in the risk-based approach to the delivery of services across the West Midlands.
- 3.2. Our last consultation in October 2020 informed our CRMP and three-year rolling strategy for 2021-2024 which saw the establishment of 6 CRMP projects delivering transformation across the service, which will continue to be a focus in year and within our three year rolling strategy:
- Risk Based Crewing
 - Emerging Risks
 - Dynamic Mobilising

- Reducing Health Inequalities
- Blended Fleet
- Automatic Fire Alarms

3.3. Since the last WMFRA consultation took place in October 2020 there have been a number of national and local reports and inspections that have been undertaken that are likely to change the way Fire and Rescue Services operate and deliver services to communities in the future.

- Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) independent assessment of the effectiveness and efficiency of all fire and rescue services;
- State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2022
- CRMP Fire Standard
- External reviews such as Part 2 of the Grenfell Inquiry, the Manchester Arena Inquiry, and the recent Independent Cultural Review of London Fire Brigade.
- HMICFRS Values and Cultures in Fire and Rescue Services

3.4. Our understanding of risk also continues to evolve, we continually assess risk as a service to inform our decision making and throughout our CRMP process our risk analysis phase is integral. This has identified the following key themes:

- Business Continuity and Resilience – an increase in disruptive events such as protests, international disputes, social disruption, supply chain issues, loss of utilities, climate change, cyber-attacks.
- Emerging Technologies – the drive for sustainability to negate climate change is creating emerging technologies such as lithium-ion batteries, hydrogen, large energy storage systems and new building construction methodologies in the built environment.
- Cost of Living – underlying social inequalities that we know increase our communities risk to fire and other emergencies are being exasperated by the cost of living. This will see vulnerability continue to rise leading to increased community

risk and a potential increase in frequency and severity of incidents incident we attend.

- Sustainability and Net Zero - WMFS recognises that not only do our activities impact on the environment, but changes in the environment may impact on the type, frequency and severity of incidents we attend. Sustainability is not solely focused on the environment but is a service wide eco system where opportunities are founded by working together, streamlining processes and ways of working, leading to a more effective and efficient service. As role models within our communities and to meet external targets, we see sustainability becoming an overarching theme across all elements of our Strategy, enabling all areas of the Service to adapt or adopt new approaches to safer communities.

These themes will form the bases of future CRMP proposals and will be a feature of our public consultation.

- 3.5. Based on the consultation timeframes, it is an appropriate time for WMFRA to complete an effective, informative and meaningful consultation with our communities, staff, partners and businesses across the West Midlands region. This will be achieved by adopting the 'Gunning Principles':

- proposals will be at a formative stage
- there will be sufficient information for respondents to give 'intelligent consideration'
- there will be adequate time for respondents to give consideration and response
- 'conscientious consideration' will be given to the consultation responses before a decision is made

4. **CRMP CONSULTATION APPROACH**

- 4.1. WMFRA takes a risk-based approach in developing our CRMP. The consultation will provide an opportunity for our communities, staff, partners and businesses to determine whether our approach is supported and provide feedback in relation to how we may improve services. In addition, the consultation will seek to engage members of the public, staff and partners about emerging themes such as People and Sustainability to help shape our services in the future.

- 4.2. Consultation should be viewed as an activity that adds value to and supports the CRMP. If undertaken to appropriate standards, consultation can help to create a better understanding of the needs of local communities and stakeholders that the FRS is seeking to support, and through a genuine exchange of views should help to create a CRMP that is more closely aligned to these needs.
- 4.3. It is proposed that WMFRA consult on 5 themes during the consultation:
- Prevention
 - Protection
 - Response
 - People
 - Sustainability

These themes and questions can be found in Appendix 1. For each theme, information will be provided to enable the respondent to make informed decisions when providing feedback.

- 4.4. It is proposed that the consultation will run for 10 weeks from 3rd July until 11th September 2023. The outcomes of this consultation will have a direct impact on the development of Our Plan and therefore consideration has been given to the corporate planning timelines in developing and presenting 'Our Plan 2024-2027' to the Fire Authority.
- 4.5. The CRMP consultation will aim to engage a broad range of demographics in line with the diverse communities we serve which will include partners and businesses. This will involve utilising the digital platform of WMNow adopted for the 2020 consultation, further enhanced by face-to-face community and partner interaction. Our approach will also seek to target three distinct groups; the public, our partners and our staff. Questions will be tailored to each to allow more meaningful responses.
- 4.6. We aim to gather the greatest range of information possible from the consultation which can be used to inform our existing approaches and our future priorities.

5. **ENGAGEMENT STRATEGY**

- 5.1. Our Community Risk Management Plan (CRMP) assesses current and future risks faced by our communities. From incident data, we understand the factors that increase an individual's vulnerability and the factors that contribute to the likelihood of them requiring access to our services. We also know these factors are similar across all public services.
- 5.2. Therefore, collaboration with other public services, including West Midlands Police, West Midlands Ambulance Service, Local Authorities and health partners, provides us with a greater opportunity to reach the most vulnerable. This will enable us to maximise community engagement with the consultation, with the intention of gaining valuable feedback to strengthen our future resilience, effectiveness, and efficiency.
- 5.3. It is our intention to make the consultation as accessible as possible to respondents by utilising as many platforms that are available to us. To make this process as seamless as possible all relevant material will be available at www.wmfs.net.
- 5.4. To enable as much of a representative response as is possible from our diverse communities, partners and businesses it is hoped that a wide range of views and opinions will be collected. An example of the different engagement proposals are detailed below, which will help us achieve both qualitative and quantitative results:
 - Wmfs.net based (multi language – google translate)
 - WM Now - digital community messaging system
 - Social media campaigns
 - Targeted businesses
 - Safe and Well visits / Safe and Strong
 - Partners
 - Community members and volunteers
 - WMFS staff/network groups
 - FA members
 - Station Open Days
 - Direct community engagement – all staff
 - Community events

- 5.5. WMFRA recognises good practice from polling and commits to have a representative set of responses. For this purpose, we have conducted an analysis of stakeholders and have adapted each question to each target audience (our staff, the public or our partners) to allow for more meaningful responses.
- 5.6. In addition, an analysis of the population of the West Midlands has been conducted, which will help us identifying specific targets for age groups, gender and ethnicity. This will enable to monitor our responses and target underrepresented groups to ensure responses are reflective of our communities.
- 5.7. Engagement will be continually monitored throughout the consultation and reported on periodically. A Power BI dashboard will be set up to provide an overview of responses including total number of responses and breakdown based on demographics.
- 5.8. Engagement with members of our communities will require the support of all staff to help drive and push awareness. For this purpose, engagement sessions have been conducted, encouraging staff to put forward ideas of how to engage the public and partners in the consultation. Our approach and engagement strategy has been documented in our consultation plan, details of which have been used to populate this report.

6. **EQUALITY IMPACT ASSESSMENT**

- 6.1 In preparing this report a full Equality Impact Assessment has been undertaken.

7. **DATA PROTECTION IMPACT ASSESSMENT**

- 7.1 In preparing this report a full Data Protection Impact Assessment has been undertaken.

8. **LEGAL IMPLICATIONS**

- 8.1 The consultation proposed in this paper meets the Authority's requirements under the National Fire and Rescue Framework for England 2012.

9. **FINANCIAL IMPLICATIONS**

- 9.1 There are no direct financial implications to the approval of recommendations in this report.

10. **SUSTAINABILITY (ENVIRONMENTAL) IMPLICATIONS**

- 10.1 In preparing this report a full Sustainability Impact Assessment has been undertaken.

11. **BACKGROUND PAPERS**

- [State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2019](#)
- [The NFCC, National Employers \(England\) and LGA 'Fit for the Future' report 2020](#)
- [Community Risk Management Planning Fire Standard](#)
- [HMICFRS Inspection Report](#)
- [Independent Culture Review | London Fire Brigade](#)
- [Views and culture in fire and rescue services](#)

The contact for this report is Hannah Spencer, CRMP Co-Ordinator – Hannah.Spencer@wmfs.net

APPENDIX 1: Consultation Themes and Questions

Introduction

We provide prevention, protection and response services to a population of 2.9 million people across the West Midlands conurbation.

Our 1,400 firefighters and operational colleagues, 60 personnel in Staffordshire and West Midlands Fire Control, plus our 400 non-uniformed staff are dedicated to making the West Midlands safer, stronger and healthier.

All fire and rescue services have a duty to plan their work - from how they respond to house fires and traffic collisions, through to flooding and terrorism.

This important planning also takes account of our communities' views and needs. We factor these into 'Our Plan', which sets out our priorities on a three-year rolling basis.

We last asked our communities about Our Plan in 2020. A lot has changed since then, so we're now consulting again.

It shouldn't take much longer than 10 minutes to share your views.

Thank you!

PREVENTION

Keeping you safe where you live, work or travel

Our prevention work aims to help you avoid having an emergency in the first place.

We work hard to identify the most vulnerable people in our communities who need our help most.

Poor health and wellbeing increase someone's risk and vulnerability to fire and other emergencies. Other factors – for example, the cost-of-living crisis and COVID-19 – can influence who is at risk at any one time.

Whether it's a home or school visit from our fire crews, our wide-ranging research, or finding innovative ways to deliver our services, we want to do all we can to keep you safe at home, at work and when travelling.

Public

Question 1: Have you used or experienced any of our prevention activities? If you have, please select all that apply:

Safe and Well visit

Fire Cadets

Road safety events

Visit to our Safeside education centre

Education visits to schools and colleges

Special Educational Needs and Disability (SEND) education

Fire safety tutoring

Other (free text, no more than 300 characters)

- If yes, please rate our service (scale: Excellent, Extremely Good, Good, Average, Poor, Extremely Poor, Terrible)

Question: If you haven't used our prevention services, why is that?
Please select all that apply:

- I don't know what's available
- I don't think I need them
- I don't know how to access these services
- Problem getting information
- Language/communication barriers
- My use of/access to technology is limited
- Other (free text, no more than 300 characters)

Question 2: Are there any other prevention services or advice you think we could provide to make you safer?
Yes/No

If yes (free text, no more than 300 characters)

Partners

Question 1: Have you experienced or referred anyone to any of our prevention activities? If you have, please select all that apply:

Safe and Well visit

Fire Cadets

Road safety events

Visit to our Safeside education centre

Education visits to schools and colleges

Special Educational Needs and Disability (SEND) education

Fire safety tutoring

Other (free text, no more than 300 characters)

- If yes, please rate our service (scale: Excellent, Extremely Good, Good, Average, Poor, Extremely Poor, Terrible)

Question: If you haven't used our prevention services, why is that?
Please select all that apply:

- I don't know what's available
- I don't know how to access these services
- Problem getting information
- Other (free text, no more than 300 characters)

Question 2: Are there any other prevention services or advice you think we could provide to make our communities safer?

Yes/No

If yes (free text, no more than 300 characters)

Staff

Question 1: Have you or your family experienced any of our prevention activities? If you have, please select all that apply:

Safe and Well visit

Fire Cadets

Road safety events

Visit to our Safeside education centre

Education visits to schools and colleges

Special Educational Needs and Disability (SEND) education

Fire safety tutoring

Other (free text, no more than 300 characters)

- If yes, please rate our service (scale: Excellent, Extremely Good, Good, Average, Poor, Extremely Poor, Terrible)

Question: What do you think are potential barriers for the community accessing our Prevention services? Please select all that apply:

- They don't know what's available
- They don't think they need them
- They don't know how to access these services
- Problem getting information
- Language/communication barriers
- Use of/access to technology is limited
- Other (free text, no more than 300 characters)

Question 2: Are there any other prevention services or advice you think we could provide to make our communities safer?

Yes/No

If yes (free text, no more than 300 characters)

PROTECTION

Keeping you safe when you are working in or visiting a building

Our protection work is all about protecting life and property. It makes businesses and the economy stronger, and communities safer.

We inspect buildings such as, hospitals, schools, care homes, hotels, high rise residential and vulnerable businesses, to keep them safe and reassure the people who live and work there.

Following the Grenfell tragedy, new fire safety regulations and laws are now in place. We and our partner organisations, like housing providers, now have extra responsibilities to ensure that existing and future high-rise buildings are safe.

Public

Question 1: Do you live in a high-rise building (8 or more floors)? if no – skip to question 2 OR if yes, continue to 1A

Question 1A – 1D

Question 1A: Are you aware of the new Fire Safety (England) Regulations 2022?

Yes/No/unsure (if no or unsure, skip to 1C OR if yes go to next 1B)

Question 1B: Do you feel that the Fire Safety (England) Regulations 2022 have made high-rise buildings safer? (Yes/No) (both go to next Q)

Question 1C: Do you think there is more we can do to keep communities in high-rise buildings safe from fire? Yes/No (if yes: free text, no more than 300 characters) (if yes go to next Q 1D, if no, skip to Q2)

Question 1D: Are you happy to share the address of your high-rise building? (Yes/No. Yes - free text to take address)

Question 2: Have you used any of our business fire safety services? (Yes/No/Not applicable) (if Yes go to 2A, if not applicable, skip to next section – Response, if no, skip to next Q2C)

Question 2A Please select the services you have used:

- Fire safety advice
- Fire safety audit
- ‘Safe and Strong’ visit
- General fire safety support
- You’ve reported a fire safety issue to us
- Other (free text, no more than 300 characters)

Question 2B - Please rate our service (scale with free text option)

Question 2C - Have you had any problems accessing our services?
Please select all that apply:

- I don't know what's available
- I don't think I need them
- I don't know how to access these services
- Problem getting information
- Language/communication barriers
- My use of/access to technology is limited
- Other (free text, no more than 300 characters)

Partners

Question 1: Are you responsible for a high-rise building (8 or more floors)? If yes, go to Q1A, if no, skip to Q2)

Question 1A: Have the new Fire Safety (England) Regulations 2022 made high-rise buildings safer? (Yes/No/Unsure)

Question 1B: Do you think there is more we can do to keep high-rise residents safe from fire? Yes/No (if yes free text, no more than 300 characters)

Question 2: Have you used any of our business fire safety services? (Yes/No/Not applicable) (Yes go to Q2A, no, go to Q2C, not applicable go to next section Response).

Question 2A: Please select the services you have used:

- Fire safety advice
- Fire safety audit
- 'Safe and Strong' visit
- General fire safety support
- You've reported a fire safety issue to us
- Other (free text, no more than 300 characters)

Question 2B: Please rate our service (scale with free text option)

Question 2C: Have you had any problems accessing our services?
Please select all that apply:

- I don't know what's available
- I don't think I need them
- I don't know how to access these services
- Problem getting information
- Language/communication barriers
- My use of/access to technology is limited
- Other (free text, no more than 300 characters)

Staff

Question 1: Are you aware of the new Fire Safety (England) Regulations 2022?

Yes/No/unsure (if yes, go to Q1A, if no or unsure, go to Q1B)

Question 1A: Do you feel that the Fire Safety (England) Regulations have made tall buildings safer? (Yes/No)

Question 1B: Do you think there is more we can do to keep communities in tall buildings safe from fire? Yes/No (if yes: free text, no more than 300 characters)

RESPONSE

Helping you in an emergency

Our response to fires and other emergencies continues to be graded 'outstanding' by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services. Our understanding of risk of fire and other emergencies, and overall effectiveness, are now also rated 'outstanding' for the first time.

Our firefighters arrive at the most serious incidents in under five minutes - one of the quickest response times in the country. Responding so quickly saves lives and protects homes and businesses.

We respond to a wide range of incidents, not just fires and traffic collisions. These include water rescues and flooding, complex rescues from height or confined spaces, and incidents including hazardous materials.

As technology, towns and cities advance, the risks we might face change. Many factors influence the types of incidents to which we might respond - for example, wider use of rechargeable lithium-ion batteries, new buildings, electric vehicles and climate change.

The skills and expertise of our staff can be called upon to help people in the UK or around the world who are affected by major incidents or humanitarian crises, such as in Greece, Turkey and Malawi.

Public

Question 1: Has West Midlands Fire Service helped you in an emergency? (if yes go to Q1A, if no, go to Q2)

Question 1A: Please rate our service (scale with free text option, no more than 300 characters)

Question 1B: Have you experienced any barriers to accessing our services? If so, please select all that apply:

- Limited access to a phone or technology
- Problem getting information
- Language/communication barriers
- Other (free text, no more than 300 characters)

Emerging Risks

Question 2: We continually assess risks faced by the West Midlands.

Some of the newer ones include: emerging technology, such as

lithium-ion batteries; more electric vehicles; construction of new tall buildings; disruption to supply chains; climate change; cost of living.

Do you feel there any other new/emerging risks we should be considering?

Y/N

Yes branches to free text option, no more than 300 characters

Question 3: Community resilience

We work hard to spot risks that might significantly impact everyone in the West Midlands. We want to be ready to help you if you need us.

But how prepared do *you* feel *you* are to cope with the following?

- Fuel shortages
- Food shortages
- Energy shortages
- Mobile network or phone disruption
- Flooding
- Extreme weather (hot and cold)
- Power outages

Very prepared to totally unprepared

Partners

Question 1: Has West Midlands Fire Service helped you in an emergency?

If yes, please rate our service (scale with free text option, no more than 300 characters)

Question 2: Emerging Risks

We continually assess risks faced by the West Midlands.

Some of the newer ones include: emerging technology, such as

lithium-ion batteries; more electric vehicles; construction of new tall buildings; disruption to supply chains; climate change; cost of living.

Do you feel there any other new/emerging risks we should be considering?

Y/N

Yes branches to free text option, no more than 300 characters

Question 3: Community resilience

We work hard to spot risks that might significantly impact everyone in the West Midlands. We want to be ready to help our communities and partners when they need us.

But how prepared do *you* feel *you* are (as an organisation) to cope with the following?

- Fuel shortages
- Food shortages
- Energy shortages
- Mobile network or phone disruption
- Flooding
- Extreme weather (hot and cold)
- Power outages

Very prepared to totally unprepared

Staff

Question 2: Emerging Risks

We continually assess risks faced by the West Midlands.

Some of the newer ones include: emerging technology, such as lithium-ion batteries; more electric vehicles; construction of new tall buildings; disruption to supply chains; climate change; cost of living.

Do you feel there any other new/emerging risks we should be considering?

Y/N

Yes branches to free text option, no more than 300 characters

Question 3: Community resilience

We work hard to spot risks that might significantly impact everyone in the West Midlands. We want to be ready to help our communities if they need us.

But how prepared do *you* feel *you* are to cope with the following?

- Fuel shortages
- Food shortages
- Energy shortages
- Mobile network or phone disruption
- Flooding
- Extreme weather (hot and cold)
- Power outages

Very prepared to totally unprepared

PEOPLE

We represent our community

We take positive action to recruit a diverse workforce, and want every area and level of our workforce to reflect our communities.

We are determined to breakdown any perceived barriers to joining us, and to challenge behaviours that have no place in a 21st Century fire service.

Our training helps us deliver excellent service to our communities, and our staff benefit from a wide range of wellbeing support (physical, emotional, financial) so they can do their best work for the West Midlands.

Public

Question 1: How do you feel we could attract more people from groups that are currently under-represented in our workforce to join us - for example, minority communities, women, LGBT+, people with disabilities. Please select all that apply:

- Improved information on the role of a firefighter
- More information sessions delivered in the community
- Online information sessions
- Set times to visit fire stations to find out more
- 'Have a go' taster sessions
- Attendance at jobs fairs
- College and university visits
- Other (free text option, no more than 300 characters)

Question 2: Would you consider, or have you considered, working for West Midlands Fire Service? Y/N

If Y: In a firefighter or a support role?

- Firefighter
- Support

What do you feel are the perceived barriers for you or other people wanting to join West Midlands Fire Service, either as a firefighter or in a support role?

Please select all that apply:

- It's not for me
- I've never thought about it
- Lack of information
- Recent negative publicity
- Perception of the role of a firefighter (eg I'm not fit or strong enough)

- Disabilities or health concerns
- Cultural/religious barriers
- Salary and benefits
- Exposure to harm and trauma
- Shift work
- Other (free text option, no more than 300 characters)

If you would like to speak to us about joining us, please email recruitment.

Partners

Question 1:

How do you feel we could attract more people from groups that are currently under-represented in our workforce to join us - for example, minority communities, women, LGBT+, people with disabilities. Please select all that apply:

- Improved information on the role of a firefighter
- More information sessions delivered in the community
- Online information sessions
- Set times to visit fire stations to find out more
- 'Have a go' taster sessions
- Attendance at jobs fairs
- College and university visits
- Other (free text option, no more than 300 characters)

Question 2

What do you feel are the perceived barriers for people wanting to join West Midlands Fire Service, either as a firefighter or in a support role?

Please select all that apply:

- Lack of information
- Recent negative publicity

- Perception of the role of a firefighter (e.g. I'm not fit or strong enough)
- Disabilities or health concerns
- Cultural/religious barriers
- Salary and benefits
- Exposure to harm and trauma
- Shift work
- Other (free text option, no more than 300 characters)

Staff

Question 1: How do you feel we could attract more people from groups that are currently under-represented in our workforce to join us - for example, minority communities, women, LGBT+, people with disabilities. Please select all that apply:

- Improved information on the role of a firefighter
- More information sessions delivered in the community
- Online information sessions
- Set times to visit fire stations to find out more
- 'Have a go' taster sessions
- Attendance at jobs fairs
- College and university visits
- Other (free text option, no more than 300 characters)

Question

What do you feel are the perceived barriers for people wanting to join West Midlands Fire Service, either as a firefighter or in a support role?

Please select all that apply:

- Lack of information

- Recent negative publicity
- Perception of the role of a firefighter (eg I'm not fit or strong enough)
- Disabilities or health concerns
- Cultural/religious barriers
- Salary and benefits
- Exposure to harm and trauma
- Shift work
- Other (free text option, no more than 300 characters)

SUSTAINABILITY

Protecting our people, planet and future

Our focus on sustainability includes finding more efficient and effective ways of working, including how we invest in our technology, equipment, vehicles, buildings and people to make them 'fit for the future'.

We want to cut our greenhouse gas emissions to achieve 'net zero' by 2041, and support our communities to be 'greener'.

We believe that the way we and our partners work should be for the greater good of all and be fair and equitable. Making sure we embed this into all of our activities for the benefit of current and future communities is an important part of this work.

We're also considering how we'll respond to community needs resulting from climate change, and how we can share more information about topics such as warm and cool spaces, flood prevention, and the social and economic impacts of fires and emergency responses.

Public (same for all)

Question 1: Please rank the following in order of how you think we should prioritise them:

- How we prepare for the future scale and frequency of climate-related emergencies
- Achieve net zero sooner, rather than later
- Promote wellbeing for our communities and staff
- Help communities make more sustainable decisions
- Honesty, integrity and ethical behaviour.

Question 2:

Our stations are *community* fire stations, and we continually review their vital role.

Please choose three things you would like to see our stations provide in the future:

- Safety information/education
- A base for multiple emergency services
- Community access to technology
- Warm/cool spaces
- Emergency relief/rest centre during major incidents
- Safe havens for people at risk of harm
- Access to life-saving equipment (eg defibrillators)
- Food bank
- Clothes bank
- Community spaces, eg a coffee shop
- Other (free text, no more than 300 characters)

Partners (same for all)

Question 1: Please rank the following in order of how you think we should prioritise them:

- How we prepare for the future scale and frequency of climate-related emergencies
- Achieve net zero sooner, rather than later
- Promote wellbeing for our communities and staff
- Help communities make more sustainable decisions
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- Warm/cool spaces
- Emergency relief/rest centre during major incidents
- Safe havens for people at risk of harm
- Access to life-saving equipment (eg defibrillators)
- Food bank
- Clothes bank
- Community spaces, eg a coffee shop
- Other (free text, no more than 300 characters)

Staff (same for all)

Question 1: Please rank the following in order of how you think we should prioritise them:

- How we prepare for the future scale and frequency of climate-related emergencies
- Achieve net zero sooner, rather than later
- Promote wellbeing for our communities and staff
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- Warm/cool spaces
- Emergency relief/rest centre during major incidents
- Safe havens for people at risk of harm
- Access to life-saving equipment (eg defibrillators)
- Food bank
- Clothes bank
- Community spaces, eg a coffee shop
- Other (free text, no more than 300 characters)

All

How much do you trust West Midlands Fire Service?

- Completely

- Largely
- Neither trust nor distrust
- Partially
- Not at all

About you

By providing the information below, you'll help us to ensure our consultation represents the views of all West Midlands communities. We will not link it to your personal details.

LIST QUESTIONS TO GO HERE "ABOUT YOU".

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. AN ANALYSIS OF PROGRESS OF QUARTERLY PERFORMANCE AGAINST 'OUR PLAN' – QUARTER FOUR 2022/23**

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT the Authority notes the status of the Service's key performance indicators in the fourth quarter and for year-end of 2022/23 (Appendix 1).
- 1.2 THAT the Committee note the progress made in delivering the three strategic priorities contained in 'Our Plan' 2022-2025 (Appendix 1).

2. PURPOSE OF REPORT

- 2.1 This report is submitted to provide Members with an analysis of the organisation's performance against 'Our Plan' for 2022-2025.

3. BACKGROUND

- 3.1 The setting of targets against the operational and other performance indicators enables the Service to define in key areas the improvements which contribute to making the West Midlands safer, stronger and healthier, and to manage the resources allocated to this work. The Service continues to improve and meet targets across a range of indicators.
- 3.2 The performance information contained within this report was submitted to and considered by the Strategic Enabling Team in May 2023. It is submitted to Members to support the joined-up method of managing performance and providing assurance around the on-going performance against 'Our Plan'.

4. **PERFORMANCE INDICATORS**

4.1 Appendix 1 details the performance against our:

- Performance against our programmes of Community Risk Reduction, Enabling Services, and People, covering:
 - Response, Prevention and Protection
 - People
 - Health, Safety and Wellbeing
 - Finance and Resources
- Strategic Objectives as outlined in 'Our Plan'.

Note: due to ongoing issues with data as well as outstanding workbooks, figures reported may be subject to change.

4.2 **Community Risk Reduction**

4.2.1 Response

- PI 1 – the risk-based attendance standard; performance continues to be positive, with the targets having been met for all four categories of incident type. The performance is rated as over performance against the tolerance levels (blue).
- Average attendance times for Category 1 incidents (the most critical and important of the four categories) were 4 minutes 57 seconds in quarter four, and 4 minutes 48 seconds for the whole of 2022/23.
- Average attendance times for Category 2, 3 and 4 Incident Types remain well within their respective targets:
 - Category 2 Incident Type: 5 minutes 30 seconds (target of 7 minutes)
 - Category 3 Incident Type: 5 minutes 07 seconds (target of 10 minutes)
 - Category 4 Incident Type: 6 minutes 28 seconds (target of 20 minutes)

4.2.2 **Prevention**

- The performance indicator for the following area demonstrates over performance against the tolerance levels (blue):
 - PI 2 The number of accidental dwelling fires.
- The performance indicators for the following areas demonstrate performance is within the tolerance levels (green):
 - PI 3 Injuries from accidental fires in dwellings, taken to hospital for treatment.
 - PI 8 The number of deliberate fires in dwellings.
 - PI 9 The number of deliberate fires in non-domestic premises.
 - PI 10 The number of deliberate vehicle fires.
 - PI 11 The number of deliberate rubbish fires.
- The performance indicators for the following areas demonstrate under performance against the tolerance levels (red):
 - PI 5 The percentage of Safe and Well visits referred by our partners.
 - PI 6 The number of Safe and Well points achieved by the Brigade.
 - PI 12 The number of deliberate fires in derelict buildings.
- The following two performance indicators do not have a performance rating assigned:
 - PI 4 The number of deaths from accidental fires in dwellings.
 - PI 7 The number of people killed or seriously injured in Road Traffic Collisions.

4.2.3 **Protection**

- The performance indicator for the following area demonstrates performance is within the tolerance levels (green):
 - PI 13 The number of accidental fires in non-domestic premises.
- The performance indicator for the following area demonstrates under performance against the tolerance levels (red):
 - PI 14 – The number of false alarm calls due to fire alarm equipment in dwellings and non-domestic premises.

4.3 **People**

4.3.1 The performance indicators for the following areas demonstrate over performance against the tolerance levels (blue):

- PI 18 – The average number of working days/shifts lost due to sickness – All staff
- PI 19 – The average number of working days/shifts lost due to sickness – Uniformed and Fire Control
- PI 20 – The average number of working days/shifts lost due to sickness – Non-Uniformed.

4.3.2 The performance indicators for the following areas demonstrate performance is within the tolerance levels (green):

- PI 17 – The percentage of all staff from black and minority ethnic (BAME) communities.

4.3.3 The performance indicators for the following areas demonstrate under performance against the tolerance levels (red):

- PI 15 – The percentage of employees that have disclosed their disabled status.
- PI 16 – The number of female uniformed staff.
- PI 17a – The percentage of uniformed staff from BAME communities.

4.4 **People - Health, Safety and Wellbeing**

No targets or tolerances are set for the performance indicators for the total number of injuries or the total number of RIDDOR injuries. This is because any injury report is unwanted and the Service encourages an open reporting culture that facilitates learning and improvement.

4.5 **Enabling Services - Finance and Resources**

It has not been possible to report on the following performance indicators due to the unavailability of associated billing information for the period:

- PI 24 – To reduce the gas use of Fire Authority premises.
- PI 25 – To reduce the electricity use of Fire Authority premises.

4.6 PI 23 To reduce the Fire Authority's carbon emissions is not included as no information is currently available for this performance indicator. This is to be reviewed and the development of a new measure will resolve this.

5. **CORPORATE RISK**

5.1 Corporate Risks are those risks that, if realised, would seriously affect the Service's ability to carry out its core functions or deliver key objectives.

5.2 In accordance with the Corporate Risk Management Strategy, all risks maintained within the Corporate Risk Register have been reviewed by Senior Risk Owners in order to update the relevant triggers, impacts and control measures and determine a relevant risk score, if appropriate, based on assessment of likelihood and impact.

5.3 A report of progress against our Corporate Risks is submitted separately to the Audit and Risk Committee.

6. **EQUALITY IMPACT ASSESSMENT**

6.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out. The matters contained within this report will not lead to a policy change.

7. **LEGAL IMPLICATIONS**

- 7.1 The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

8. **FINANCIAL IMPLICATIONS**

- 8.1 The level of response, protection and prevention resources required to achieve the targets for the operational indicators shown in Appendix 1 were considered as part of the Authority's 2022/2023 budget setting process which established a total revised net budget requirement of £108.303 million.
- 8.2 The cost of delivering services which contribute to the performance achievements comprise goods such as smoke alarms and staff time. The staff time includes those who are solely engaged in prevention work and watch based staff that provide emergency response as well as prevention services.
- 8.3 Expenditure on smoke alarms and other supporting materials in 2022/23 is £328k.

9. **ENVIRONMENTAL IMPLICATIONS**

- 9.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

- 'Our Plan 2022-25' Strategic Objectives.
- Corporate Risk Update Quarter 3 and 4 2022/23 (exception report).

The contact name for this report is Area Commander Marc Hudson, Head of Portfolio, telephone number 07973 810139.

WAYNE BROWN
CHIEF FIRE OFFICER

APPENDIX 1**Key Performance Indicators Status – Quarter Four 2022/23**


Item 17

Key:	
Blue	Over performance against the tolerance levels
Green	Performance is within the tolerance levels
Red	Under performance against the tolerance levels

Community Risk Reduction**Response**

Our response priorities focus on dealing excellently with emergency incidents:



- respond with the resources you need when you need them to protect what matters to you, to save life, reduce harm and protect homes and businesses.
- be ready to respond in an assertive, effective, and safe way to meet our vision and your expectations.
- lead rescue operations, working with others to help make you safer.
- be ready to respond locally, nationally, and internationally.

PI 1		The Risk Based Attendance Standard Target: under 5 minutes Actual: 4 minutes 57 seconds Over performance against the tolerance levels
<p>The median high-risk (Cat 1) attendance time was 4 minutes 57 seconds for Q4, and 4 minutes 48 seconds for the whole of 2022/23. 55.4% of Cat 1 incidents were in target and in high-risk areas this rose to 60.5%.</p> <p>Attendance times for Category 2, 3 & 4 incidents remain significantly below the respective targets:</p> <p>Category 2 – 5 minutes 30 seconds (target of 7 minutes) Category 3 – 5 minutes 7 seconds (target of 10 minutes) Category 4 – 6 minutes 28 seconds (target of 20 minutes)</p>		

Prevention


Our prevention priorities focus on making safer, healthier communities:

- prevent fires, road traffic collisions and other emergencies
- focus on reducing health inequalities for our most vulnerable as a means of reducing risk and vulnerability to fires and other emergencies
- educate the community to reduce their risk and vulnerability to fires and other emergencies
- collaborate and work in partnership with other organisations to reduce the risk and vulnerability to fires and other emergencies.

PI 2		The number of accidental dwelling fires Target YTD: 1573 (1495 – 1604) Actual to date: 1489 Over performance against the tolerance levels
		<p>355 Accidental Dwelling Fires were recorded in Q4 of 2022-23, which is the same number as Q3 but is 18 fewer than Q4 of 2021-22. There were 1,489 Accidental Dwelling Fires recorded in total in 2022-23. This is 1.3% fewer than the previous year and 5.3% under target.</p> <p>In Q4, Coventry, Dudley and Walsall were all above tolerance level, being 20.0% (+9 incidents), 5.7% (+2), and 3.4% (+1) over target respectively. Over the full financial year, only Dudley is over tolerance level, with 10 incidents more than its target of 130 (+7.7%).</p> <p>In 2022-23, 45.3% of ADF were cooking fires, 12.1% were caused by electricity supply, and 11.1% were smoking related (including cigarette lighters).</p>
PI 3		Injuries from accidental fires in dwellings (taken to hospital for treatment) Target YTD: 48 (39 – 52) Actual to date: 51 Performance is within the tolerance levels
		<p>There were eight people injured during Accidental Dwelling Fires who went to hospital for treatment for an injury related to the fire (PI Injury) in Q4, which is five below the target of 13 (-38.5%). All Commands were below tolerance level, and only Wolverhampton was above tolerance, with one casualty (the 3-year average was 0.3 for Q4).</p> <p>In total in 2022-23 there were 51 PI Injuries in 49 incidents, which is three above target (+6.3%) but still within tolerance. Both Birmingham North and South and the Black Country North were above tolerance for the year, Birmingham North having 14 against a target of 11, Birmingham South 12 against a target of 10, and Black Country South 10 against a target of eight. At Borough level only Wolverhampton is above</p>


tolerance, there were nine PI injuries there compared to a target of three; one of the incidents with two PI injuries was in Wolverhampton (the other in Sandwell).

37.3% of casualties were aged between 45 and 64, and 31.4% between 25 and 44; the youngest was aged two and the oldest, 96. Two thirds were male.


PI 4		The number of deaths from accidental dwelling fires Target YTD: N/A Actual to date: 9
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There were three fatalities in Accidental Dwelling Fires in Q4 of 2022-23, one in January and two in February, making the total for the year nine. In Q4, there was one fatality each in Birmingham North, Birmingham South and Dudley.

In 2022-23, three deaths in Accidental Dwelling Fires were in fires involving "Matches, candles, incense burners, etc", and two were in smoking related fires (incl. lighters). Six of the fatalities were female and three were male. Six were aged between 74 and 93, the other three were aged between 48 and 54.

PI 5		The percentage of Safe and Well visits referred by our partners Target YTD: 45% (45% - 47.25%) Actual to date: 42.6% (Q4 49.2%) Under performance against the tolerance levels
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The percentage of Safe & Well visits completed in quarter 4 because of a referral from a partner was 49.2% against a target of 45% and achievement of 42.1% for quarter 4 in the previous year. This is because of the change of priorities at the start of August 2022, when the requirement for two Safe & Well visits per appliance per day was disestablished to focus on quality referral pathway building and nurturing relationships to increase the number of referrals for those who the Community Risk Management Plan identifies as being most at risk and vulnerable to fire. Prior to this change during 2022/23, the percentage had been below 40% on average during quarter 1 and 2. As a result of the changes in priorities in August 2022 the 45% target was achieved in quarter 3 at 46%, with a 42.6% total over the year 2022/23.

PI 6		The number of Safe & Well points achieved by the Brigade Target YTD: 260,000 (260,000 – 273,000) Actual to date: 246,304 Under performance against the tolerance levels
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The total points achieved for quarter 4 was 55,662 against a target of 65,000 and the average assessment points per Safe & Well was 8.55. The total number of Safe & Well visits completed was 6,568 which is 3,052 less visits than the 9,620 completed in quarter 4 of the previous year. This is as a direct result of the change in priorities at the start of August 2022, when the priorities for two Safe & Well visits per appliance per day was disestablished to focus on quality referral pathway building and nurturing

relationships to increase the number of referrals and access for Safe & Well for those who the Community Risk Management Plan identifies as being most at risk and vulnerable to fire. Prior to this change, total points had broadly been at target, however, more Safe & Wells were being completed with lower average risk scores, indicating that visits were being completed for people with lower risk.

The total points score for the year 2022/23 was 246,277 against a target of 260,000 with an average risk score of 7.52 which is considerably higher than the average points pre-August 2022 which hovered at 6.4 to 6.5 on average. The total number of Safe & Well visits completed in 2022/23 was 32,799 against 36,990 in 2021/22. In summary, there have been less Safe & Well visits completed during 2022/23, however, the visits that have been completed have been for people whose average risk is higher than those who received visits prior to the changes to the priorities in August.



PI 7		<p>The number of people killed or seriously injured (KSI) in road traffic collisions</p> <p>Target YTD: Not applicable</p> <p>Actual to date: 840</p>
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Road casualty data is collected by the Police in the STATS19 form and supplied by Transport for West Midlands, and at time of writing is up to date for incidents up to December 2022, though minor changes are likely to occur. Months since December are still subject to major change. The following analysis is for the period April to December 2022.


There were 758 people killed or seriously injured in road traffic collisions in the West Midlands between March and December 2022, a 10.4% increase on the three year average and a 5.9% increase on the same period last year. 720 were seriously injured and 38 were killed; in comparison, in the same period in 2021, 683 people were seriously injured and 46 people were killed.

There were 15 fatalities in Birmingham, four in Coventry, three in Dudley, five in Sandwell, six in Solihull, three in Walsall and two in Wolverhampton. Both Sandwell and Solihull's fatalities had increased compared to the same period last year, when there was one in Sandwell and three in Solihull.

Serious injuries increased in Birmingham (+14.8%, +42), Dudley (+39.6%, +21), Sandwell (+2.2%, +2) and Solihull (+41.2%, +14) compared to last year. Of the 38 fatalities, four were female and 34 were male; 10 were aged between 20 and 29 (all male). Three of the four female casualties were aged 80+. The most recorded contributory factors for fatal RTCs were aggressive driving, and being careless or reckless or in a hurry.

PI 8		The number of deliberate fires in dwellings Target YTD: 195 (176 –204) Actual to date: 182 Performance is within the tolerance levels
<p>There were 49 deliberate fires in dwellings recorded in Q4 of 2022-23, just one more than the target of 48. January had the highest number with 22 (target was 16).</p> <p>Birmingham North, Coventry, Solihull, and Wolverhampton were all over tolerance level this quarter, with an excess of three incidents (+33.3%) for Birmingham North, also three incidents for Coventry (+50.0%), six incidents for Wolverhampton (+20.0%), and two incidents for Solihull (+100%). Nevertheless, only Coventry & Solihull and Birmingham North Commands were over tolerance level.</p> <p>For the financial year 2022-23, there were 182 recorded incidents, 13 fewer than the target (-6.7%). Birmingham North and Coventry & Solihull Commands were both over tolerance, with the former 12.5% over target (+5 incidents) and the latter 5.2% over target (+2 incidents) due to Coventry being three incidents over its target of 30.</p>		
PI 9		The number of deliberate fires in non-domestic premises Target YTD: 117 (106 – 122) Actual to date: 107 Performance is within the tolerance levels
<p>23 deliberate fires in non-domestic properties were recorded during Q4 of 2022-23, which is just one incident above target (+4.5%).</p> <p>Two Commands were below tolerance levels (Birmingham North: 5 incidents below target, and Black Country North: 3 incidents below target), while the other three were above tolerance: Coventry & Solihull was six incidents over (+200%), Black Country South was 1 incident over (+25%) and Birmingham South two incidents over (+200%).</p> <p>For the financial year 2022-23 there was a total of 107 deliberate fires in non-domestic premises recorded, 10 below target (-8.5%). Birmingham South and Coventry & Solihull are both above tolerance level, three incidents over target for the former (+15.0%) and 11 incidents over for the latter (+100%). Overall, five boroughs are over tolerance levels, though only Coventry saw an excess of more than three incidents over target, with 19 incidents against a target of 9 (+111.1%).</p> <p>There were six incidents at HMP Birmingham, and a total of 10 at psychiatric hospitals, including four at the New Caludon Centre in Coventry, three of which were in Q4.</p>		



PI 10		The number of deliberate vehicle fires Target YTD: 573 (516 –598) Actual to date: 537 Performance is within the tolerance levels
<p>There were 111 Deliberate Vehicle Fires in Q4 of 2022-23, 19 fewer than the target of 130 (-14.6%). Coventry and Walsall were both over tolerance level, with an excess of just one incident for Coventry (+8.3%) and six incidents for Walsall (+37.5%). Only Black Country North Command was over tolerance, by just two incidents (+6.9%).</p> <p>There were 538 incidents recorded for the financial year 2022-23, 6.1% below target (-35 incidents). Only August and October saw particularly high numbers: 71 and 63 incidents, both at least 15 incidents in excess of the target.</p> <p>The Black Country North and Birmingham North are the only Commands above tolerance for the financial year, 13 incidents above target for the former (+10.8%) and 15 for the latter (+20.5%). Only Walsall and Solihull Boroughs are above tolerance: 11 incidents above target for Walsall (+15.1%) and seven for Solihull (+29.2%). Wolverhampton is one incident above target but still within tolerance.</p> <p>Though cars were targeted in the majority of incidents (59.9%, 323 incidents) almost a quarter involved motorcycles/mopeds (24.9%, 134 incidents).</p>		
PI 11		The number of deliberate rubbish fires Target YTD: 1366 (1230 - 1393) Actual to date: 1352 Performance is within the tolerance levels
<p>There were 237 Deliberate Rubbish Fires in Q4 of 2022-23, which is 10.6% below the target of 265, despite both January and February being over target, as there were only 50 in March (the three-year average for March was 120). Nevertheless, Dudley was above tolerance level with 12 incidents over a target of 36 (+33.3%), as was Solihull, with just one incident in excess of the target of six (+16.7%). In the Commands only the Black Country South was above tolerance for Q4, though just by two incidents above the target of 70.</p> <p>There were 1,352 Deliberate Rubbish Fires recorded for the financial year 2022-23, 14 below the target of 1,366 (-1.0%). April recorded the highest number of incidents with 205, though this is against a three-year average (and target) of 171. August saw the second highest with 160, which was due to the heatwave. February was above average for all boroughs apart from Coventry and Solihull.</p> <p>Both Black Country North and South and Birmingham South Commands were over tolerance for Deliberate Rubbish Fires at the end of the financial year: +5.7% (+19), +12.1% (+41), and +5.2% (+12) respectively. Walsall, Dudley and Wolverhampton Boroughs were over tolerance: +5.8% (+13), +33.5% (+59), and +5.6% (+6) respectively.</p> <p>41.5% of incidents involved 'Loose refuse / rubbish'.</p>		

PI 12		The number of deliberate fires in derelict buildings Target YTD: 114 (103 –119) Actual to date: 135 Under performance against the tolerance levels
<p>There were 22 deliberate fires in derelict buildings recorded for Q4, only one more than the target of 21. Looking at monthly figures, the highest month this quarter was March with 14 (against a target of 10).</p> <p>Solihull was over tolerance but that is because there are normally no incident, as there was only one, in March. Dudley was also over tolerance, with eight incidents against a target of four, seven of which were in March. This means both the Black Country South and Coventry & Solihull Commands were over tolerance for Q4.</p> <p>For the financial year 2022-23 there were 135 incidents recorded, 18.4% over the target if 114. Only the Black Country South Command was not over tolerance, and all boroughs in each Command other than BCS were over tolerance, though in some instances the target was only exceeded by one (Birmingham North) or two incidents (Wolverhampton and Solihull).</p>		

Protection

Our protection priorities focus on protecting life and property to make businesses stronger and communities safer:




- protect you and your property by targeting high-risk buildings and vulnerable businesses
- make our communities safer by implementing the learning from independent and sector-led reviews
- improve community safety by developing innovative and smarter approaches to help keep your business in business
- promote economic growth through the development of sustainable solutions and education to support businesses
- reduce disruption to businesses and communities of the West Midlands





PI 13		The number of accidental fires in non-domestic premises Target YTD: 384 (346 – 426) Actual to date: 365 Performance is within the tolerance levels
<p>There were 86 accidental fires in non-domestic properties recorded in Q4, and 364 for the year 2022-23. For Q4 this is 10 fewer than target (-10.4%) and for the financial year this is 20 fewer than target (-5.2%) and a 6.9% reduction on 2021-22.</p> <p>In the Commands, only Birmingham South was over tolerance level (6.8% over target). Though Birmingham North was over target by just three incidents (+3.4%), this was still within tolerance. In the Boroughs, Sandwell was also over tolerance, with 56 incidents against a target of 52 (+7.7%).</p> <p>54.1% of accidental non-domestic fires were a result of faults in systems or appliances. Over a quarter of incidents took place at retail premises.</p>		
PI 14	 Fire alarm	The number of false alarm calls due to fire alarm equipment in dwellings and non-domestic premises Target YTD: 5825 (5534 – 5941) Actual to date: 6751 Under performance against the tolerance levels
<p>There were 1,587 False Alarms due to Equipment (FAE) in Q4, 255 (19.1%) above target, and above tolerance level. All commands apart from Birmingham South were above tolerance level, Birmingham South being below tolerance. Coventry was also below tolerance, but all other boroughs were above.</p> <p>There were 6,751 False Alarms due to Equipment in 2022-23, 15.9% over target and a 13.9% increase on the previous year. Each month this year was above target (the 3-year average).</p> <p>Both dwelling and non-domestic incidents have seen this increase, with the former experiencing a 13.7% increase on 2021-22 and the latter a 14.6% increase. This is the first year in which incidents at non-domestic premises have increased since 2018-19. Though dwelling FAEs have increased most years, this is the first increase of more than 10% since 2014-15; 2022-23 had the highest number of FAEs at dwellings since our records begin in 2009-10.</p> <p>All Commands apart from Birmingham South were above tolerance levels, with Birmingham North experiencing the largest difference (+484 incidents, 32.2% above target). Only Walsall Borough was within tolerance; Dudley saw the highest increase on its target with +36.7% (+191 incidents).</p> <p>Dwellings accounted for 80.3% of FAEs across the Brigade (5,420 incidents), though this ranged from 87.7% in Dudley to 74.9% in Coventry. 'Alarm Sleeping Non-Managed' represented 73.2% of incidents at dwellings. 35.7% of dwelling FAEs were due to cooking or burnt toast, and 25.2% because of a faulty alarm. Birmingham North</p>		



had the greatest number of FAEs at dwellings with 29.9% of incidents taking place there (1,622). Inkerman House in Birmingham North was the address with the highest number of incidents (61), which it already was in 2021-22.

Non-domestic premises accounted for 19.7% of FAEs (1,327 incidents), with Birmingham North also having the greatest number (495, 37.3%). Faulty alarms accounted for over a fifth (22.2%) of incidents. Health premises accounted for almost half of incidents at non-domestic premises (46.7%), with hospitals making up most of this category.



People


PI 15		<p>The percentage of employees that have disclosed their disabled status</p> <p>Target: 100% (95% - 100%) Actual to date: 89.1%</p> <p>Under performance against the tolerance levels</p>
<p>Declaration rates remain high with 89.1% of all employees having made a declaration regarding disability.</p>		
PI 16		<p>The number of female uniformed staff</p> <p>Target: 202 (192 – 212) Actual to date: 181</p> <p>Under performance against the tolerance levels</p>
<p>Since April 2022, WMFS has recruited 91 new entrant firefighters of which 24 (26%) are female. Our positive action activity continues and our marketing partners, Thinkology, have refreshed advertising materials. Our workforce analyst has provided detail around attrition rates at each of the stages of recruitment in order to target our positive action, with emphasis on increasing diversity at the attraction stage to ensure greater diversity at later stages.</p>		
PI 17		<p>The percentage of all staff from BAME communities</p> <p>Target: 15.1% (14.4% – 15.8%) Actual to date: 14.6%</p> <p>Performance is within the tolerance levels</p>
<p>Since April 2022, WMFS has recruited 91 new entrant firefighters of which 19 (21%) are from black, Asian and minority ethnic (BAME) communities. Detail provided by our workforce analyst regarding attrition rates is being used to target positive action activity. Particular emphasis is being placed on increasing the diversity of applicants at the attraction stage to ensure better diversity at later stages.</p>		

PI 17a		The percentage of uniformed staff from BAME communities Target: 14.9% (14.2% – 15.6%) Actual to date: 14.1% Under performance against the tolerance levels
14.1% of uniformed staff are from black, Asian and minority ethnic (BAME) communities, which is below target and within the tolerance levels. See PI 17 for further information.		
PI 18		The average number of working days/shifts lost due to sickness – all staff Target: 3.4 (3.1 – 3.7) Actual to date: 2.2 Over performance against the tolerance levels
<p>An average of 2.2 working days/shifts per person were lost due to sickness during quarter four, below the quarterly target and lower tolerance level.</p> <p>Business Partners are actively engaging in discussions with line managers to ensure that sickness absences are managed in a timely manner and in line with attendance management policy. An attendance governance group has been established with an action plan being put into place to break the cycle of increasing absence numbers. This action plan will include a review of the attendance policy as well as providing line manager support to increase confidence. Access to absence data has remained an issue with little visibility to line managers.</p>		
PI 19		The average number of working days/shifts lost due to sickness – uniformed and Fire Control staff Target: 3.5 (3.2 – 3.8) Actual to date: 2.2 Over performance against the tolerance levels
An average of 2.2 working days/shifts per person were lost due to sickness during quarter four, below the quarterly target and lower tolerance level.		
PI 20		The average number of working days/shifts lost due to sickness – non-uniformed staff Target: 2.8 (2.6 – 3.0) Actual: 2.0 Over performance against the tolerance levels
<p>An average of 2.0 working days/shifts per person were lost due to sickness during quarter four, below the quarterly target and lower tolerance level.</p> <p>See PI18 for further detail.</p>		

PI 21		The total number of injuries Target YTD: n/a Actual to date: 131
Quarterly performance was fully discussed at the quarterly Brigade Health, Safety and Wellbeing Committee on 19th April 2023. There were four manual handling injuries and there is a continuing project looking at enhancing manual handling assessments. Five of the injuries occurred to one crew in a road traffic collision (travelling to Safe and Wells, no fault collision).		
PI 22		The total number of RIDDOR injuries Target YTD: n/a Actual to date: 14
There were 3 reports for this quarter, and these were fully discussed at the quarterly Brigade Health, Safety and Wellbeing Committee on 19th April 2023. One involved a member of the public tripping on hose (learning has been published in the Organisational Intelligence Snapshot), one involved a manual handling injury to a member of support staff, and one involved a ladder accident when a ladder was being re-stowed. All have been subject to an accident investigation and follow up.		

Enabling Services

PI 23		To reduce the Fire Authority's carbon emissions Forecast YTD: Not Available Actual to date: Not Available
Information is not available for this PI.		
PI 24		To reduce gas use of Fire Authority premises Data not available
Delays in the receipt of billing information for the quarter, and the unavailability of gas usage, has prevented reporting for this period. Reporting as per normal should return next quarter.		

PI 25	 To reduce electricity use of Fire Authority premises Data not available
Delays in the receipt of billing information for the quarter, and the unavailability of electricity usage, has prevented reporting for this period. Reporting as per normal should return next quarter.	

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. CORPORATE PERFORMANCE INDICATORS 2023/24**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT Authority Members approve the Corporate Performance Indicators (PIs) and targets for 2023/24 as set out in Appendix 1.
- 1.2 THAT Authority Members approve the proposed supplementary sub-PIs which will complement the existing suite of PIs.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to seek approval for the corporate PIs and targets for 2023/24 and to provide information to Authority Members regarding the rationale that formulates the revised targets.

3. BACKGROUND

- 3.1 During 2022/23, the Service was able to operate in a manner reflecting a return to business as usual, following two years of fluctuating circumstances experienced as a result of business continuity and business recovery due to the Covid 19 pandemic.
- 3.2 The combination of the impact of the pandemic, and the knock-on effects of the business continuity and business recovery phases, have impacted upon incident numbers and other performance indicator figures, and in some cases, these can be observed through the three-year averages. Examples include historically low numbers of certain incident types being recorded, changes to the delivery of Safe and Wells, and the pausing and limiting of recruitment.

- 3.3 In accordance with its planning framework, the Service has reviewed its Three-Year Rolling Strategy 2023-26 and its annual plan, 'Our Plan' 2023-24.
As part of this approach, Members approved the revised Strategic Objectives and Annual Priorities at the meeting of the full Fire Authority on 13 February 2023. These are set out in Our Plan and are enablers to achieving our vision of "Making West Midlands Safer, Stronger and Healthier".
- 3.4 Following approval of the objectives and priorities set out in The Plan, key stakeholders have:
- Considered past performance results and forecasting based on the three-year average.
 - Reviewed the internal strategies and approaches and external influencers that will shape the 2023/24 performance and drive the target setting.
 - Identified the appropriate PIs and targets for 2023/24.
- 3.5 In accordance with the Service's commitment to enabling governance through effective engagement and transparency, targets were developed in conjunction with members of the Strategic Enabling Team.
- 3.6 It should be noted that the target setting process is undertaken during the February and March of each year, and as a result the targets are based upon forecasted figures. The schedule of Fire Authority meetings currently only allows for Members' retrospective approval of the targets. The proposal for an April Authority meeting will allow this approval to take place at a more appropriate time.

4. PERFORMANCE INDICATORS 2023/24

- 4.1 A review of the PIs has been carried out which has resulted in a number of proposed changes for 2023/24.
- 4.2 Proposals are to introduce additional sub-PIs which will complement the existing suite of PIs and to provide additional assurance. These supplementary sub-PIs have been developed to support the identification and monitoring of trends and direction of travel. As a result, these do not attract targets.

4.3 The proposals are:

- The introduction of sub-PI PI 1(a) 'The risk-based attendance standard – call handling', which is already reported regularly to Scrutiny Committee.
- The introduction of PI 6(a) 'The number of Safe and Well points achieved by the Brigade – average Safe and Well points per visit'
- The replacement of PI14 'The number of False Alarm Calls due to fire alarm equipment in dwellings and non-domestic premises with two sub-PIs, PI 14(a) and PI14(b) focussing on dwellings and non-domestic premises respectively.
- To develop and introduce a new measure to enable the reporting of PI 23 'To reduce the Fire Authority's carbon emissions'. Time will be required to develop such a measure and it will be implemented as soon as is practicable.

4.4 In addition to the light touch review, opportunities to further develop how the Service monitors and reports its strategic performance and suite of corporate PIs have been identified, and it is intended that these will be progressed over the coming months and following the outcomes of the public consultation of the Community Risk Management Plan.

5. **SETTING PERFORMANCE INDICATOR TARGETS 2023/24**

- 5.1 Graduated tolerances were introduced in 2017/18, which assist when the numbers are small at the beginning of the year. A larger tolerance is allowed in Quarter 1 which decreases as the year progresses through to Quarter 4. This is to aid the interpretation of performance indicators that could mislead by being rated red when the numbers are only marginally above the target.
- 5.2 The targets that have been set for 2023/24 take into consideration the impacts of the pandemic and the resultant Business Continuity arrangements that were implemented in 2020/21 and the recovery phase during 2021/22. 2022/23 marked a return to business as usual for the Service but the after-effects of the previous two years continue to be observed. As a result, it should be noted that the impact this performance has had on the three-year average means that setting levels of 0% against some PIs still represent challenging targets.

- 5.3 **PI 1** – The five-minute risk-based attendance standard remains the core response method for high-risk (Cat 1) incidents achieved through a diverse fleet arrangement. As of Quarter 4 2022/23, an average attendance time of 4 minutes 57 seconds had been achieved year to date. Performance for PI 1 remains below target as do the response times for the respective targets for category 2, 3 and 4 incident types.
- 5.4 **PI 2** – ‘Number of accidental dwelling fires’, the end of year forecast for 2022/23 of 1474 incidents represents a reduction of 2.0% on 2021/22 and is 6.2% below target. This would be the lowest yearly figure ever, with the previous lowest amount of 1592 recorded in 2016/17. It should be noted that the outstanding workbooks may contain some accidental dwelling fire incidents and the figures may change as a result.
- 5.5 The proposed target of 1514 incidents represents a 1% decrease compared to the three-year average. Even a 0% change (a target of 1530 incidents) would be below any pre-pandemic year. The target is based on the fact that the number of accidental dwelling fires recorded is the lowest level ever and that there are workbooks still to be completed. The continued impact of the cost-of-living crisis makes this a stretch target.
- 5.6 **PI 3** ‘Injuries from accidental dwelling fires (taken to hospital for treatment)’, the end of year forecast is 57, which would be 18.8% above target and a 32.7% increase on 2021/22 which saw the lowest number of injuries ever recorded.
- 5.7 The proposed target of 49 is seven incidents lower than the end of year forecast and represents a -2% change on the three-year average, which will be a stretch target considering the exceptionally low number of injuries.
- 5.8 **PI 4** ‘The number of deaths from accidental dwelling fires’, the Service seeks to minimise deaths from fires and there is no target for this performance indicator. Unfortunately, 9 fatalities were recorded during 2022/23.
- 5.9 **PI 5** ‘The percentage of Safe and Well visits referred by our partners’, it is proposed that the target is increased from 45% to 50%. This will reflect the increase in performance observed following the changes to the performance management of Safe

and Well removing the two per appliance expectation and a focus on building relationships with partners.

- 5.10 **PI 6** 'The number of Safe and Well points achieved by the Service', it is proposed that there is no change to the existing target of 260,000 points. The imminent launch of remote Safe and Well for triaging low risk referrals will see the Safe and Well checks recorded in Tymly rather than Activity Assistant, and performance will be measured on what mitigation of risk has been completed rather than the risk identified and recorded. There is a need to measure the impact of these changes before further consideration is given to this target in 2024/25.
- 5.11 Although not a corporate performance indicator, it is proposed that the target for the average assessment points for Safe and Wells is to remain 8.5. It is expected that an increase in the average assessment point will be observed as remote Safe and Wells are removed from the performance monitoring. This target will be reviewed in 2024/25.
- 5.12 **PI 7** 'The number of people killed or seriously injured (KSI) in road traffic collisions', there is no target for this performance indicator. There is a lag in the provision of data for this performance indicator due to its nature and as a result, figures for the whole of 2022/23 are not yet available at the time of writing.
- 5.13 **PI 8** 'The number of deliberate fires in dwellings', the end of year forecast is 177, 9.1% below target and represents an 8.3% reduction on 2021/22. Based on the three-year average, the forecast for 2022/23 is unusually low numbers. The proposed target of 181 may set the number of incidents at a higher level than the current year, it represents a 2% decreased compared to the three-year average.
- 5.14 **PI 9** 'The number of deliberate fires in non-domestic premises', the end of year forecast is 104 incidents, 10.9% below target and 9.2% below the number recorded in 2021/22. The proposed target of 108 represents a 0% change on the three-year average.
- 5.15 **PI 10** 'The number of deliberate vehicle fires', the end of year forecast is 550 incidents, 3.8% below target (which was a reduction of 5%) and will be the second lowest figure recorded after 2021/22. Deliberate vehicle fires have been reducing steadily since 2016/17 and have continued to do so throughout the pandemic, until potentially this year although the forecast

does not suggest it will rise to pre-pandemic levels again. This trend mirrors that of deliberate vehicle fires nationally. The proposed target of 543 incidents represents a 2% decrease against the three-year average.

- 5.16 **PI 11a** 'The number of deliberate rubbish fires', the end of year forecast indicates numbers to be 0.8% above target and 1.5% above the number of incidents recorded in 2021/22. However, the number of incidents is still not back to the numbers observed pre-Covid. The proposed target of 1321 represents a 0% change against the three-year average and has been noted to be stretch target due to the unusually low number of incidents recorded during 2020/21.
- 5.17 **PI 12** 'The number of deliberate fires in derelict buildings', the end of year forecast of 137 incidents is 20.5% above the target. However, it should be noted that the numbers are very small. The three-year average reflects that the number of incidents in 2020/21 at 89 were very low and 121 recorded in 2021/22 was also relatively low. The proposed target of 116 incidents represents a 0% change compared to the three-year average. This has been noted as a stretch target due to the need for a particular focus on and multi-agency approach to understanding and tackling the issues within the Black Country North Command Area where the number of incidents is high compared to other commands.
- 5.18 **PI 13** 'The number of accidental fires in non-domestic premises', the end of year forecast of 376 incidents would be 2.0% below target and would be a 3.9% reduction on last year. The number of incidents has increased back from the all-time low observed in 2020/21 but are still forecast to remain below pre-pandemic levels. The proposed target of 364 incidents represents a 0% change on the three-year average.
- 5.19 **PI 14** 'The number of false alarm calls due to fire alarm equipment in dwellings and non-domestic premises', the end of year forecast of 6690 incidents would be 14.8% above target and represent a 12.9% increase compared to 2021/22. A proposed target of 6082 incidents represents a 0% change compared to the three-year average, which itself has reduced due to the decrease in the number of incidents during Covid.

- 5.20 It has been highlighted that there is a need to review this Performance Indicator and there is a recommendation for the PI to be split into Dwellings and Non-Domestic. The introduction of two supplementary sub-PIs have been proposed (see 4.3).
- 5.21 False Alarms Equipment in Dwellings: In the last 10 years this PI has nearly always increased due to the increase of alarm systems in properties. During Covid there was a slight drop in false alarms which has reduced the three-year average. 2022/23 is forecast at 4,795, a target of 0% is a target of 4,678 for 23/24 which is a significant reduction on 22/23 (2.4%).
- 5.22 False Alarms Equipment in Non-Domestic Properties: Even with an increase in alarms in non-domestic properties, false alarms have come down in the last 10 years and has levelled out. The Automatic Fire Alarm project will not reduce this at present, it just reduces the type of resource going to False Alarms Electrical. During Covid there was a slight drop in false alarms which has reduced the three-year average. 2022/23 is forecast at 1,273, a target of 0% is a target of 1,197 for 23/24 which is a significant reduction on 22/23 (6.0%).
- 5.23 **PI 15** 'The percentage of employees that have disclosed their disability status', it is the intent that all employees feel confident to disclose their disability status and the target remains at 100%.
- 5.24 **PI 16** 'The number of female uniformed staff', the end of year forecast indicates 13.1% (182 females). The proposed target of 16.3% (226 females) is derived from recruitment targets. Of those recruited to firefighter roles, the target is that 50% will be female. This is based upon the working population of the West Midlands.
- 5.25 **PI 17** 'The percentage of all staff from BAME communities', the end of year forecast is 14.3%. The proposed target of 15.7% (293 members of staff from BAME communities) is derived from recruitment targets. Of those recruited to firefighter roles, the target is that 35% will be from a BAME background. This is based upon the working population of the West Midlands.
- 5.26 **PI 17a** 'The percentage of uniformed staff from BAME communities', the end of year forecast is 14.1%. The proposed target of 15.9% (220 members of staff from BAME communities) is set using the same method to PI 16 and PI 17.

5.27 The targets for the PIs related to the average number of working days / shifts lost due to sickness have been set in order to meet the budgeted for ridership factor of 17. Ridership is currently 21 and the ridership factor has been set using historical data and predictions based on a number of assumptions. The sickness target for non-uniformed staff has been set at the same percentage reduction as per uniformed staff. Proposed targets equating to a minus 29% change have been applied across all three PIs related to sickness:

- **PI 18** All staff: end of year forecast 9.7 against a target of 6.5. Proposed target of 6.9 (-29% change)
- **PI 19** Uniformed and Fire Control staff: end of year forecast of 9.6 against a target of 6.5. Proposed target of 6.8 (-29% change)
- **PI 20** Non-uniformed staff: end of year forecast of 9.8 against a target of 6.5. Proposed target of 7.0 (-29% change)

5.28 **PI 21** 'The total number of injuries' and **PI 22** 'The total number of RIDDOR incidents': no targets are set for these two PIs. This reflects the Service's position that any injury report is unwanted, and to encourage an open reporting culture that facilitates learning and improvement.

5.29 131 injuries were reported during 2022/23 which is broadly in line with previous two years (138 in 2021/22 and 120 in 2020/21). 14 RIDDOR injuries were reported, which is a reduction compared with the previous two years (21 in 2020/21 and 21 in 2021/22).

5.30 Injuries and RIDDOR are reviewed at quarterly performance meetings at Brigade and at local Health, Safety and Wellbeing meetings. These meetings explore trends and put in place actions where needed to try and influence a reduction. The main causes of injury continue to be manual handling and slips and trips. There is a Service wide project looking at enhancing manual handling assessments and this is one way of looking to influence that trend. Slips and trips occur across a wide range of environments and influencing this directly is more difficult but the work around risk assessments, personal protective equipment and other areas continues to raise general awareness, promote safe practices and suitable footwear.

- 5.31 The Health, Safety and Wellbeing Team are continuing to enhance current arrangements, and these include auditing, risk assessment, policies and procedures and training. Levels of near hit reporting remain good and help identify any risk gaps or emerging issues. These are followed up to reduce the overall risk of injuries happening.
- 5.32 **PI 23** 'To reduce the Fire Authority's carbon emissions', is not currently reported on. Proposals are that a new set of measures are being developed which will resolve this with the aim to introduce a more reliable and effective performance indicator.
- 5.33 **PI 24** 'To reduce gas use of Fire Authority premises', the proposed target of 8714 MWh represents a 0% change against the three-year average. Analysis of data over the past three years shows an overall average reduction in gas usage. It is believed that this has been impacted largely by Covid 19, and the number of employees working from home under the Agile Working Policy. However, we are now experiencing an increase of support staff returning to HQ and therefore, no anticipated reduction in overall target consumption is predicted.
- 5.34 **PI 25** 'To reduce electricity use of Fire Authority premises', the proposed target of 4904 MWh represents a 0% change against the three-year average. Analysis of electricity use has shown as an organisation we have reduced our electricity usage from the previous year. However, as staff numbers returning to HQ continue to increase, a further reduction in electricity usage is not being predicted this year.

5. **EQUALITY IMPACT ASSESSMENT**

- 5.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The matters contained in this report do not relate to a policy change.

6. **LEGAL IMPLICATIONS**

- 6.1 There are no direct legal implications arising from this report.

7. **FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications arising from this report. It should be noted that the Authority's approved 2023/24 budget is

aligned to and will support the delivery of Our Plan.

8. **ENVIRONMENTAL IMPLICATIONS**

- 8.1 There are no direct environmental implications arising from this report.

BACKGROUND PAPERS

Fire Authority Agenda Item 8, 13 February 2023: '3 Year Rolling Strategy 2023-26 and Annual Plan'.

The contact name for this report is Area Commander Marc Hudson, Head of Portfolio, who can be contacted on 07973 810139.

CHIEF FIRE OFFICER
WAYNE BROWN

Appendix 1

Item 18

Number	Performance Indicator	Overall Target 2023/24
PI 1	The Risk Based Attendance Standard	5 minutes
PI 2	Accidental Dwelling Fires	1514
PI 3	Injuries from Accidental Dwelling Fires (taken to hospital for treatment)	49
PI 4	The Number of Deaths from Accidental Dwelling Fires	No target set due to the nature of the PI. We aspire to zero deaths.
PI 5	The Percentage of Safe and Well Visits Referred by Our Partners	50%
PI 6	The Number of Safe and Well Points Achieved by the Brigade	260,000
PI 7	The Number of People Killed or Seriously Injured (KSI) in Road Traffic Collisions	No target set due to the nature of the PI. We aspire to zero deaths.
PI 8	The Number of Deliberate Fires in Dwellings	181
PI 9	The Number of Deliberate Fires in Non-Domestic Premises	108
PI 10	The Number of Deliberate Vehicle Fires	543
PI 11	The Number of Deliberate Rubbish Fires	1321

PI 12	The Number of Deliberate Fires in Derelict Buildings	116
PI 13	The Number of Accidental Fires in Non-Domestic Premises	364
PI 14	The Number of False Alarm Calls due to Fire Alarm Equipment in Dwellings and Non-Domestic Premises	6082
PI 15	The Percentage of Employees that have disclosed their Disability Status	100%
PI 16	The Number of Female Uniformed Staff	226 (16.3%), including 50% of recruits
PI 17	The Percentage of all Staff from BAME Communities	15.7% (293), including 35% of recruits
PI 17a	The Percentage of Uniformed Staff from BAME Communities	15.9% (220), including 35% of recruits
PI 18	The Average Number of Working Days/Shifts Lost due to Sickness – All Staff	6.9
PI 19	The Average Number of Working Days/Shifts Lost due to Sickness – Uniformed and Fire Control Staff	6.8
PI 20	The Average Number of Working Days/Shifts Lost due to Sickness – Non-Uniformed Staff	7.0
PI 21	The Total Number of Injuries	No target set, any injury report is unwanted, and we encourage an open reporting culture

PI 22	The Total Number of RIDDOR Injuries	No target set, any injury report is unwanted, and we encourage an open reporting culture
PI 23	To reduce the Fire Authority's carbon emissions	No information available
PI 24	To Reduce Gas Use of Fire Authority Premises	8714 MWh
PI 25	To Reduce Electricity Use of Fire Authority Premises	4904 MWh

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2023

1. INDEPENDENT INVESTIGATION INTO PENSIONS ISSUES

Report of the Monitoring Officer

RECOMMENDED

- 1.1. THAT Members note the content and findings of the Independent Investigation into issues with the West Midlands Firefighters' Pensions Scheme; and
- 1.2. THAT Members accept all the recommendations within the Independent Investigation report and task officers and the delegated Scheme Manager with implementing the required improvements to the management and administration of the scheme.

2. PURPOSE OF REPORT

- 2.1. To provide Members with background to the issues with the administration and management of the West Midlands Firefighters' Pension Scheme which occurred between November 2021 and June 2022.
- 2.2. To provide Members with a summary of the findings and recommendations of the Independent Investigation commissioned by the Chair of the Audit and Risk Committee and Vice-Chair of the Authority into these issues.
- 2.3. To provide Members with a link to the full investigation report for their consideration.
- 2.4. To set out steps for improvement going forward, including delivery against all the recommendations made within the investigation report.

3. **BACKGROUND**

- 3.1. Between November 2021 and June 2022, a number of specific issues arose with the administration and management of the West Midlands Firefighters' Pension Scheme that resulted in errors in payment, incorrect information sharing and a data breach in relation to ex-employees/pensioners belonging to the relevant Scheme. These errors/issues covered four main areas or themes, as reported to the Audit and Risk Committee in July 2022 (a link to full A&R report can be found in the background papers section). These four themes are also set out below:

3.2. **PAYE**

Two errors with submitting details of payments made and associated tax and NI deductions to HMRC, caused by errors with the service's ORACLE system resulted in a failure to submit relevant Monthly returns. As a result, pensioners were treated by HMRC as if they were no longer scheme members, and a proportion of pensioners underpaid tax as a result. This was later rectified meaning pensioners were required to make additional tax payments to make good the underpaid tax.

3.3. **Calculation of April Payments**

A change to the means of calculating annual pension increases for most categories of pensioner, as a result of the new ORACLE system, led to a lower overall increase than in previous years. Following review, it was agreed to reinstate the previous calculation method.

3.4. **May Payslips Data Breach**

Following the above issues, it was agreed to send a payslip via post to all pensioners. As ORACLE is not designed to provide printed payslips, there was an error in the printing and envelopes used that led to some sensitive data being visible, which constituted a data breach. Members were provided with access to a credit checking service to check for potential fraud and the matter was referred to the Information Commissioners Office.

3.5. Incorrect Figures communicated to members

In a letter sent to pensioners following the above errors, to provide confirmation of ongoing pensions and dates of payment, some pensioners received incorrect figures. This was corrected via e-mail the same day.

4. INVESTIGATION COMMISSIONING

- 4.1. In July 2022, the Chair of the Audit and Risk Committee (which acts as Scheme Manager) and Chair of the Fire Authority requested an independent investigation into the issues with the administration and management of the Scheme identified in Section 3 above.
- 4.2. The Chair of the Authority recused himself from direct involvement in the investigation as he is a member of the Firefighters' Pension Scheme and asked the Vice-Chair of the Authority to lead on commissioning an independent investigation alongside the Chair of Audit and Risk.
- 4.3. The Monitoring Officer was tasked with supporting the commissioning of the report, the Vice Chair and the Chair of Audit and Risk.
- 4.4. Members requested the support of the Authority's Internal Auditors (provided by Sandwell MBC) to determine a Terms of Reference for the independent investigation and to identify a suitable independent person to undertake the investigation. This Terms of Reference has been published on CMIS and a link can be found in the background papers section. It is important to note that the Terms of Reference of the Investigation **did not include** reporting on matters or making recommendations related to individual employment or personnel matters.
- 4.5. Following an unsuccessful approach to the Local Government Association, Members approached West Midlands Employers at the recommendation of the Authority's Internal Auditors.
- 4.6. Members reviewed the CVs of a number of potential investigators and selected Louise Wagstaff FCIPD, an experienced HR professional with a background in investigations within the Fire and Rescue sector and significant experience of similar financial process or pension related investigations, to conduct the

investigation.

- 4.7. Ms Wagstaff was contracted in October 2022 and undertook the investigation between November 2022 and March 2023. In total, 17 interviews were conducted with a wide range of stakeholders including Pension Board members, three active Scheme member pensioners, and several Authority employees. Ms Wagstaff was also given full access to relevant documents and communications at her request. Additionally, Ms Wagstaff, at the request of the Vice Chair and Chair of Audit and Risk, provided regular updates on the progress of the investigation.

5. **INVESTIGATION FINDINGS**

- 5.1. The Investigation drew conclusions in a number of key areas. These are included in full below.

5.2. **PAYE/HMRC Errors**

- 5.2.1. User Acceptance Testing was in place in line with expectations for a systems project of this scale. Some of those interviewed were able to give anecdotal examples of activities being correct on the test system which subsequently needed adjustment on 'go live'. It is reasonable to conclude that it would not have been possible to upload 'test' data such as the monthly data return into the HMRC system and therefore unlikely this issue could have been identified in advance.
- 5.2.2. Attempts could and should have been made to contact HMRC to advise them of the failure to upload particularly when more than one month's data was being held awaiting resolution of the issue. It may have then been possible to understand or anticipate any implications for individuals.
- 5.2.3. The opportunity to initially create a helpdesk ticket early in December 2021 or escalate the helpdesk tickets raised in December 21 and May 22 from high priority to urgent was not taken. This appears to be due to those involved feeling they were being dealt with and the resulting impact experienced at the change of the tax year not being anticipated in advance. It could also relate to a lack of knowledge or awareness of the means by which to escalate a ticket. The tickets themselves do indicate ongoing

activity/dialogue to resolve but it is likely that escalating them to urgent would have led to an earlier resolution.

- 5.2.4. The Pension Board Risk Register and the Oracle Fusion project Risk Register had been subject to review and update over the relevant period and a full Data Protection Impact Assessment (DPIA) for both the system and modules had been completed. It is however essential that relevant risks are flagged by all parties when anticipated or known and the new Oracle Governance Board should assist with comprehensive logging in future.
- 5.2.5. Had the demonstration of the new system planned at the Pension Board in September 2021 subsequently taken place in December 2021, it may have assisted in raising awareness of the use and parameters being applied, improving understanding for all.
- 5.2.6. The sequencing of the Audit and Risk Committee a week before the Pension Board in March 2022 meant that the Scheme Manager was not able to receive the minutes of the December 2021 Pension Board, which included reference to the new system implementation and a delay in payments. Had this happened it may have provoked further dialogue. The fact that the March Pension Board did not receive an update as per the resolutions of the previous meeting also meant continuity of scrutiny lapsed. This was further compounded by the Audit and Risk Committee scheduled for May being postponed until 06 June, by which time matters had escalated.
- 5.2.7. When giving his verbal report on 06 June the Pension Board Chair advised the Scheme Manager that the matters of concern they raised, were to be discussed via a verbal report at the Pension Board meeting on 10 June 2022. This did not occur due to the meeting being inquorate and all business being deferred to the next scheduled meeting on 20 September 2022. As a result, the opportunity was lost for the Pension Board to meaningfully understand or scrutinise the issues and potentially report concerns to the Scheme Manager as required by their Terms of Reference. Instead, a report went direct to the Scheme Manager on 18 July 2022 but that meeting was inquorate meaning that no decisions could be taken.

- 5.2.8. Fundamentally, WMFS did not anticipate early enough the impact on tax codes resulting from the HMRC upload failure and did not escalate the issue in a timely way via either line management or ticket escalation mechanisms.
- 5.2.9. The implementation of technical solutions on this scale will commonly encounter 'teething problems' and unforeseen issues are likely which is why such projects usually include additional support such as the Hypercare service offered in this case. However, a lack of a 'Governance Board' approach and an apparent lack of awareness internally about the potential implications meant early technical support was not sought and nor was the issue escalated via the ticket management machinery as early as should have been the case. Senior managers were not made aware of issues until they had been ongoing for some time. They readily contributed to achieving resolution when they were made aware and would have benefitted from being closer to the detail of the implementation throughout.
- 5.2.10. Had this issue arisen earlier in the year, the impact would have been absorbed within the same tax year meaning that no bill for outstanding tax due would have been issued, however, the fact of the time taken to resolve the issue meant that two tax years were straddled and underpaid tax bills resulted.
- 5.2.11. The underpaid tax demands received by pensioners were at best inconvenient and avoidable. The opportunity to communicate early with the pensioner cohort was missed due in part to a lack of awareness or understanding of the potential implications and the potential numbers involved along with an apparent reluctance to generate 'bulk' postal mailings.

5.3. Calculation of April Payments

- 5.3.1. Testing and modelling could and should have been undertaken in relation to the application of the April 2022 uplift, comparing the previous and proposed methods of calculation. This would have ensured any variation and potential impact and communication needs for pensioners could be considered and understood and could be

explained prior to payment and prior to any announcement of efficiency.

- 5.3.2. The misunderstanding relating to the generation of efficiencies and the resulting erroneous communication caused pensioners concern and affected their confidence in the management of their pension payments. This communication also used a channel not owned or controlled by WMFS.
- 5.3.3. Pensioners should have been communicated to regarding the change in the payment system and about the delay in updating HMRC tax codes.

5.4. Data Breach

- 5.4.1. The mailing of pay slips was well-intentioned but lacked a clear plan and there was no cohesion between team managers to scope and prepare the task and identify and assess any risks associated prior to deployment. Teams 'lent a hand' willingly but this required more oversight than it received.
- 5.4.2. Staff involved in the generation and mailing exercise appear to have lacked sufficient training and/or knowledge of data protection legislation to recognise a potential breach and take action to avoid. Those who did query it were instructed to proceed.
- 5.4.3. Having considered the reports made to them, both the Information Commissioner's Office (ICO) and HMRC closed matters taking no further action and the Service appears to have reflected appropriately determining ways to prevent such potential breaches from happening again.

5.5. Pension Board/Scheme Manager/Fire Authority Reporting

- 5.5.1. As the Scheme Manager, the Audit and Risk Committee could and should have been advised of the issues as they were emerging/becoming understood and particularly when the level of pensioner contact with the Service became noticeable. The duties of the Scheme Manager include internal controls and risk management along with communication to members and both were relevant in this

scenario.

- 5.5.2. The Pension Board and Audit and Risk Committee scheduling and non-concurrence affected the ability to raise awareness in a timely way using the normal mechanisms and therefore more deliberate attempts to flag issues using written rather than verbal communication would have assisted in managing the issue proactively and making all relevant parties aware. This is in keeping with the recommendations of The Pension Regulator as set out in their Supervisory review report of September 2022.
- 5.5.3. As set out in Article 6 of the Constitution, the Fire Authority must ensure compliance in the management and administration of the Pensions Board. It is clear that the delegation of the role of the Scheme Manager to the Audit and Risk Committee does not preclude reference of matters by a committee to the Authority. For clarity and completeness, the Fire Authority should have been advised of the issues and given the issues with Pension Board and Committee schedule, a report direct to the Fire Authority in February 2022 may have offered a route to raise awareness of some of the issues known at that time and determine a route map for resolution.
- 5.5.4. An update should have been provided at the March Pension Board meeting regarding the delays to payments as discussed and agreed at the December meeting and shown in the minutes.
- 5.5.5. The sequencing of the Pension Board and Audit and Risk Committee in March combined with the postponement of the May Audit and Risk Committee followed by the lack of quorum for the scheduled Pension Board on 10 June 22 and Audit and Risk Committee on 18 July 2022 are likely to have impacted on reporting/visibility and scrutiny of the issues of concern.
- 5.5.6. An update could have been given to the Audit and Risk Committee on 06 June 2022. An internal news item was published on 02 June 2022 indicating there was a known issue that pensioners needed to be aware of.

- 5.5.7. The general reliance on verbal reporting to the Pension Board resulted in little opportunity for Pension Board members to consider material or raise questions in advance, or, to identify any matters not covered within the reporting that they wished to scrutinise further. It also inhibited effective action tracking and agenda management.
- 5.5.8. The whole situation has had a damaging effect on the Pension Board affecting cohesion and resulting in the loss of reciprocal chairing arrangements with a partner organisation and an ongoing vacancy for an independent chair.
- 5.5.9. The (Pensions) Scheme Manager is designated as the Audit and Risk Committee of West Midlands Fire and Rescue Authority. This is relatively unusual as the Scheme Manager role commonly falls to a single individual rather than a group or Committee. Nomination of a Committee can lead to a time lag in the identification/consideration of matters due to the meeting schedule.

6. **INVESTIGATION REPORT PUBLICATION**

- 6.1. The full investigation report and appendices contains personal data (as defined within the GDPR), including names, email addresses and other identifying information, which makes it unsuitable for full public release. However, its conclusions are summarised within this report and the full set of recommendations are published in **Appendix A**.
- 6.2. The full investigation report has been shared with Authority Members in advance of this meeting. The full report has also been shared with the Strategic Enabling Team and the Pension Board on a confidential basis.

7. **EQUALITY IMPACT ASSESSMENT**

- 7.1. An initial Equality Impact Assessment has not been carried out with regards to this report. It may be necessary to undertake EIAs when implementing the recommendations of the independent investigation and these will be undertaken as required.

8. **LEGAL IMPLICATIONS**

- 8.1. The Fire and Rescue Authority is defined by legislation as the Scheme Manager for the West Midlands Firefighter Pension Scheme. Although the Authority chooses to delegate this role, responsibility to ensure the scheme is managed within the rules of the scheme rests with the Fire Authority, and any fines resulting from errors are the responsibility of the Fire Authority.
- 8.2. The Pension Regulator is the statutory regulator for the pension sector, established as a non-departmental public body with a range of enforcement powers. They have been kept informed of the progress of the independent investigation and have received a full copy of the investigation report.

9. **FINANCIAL IMPLICATIONS**

- 9.1. The cost of undertaking this investigation was met from within the Authority's overall revenue budget. The Independent Investigator was employed via West Midlands Employers at a public sector contracted daily rate.

10. **ENVIRONMENTAL IMPLICATIONS**

- 10.1. There are no environmental impacts associated with this report.

11. **BACKGROUND PAPERS**

- [Independent Investigation Terms of Reference](#)
- [July 18, 2023 – Audit and Risk Committee report – Pensions Administration Issues](#)
- [West Midlands Employers website](#)

The contact for this report is Satinder Sahota, Monitoring Officer,
Satinder.sahota@wmfs.net

Satinder Sahota
 MONITORING OFFICER

APPENDIX A – Investigation Recommendations

It is recommended that WMFRA/Scheme Manager consider:

Governance

- R.1 Reviewing the designation of the Audit and Risk Committee as the Scheme Manager assessing the risk, the effectiveness and timeliness of communication and any mitigations needed
- R.2 Reviewing the format of the minutes and actions for Pension Board meetings, creating an action log with dates and accountable officers to assist with both tracking actions to completion and setting future meeting agendas.
- R.3 Making verbal reports to Pension Board the exception to improve the ability for members to prepare questions and scrutinise detail in advance.
- R.4 Requiring that the Pension and Payroll Manager's report to each Pension Board contain a return (including a nil return) referencing any system issues noted in relation to the processing of employee or pensioner payroll
- R.5 Ensuring minutes of Pension Board meetings are available to pensioners as per the Pension Board terms of reference.
- R.6 Scheduling of meetings for the Pension Board and Audit and Risk Committee in the round and set dates in a complementary manner. This should ensure that the Audit and Risk Committee follow the Pension Board allowing reporting time between and timely receipt or minutes.
- R.7 Implementing annual skills gap analyses for Members of the Pension Board providing training to meet identified need. It is understood that this is planned for March 2023.
- R.8 Revisiting the Core Code of Ethics and Service values to clarify expected behavioural standards, in person and in written communication, with Pension Board members.

Performance

- R.8 Defining operational KPIs to be regularly monitored by the Payroll and Pensions Team and reported against to the Scheme Manager. It is acknowledged that this point has been reflected in the recent TPR report.
- R.9 Requiring automatic notification to HMRC (and Pension Board) of any payroll-related issues along with follow-up with logged updates and anticipation of any potential consequences.
- R.10 Establishing a Scheme Data Improvement Plan with objectives, to add to the mitigations listed in the Risk Register.
- R.11 Implementing a generic pension queries inbox to enable effective monitoring of contact volume and allocation and to improve resilience within the team during periods of absence.

Communication

- R.12 Taking steps to clarify the responsibilities and expectations on both sides at the point an employee retires (or during pre-retirement input) to improve query management and escalation. This should include the pensioner's responsibility to notify change of details which should be regularly reminded via other communications as the opportunity arises.
- R.13 Developing and implementing a Pensioner communications plan to regularise dissemination of, and requests for, key information; specify/establish key channels for communication; and clarify responsibilities and service levels. It is understood that action is being taken on communications planning.
- R.14 Utilisation of a professional mail management service to facilitate mass mailings such as may have been useful in contacting and advising pensioners of the matters considered within this review.

Systems

- R.15 Clarifying with relevant team members of the appropriate categorisation for raising helpdesk tickets and the means by which they can/ should be escalated when necessary.
- R.16 Automatic allocation of payroll-related tickets as Priority 1 via the helpdesk with regular monitoring for resolution or escalation, including reporting to the Senior Responsible Owner or equivalent
- R.17 Reviewing project governance and project management approaches to ensure close involvement of Project Sponsors and Senior Responsible Owners and Users. It is understood that this is underway.
- R.18 Testing and supporting the proposed move to online access and self-service for pensioners prior to deployment with a full communications plan developed in consultation with the Pension Board and Scheme Manager.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. CHANGE OF SCHEME MANAGER DELEGATION**

Report of the Monitoring Officer and Clerk to the Authority

RECOMMENDED

- 1.1 THAT the Authority approves the transfer of the delegated role of Scheme Manager of the West Midlands Firefighter Pension Scheme from the Audit and Risk Committee to the Chief Fire Officer; and
- 1.2 THAT the Authority note its continuing responsibility as Scheme Manager even with this delegation.

2. PURPOSE OF REPORT

- 2.1 To approve a change in the role of Scheme Manager, delegated by the Authority, from the Audit and Risk Committee to the Chief Fire Officer.
- 2.2 To provide the Authority with background information on the role of Scheme Manager and its ongoing responsibility.

3. BACKGROUND

- 3.1 The Public Service Pensions Act 2013, section 4, states that public sector pension schemes regulations must provide for a “Scheme Manager” responsible for managing and administering the scheme.
- 3.2 The Firefighters’ Pension Scheme (England) Regulations 2014, section 4, states that the “appropriate authority” – namely a Fire and Rescue Authority – is the Scheme Manager. Section 5 states that the Scheme Manager may delegate any of its functions to persons or employees to act on its behalf. It is important to note that the Fire and Rescue Authority remains ultimately responsible for effective management and administration of the Scheme even

where this role and functions are delegated.

- 3.3 Currently, the Authority has delegated the role of Scheme Manager to the Audit and Risk Committee. The Committee has performed this role with the assistance of the Pension Board and with input and support from the Pension Administration Team.
- 3.4 However, it is now the view of the Authority and Officers that the complexity of Firefighters' Pension Schemes and the recent challenges and issues associated with the administration of the scheme (as identified within the recent Independent Review), justify a change in approach.
- 3.5 It is proposed that having a full-time employee, specifically the Chief Fire Officer, take responsibility for the day-to-day management and administration of the scheme as Scheme Manager, would enable greater focus on the role than is possible with an Authority committee with changing membership.
- 3.6 A number of other Fire Authorities already delegate their Scheme Manager functions to an officer, often the Chief Fire Officer, Head of Human Resources or Head of Finance.
- 3.7 This move would result in a change to the Terms of Reference of the Audit and Risk Committee and an addition to the Scheme of Delegations for the Chief Fire Officer, both of which form part of the Authority's Constitution. The changes required are outlined within **Appendix A** and **Appendix B**.
- 3.8 It is intended that the Chief Fire Officer would provide regular (quarterly) updates as delegated Scheme Manager to full meetings of the Authority. These would take the form of formal reports from the Scheme Manager. This is proposed to allow the Authority to be fully informed of all pensions related matters that required to be brought to its attention and in-line with the findings and recommendations of the recent Pensions Independent Investigation.
- 3.9 In line with the Chief Fire Officer's other delegations, he/she would be entitled to further delegate aspects of the role and functions to other members of the Strategic Enabling Team (SET) as appropriate. This would include instances where the Chief Fire Officer needs to recuse himself/herself from decisions that create a pecuniary benefit to or conflict for the CFO as a member of the

Firefighters' Pension Scheme. In such cases, responsibility for the decision would be further delegated to a SET member who is not a member of the Scheme. In any instance where the Chief Fire Officer is unsure whether a decision would represent a conflict, they may consult the Monitoring Officer or refer the decision to the Fire Authority.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 An initial equality impact assessment has not been undertaken as any change in Scheme Manager delegation does not change the Authority's and the Service's responsibilities under Equalities legislation.

5. **LEGAL IMPLICATIONS**

- 5.1 As outlined above, there is a statutory requirement to have a Scheme Manager and this is defined in regulations as the Fire and Rescue Authority. It is important to note that the power to delegate does not absolve the Fire Authority of the responsibility of the pension scheme. The responsibility to ensure the scheme is managed within the rules of the scheme rests with the Fire Authority and any fines resulting from errors will be the responsibility of the Fire Authority. It is therefore important to ensure that the Scheme Manager delegation is managed appropriately by the Authority with sufficient oversight.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications associated with the change in delegation for the Scheme Manager.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental impacts from this report

BACKGROUND PAPERS

- [Public Sector Pensions Act 2013](#)
- [Firefighter Pension Scheme \(England\) Regulations 2014](#)

The contact for this report is Tom Embury, Deputy Clerk to the Authority:
tom.embury@wmfs.net

Karen Gowreesunker
CLERK TO THE AUTHORITY

Satinder Sahota
MONITORING OFFICER

APPENDIX A – Changes to Audit and Risk Committee Terms of Reference

Article 10 – Audit and Risk Committee

- 10.1 The Authority has established an Audit and Risk Committee comprising five members, selected in accordance with current proportionality requirements with a quorum of 3 members.
- 10.2 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee:
- 10.2.1 The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and overseeing the Authority's financial reporting process.
- 10.2.2 The appointment is reviewed on a three-year basis.
- 10.3 Role and Functions: -

Statement of purpose

Our Audit and Risk Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit and Risk Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve the risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

To provide free and unfettered access to the Audit and Risk Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

External Audit (Grant Thornton)

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the Authority's auditor panel as appropriate.

Financial Reporting

To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose.

~~To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the fire fighter pension scheme.~~

To publish an Annual Report on the Work of the Committee.

~~Pensions Board~~

~~The pensions board assists the Audit and Risk Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.~~

~~To submit its minutes and Annual Report to the Audit and Risk Committee.~~

Appendix B – Addition to CFO Scheme of Delegations

3.X The CFO has delegated responsibility as Scheme Manager of the West Midlands Firefighters' Pension Scheme. This includes all decisions relating to the management and administration of the fire scheme. The CFO may further delegate these responsibilities to appropriate members of SET as required.

3.X.X As Scheme Manager the CFO will be responsible for providing regular updates to the Fire Authority.

3.X.X In any instance where a decision to be made by the Scheme Manager represents a conflict of interest for the Chief Fire Officer as a member of the pension scheme, they may delegate responsibility for that decision to another member of SET, or refer the matter to the Fire Authority for decision.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. MONITORING OF FINANCES**

Report of the Treasurer.

RECOMMENDED

1.1 THAT the report be noted.

2. PURPOSE OF REPORT

2.1 This report deals with the monitoring of the finances of the Authority in the current financial year and covers revenue expenditure and the Capital Programme.

2.2 Expenditure is compared with a profile of the Authority's budget.

3. BACKGROUND**3.1 Revenue Expenditure**

3.1.1 The Authority's 2023/2024 Council Tax requirement is £53.864 million and the revenue budget is £119.109 million. As part of the current year's revenue budget, efficiency savings of £1.9 million are required.

3.1.2 Appendix A compares the revenue budgeted to the end of May 2023 with the actuals to that date. Devolved budgets are managed by the Section responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Section on behalf of the Brigade as a whole.

3.1.3 Actual spend to May 2023 was £22.492 million compared to a projected budget of £22.478 million, an overall adverse variance of £0.014 million.

3.1.4 The single issue having the most impact on the overall adverse variance position is the level of in-year service efficiencies not currently being achieved.

3.1.5 Appendix B provides statistical data relating to the Firefighters' Pension Scheme.

3.2 **Capital Expenditure**

3.2.1 The Authority's approved capital programme for 2023/2024 is £10.028 million. A scheme analysis is shown on Appendix C. Expenditure to the end of May 2023 is shown as £0.174 million.

4. **EQUALITY IMPACT ASSESSMENT**

4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

5.1 The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

6. **FINANCIAL IMPLICATIONS**

6.1 These are contained in the body of the report and the attached Appendices.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental implications.

BACKGROUND PAPERS

- Authority's Budget and Precept Report – February 2023
- Finance Office Budget Monitoring Files

OFFICIAL

The contact officer for this report is Assistant Chief Fire Officer Karen Gowreesunker, 0121 380 6006.

MIKE GRIFFITHS
TREASURER

OFFICIAL

Ref. AU/FA/2023/JUNE/10706236

REVENUE MONITORING SUMMARY TO MAY 2023

	BUDGET 2023/2024 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT -MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
DEVOLVED BUDGETS				
Democratic Rep & Brigade Managers	1,260	214	194	-20
Portfolio & Organisational Intelligence	1,865	288	262	-26
Operations	5,467	759	803	44
Prevention	2,498	345	322	-23
Protection	5,306	869	876	7
Response, Fire Control & Emergency Planning	6,310	1,040	1,046	6
Resourcing	1,577	270	273	3
Digital & Data	7,382	2,126	2,123	-3
Communications & Engagement	1,033	164	148	-16
People Support Service	2,946	559	541	-18
Development & Inclusion	5,920	975	972	-3
CORPORATE BUDGETS				
Operations	4,701	2,624	2,615	-9
Protection	-99	-111	-115	-4
Response, Fire Control & Emergency Planning	11	278	263	-15
Resourcing	14,911	2,729	2,834	105
Digital & Data	131	15	14	-1
People Support Services	56,753	9,238	9,234	-4
Development & Inclusion	165	29	20	-9
Other Income & Expenditure	972	67	67	0
Appropriation to (from) Reserves	-	-	-	-
TOTAL (NET BUDGET REQUIREMENT)	119,109	22,478	22,492	14
Core Funding	-65,245	-16,804	-16,804	0
TOTAL (COUNCIL TAX REQUIREMENT)	53,864	5,674	5,688	14

FIREFIGHTERS' 2015 PENSION SCHEME**NON-FINANCIAL INFORMATION**

	2023/24 PROJECTION	ACTUAL POSITION AS AT MAY 2023
Members of FPS at 1st April 2023	1,280	1,280
New Members	70	12
Opt-In (including net auto-enrolment)	-	-
Transitional Members during year	-	-
Transfers from Other Pension Schemes	5	-
Transfers to Other Pension Schemes	-4	-
Retirements	-80	-17
Opt-Out	-6	-
Leavers	-12	-
Ill-Health Retirements	-3	-
Members of the Fire Pension Schemes as at 31st May 2023		1,275

Provisional figures, subject to confirmation

CAPITAL MONITORING STATEMENT 2023/24

Scheme	Year 2023/24	Latest Budget £'000	Actuals May 2023 £'000	Forecast £'000	Variance £'000
<u>LAND & BUILDINGS</u>					
Boiler Replacement Programme	Ongoing	172	12	172	-
Roof Replacements	Ongoing	505	-	505	-
Windows/Door Replacement	Ongoing	677	-	677	-
Rewires	Ongoing	200	-	200	-
Drill Tower and Burn Facility	6 of 6	488	-8	488	-
HQ Modernisation	3 of 3	71	-	71	-
<u>VEHICLES</u>					
Vehicle Replacement Programme	Ongoing	7,152	154	7,076	-76
<u>ICT & EQUIPMENT</u>					
C&C Upgrade – Vision 4/ESMCP	5 of 5	43	-	43	-
Fire Ground Radio	1 of 1	290	-	290	-
MDT Replacement	1 of 1	430	-	430	-
Grand Total		10,028	174	9,952	-76
<u>Funded By</u>					
Prudential Borrowing		0		0	-
Capital Grants/Contributions		43		43	-
Capital Receipts to be Applied		0		0	-
Revenue Financing/Earmarked Reserves		9,985		9,909	-76
TOTAL		10,028		9,952	-76
SURPLUS(-)/DEFICIT(+)					

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. GOVERNANCE STATEMENT 2022/23**

Joint report of the Chief Fire Officer, Treasurer and Monitoring Officer.

RECOMMENDED

- 1.1 THAT the Committee approves the Governance Statement for 2022/23.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to Members to seek comments and consideration of the Governance Statement for 2022/23.

3. BACKGROUND

- 3.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 3.2 In discharging this overall responsibility, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs, which includes arrangements for the management of risk.
- 3.3 Every Local Authority has to produce a Governance Statement (see attached Appendix) with its audited Statement of Accounts, which for 2022/23 are due to be made available by the end of September 2023.

- 3.4 The Governance Statement is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The Governance Statement is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives to evaluate the likelihood of those risks being realised and the impact should they be realised and to manage them efficiently, effectively and economically.
- 3.5 The Statement is signed by the Chair of the Authority and the Chief Fire Officer who have a responsibility to ensure that the document is supported by reliable evidence and accurately reflects the Authority's internal control environment. The Governance Statement has operated throughout the year ended 31 March 2023 and up to date of the approval of the annual report and accounts.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

- 5.1 The Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. As part of this it has to produce a Governance Statement.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no direct environmental implications arising from this report.

BACKGROUND PAPERS

Audit & Risk Committee – 19 June 2023

The contact officer for this report is Assistant Chief Fire Officer Karen Gowreesunker, 0121 380 6006.

WAYNE BROWN
CHIEF FIRE OFFICER

MIKE GRIFFITHS
TREASURER

SATINDER SAHOTA
MONITORING
OFFICER

APPENDIX 1**ANNUAL GOVERNANCE STATEMENT****1. Scope of Responsibility**

- 1.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is safeguarded and properly accounted for. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this duty, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs which facilitates the effective exercise of the Authority's functions and which includes arrangements for the management of risk.
- 1.3 The Authority has complied with the code of corporate governance which is consistent with the principles of the revised CIPFA/SOLACE Framework 2016 published by CIPFA in association with the International Federation of Accountants (IFAC) – Delivering Good Governance in Local Government. The Authority has also complied with the requirements of CIPFA's statement on the role of the Chief Financial Officer in Local Government. This Annual Governance Statement explains how the Authority has complied with the code and also meets the requirements of Accounts and Audit (England) Regulations 2015, regulation 6 which require the Authority to prepare an Annual Governance Statement.

2. The Purpose of the Governance Framework

- 2.1 The governance framework comprises the systems and processes, culture and values by which the Authority is directed and controlled and its activities through which it accounts to and engages with the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, value for money services.
- 2.2 The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can, therefore, only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised and the impact should they be realised and to manage them efficiently, effectively and economically.
- 2.3 The governance framework has been in place for the year ended 31st March 2023 and up to the date of the approval of the annual report and statement of accounts.

3. The Governance Framework

The key elements of the systems and processes that comprise the Authority's governance arrangements include the following:

- 3.1 The Authority has produced a Corporate Strategy setting out its objectives and there is regular performance monitoring in which achievement of the Authority's objectives is measured and monitored.
- 3.2 The Authority has established clear channels of communication with the community and stakeholders regarding consultation on the key priorities of the Service. This also encourages open communication.
- 3.3 The Authority facilitates policy and decision-making via regular Policy Planning Forums and Authority meetings. An Audit and Risk Committee provides independent assurance to the Authority on risk management and internal control and the effectiveness of the arrangements the Authority has for these matters. The constitution of the Committees, including the terms of reference, is reviewed annually and available on the Internet.
- 3.4 The Authority ensures compliance with established strategies, procedures, laws and regulations – including risk management. The Authority also maintains and reviews regularly its code of conduct and whistle blowing policy. There is a comprehensive induction programme in place and information regarding strategies and procedures are held on the intranet, which continues to be developed. The Authority has a strong Internal Audit function and established protocols for working with External Audit.
- 3.5 West Midlands Fire and Rescue Authority will continue to enhance and strengthen its internal control environment through the review of current policies and procedures.
- 3.6 The Authority has corporate risk management arrangements in place which are supported by an approved Risk Management Strategy enabling Managers and other senior officers to identify, assess and prioritise risks within their own work areas which impact on the ability of the Authority and its services to meet objectives. To consider the effectiveness of the Authority's risk management arrangements is a specific term of reference for the Audit and Risk Committee and risk management is a specific responsibility of both the Chair and Vice Chair.
- 3.7 The Authority's Corporate Risk Register identifies the principal risks to the achievement of the Authority's objectives and assesses the nature and extent of those risks (through assessment of likelihood and impact). The Register identifies risk owners whose responsibility includes the identification of controls and actions to manage them efficiently, effectively and economically.

- 3.8 The Authority ensures the economical, effective and efficient use of resources, and secures continuous improvement in the way in which its functions are exercised, by having regard to a combination of economy, efficiency and effectiveness as required by the Best Value duty. The Authority plans its spending on an established planning cycle for policy development, budget setting and performance management through the business planning process. This ensures that resources are aligned to priorities and secures best value from the resources that are available.
- 3.9 The Chief Financial Officer is a key member of the leadership team, helping to develop and implement the Authority's strategy. The Authority's financial system is an ORACLE based general ledger and management information system, which integrates the general ledger function with those of budgetary control and payments. Financial Regulations and Contract Procedure Rules are approved and regularly reviewed by the Authority. A rigorous system of monthly financial monitoring ensures that any significant budget variances are identified in a timely way, and corrective action initiated.
- 3.10 The Authority's performance management and reporting of performance management continues to be improved with a more focused Corporate Strategy, the setting of priorities and is supported by regular performance monitoring.
- 3.11 The Authority within its committee framework has an Appointment, Standards and Appeals Committee to promote high ethical standards amongst Members. This Committee leads on developing policies and procedures to accompany the Code of Conduct for Members and is responsible for local assessment and review of complaints about members' conduct. The Authority also has a Scrutiny Committee which undertakes performance management functions, informs policy development and holds officers and the Authority to account.
- 3.12 The Fire and Rescue National Framework for England sets out a requirement for Fire and Rescue Authorities to publish 'Statements of Assurance'. Specifically, Fire and Rescue Authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their Community Risk Management Plan and the requirements included in this Framework. The Authority has approved the Statement of Assurance which is available on the Service's website.

4. **Review of Effectiveness**

- 4.1 The Authority has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the statutory officers and principal managers of the Authority who have responsibility for the development and maintenance of the governance environment, the internal audit annual report and comments made by the external auditor in their Auditor's Annual Report and other reports.
- 4.2 Section unit business plans contain a variety of performance indicators and targets that are regularly reviewed.
- 4.3 The Authority's political governance arrangements, which are appropriately reviewed by officers, set out the responsibilities of both Members and senior managers. In particular, the Authority has identified the following statutory post holders:-
- Chief Fire Officer
 - Treasurer
 - Monitoring Officer

In addition to the statutory posts, the post of Clerk to the Authority has been maintained.

- 4.4 The arrangements for the provision of internal audit are contained within the Authority's Financial Regulations. The Treasurer is responsible for ensuring that there is an adequate and effective system of internal audit of the Authority's accounting and other systems of internal control as required by the Accounts and Audit Regulations 2015. The internal audit provision operates in accordance with the CIPFA Code of Practice for Internal Audit in Local Government. The Authority's Audit Plan is prioritised by a combination of the key internal controls, assessment and review on the basis of risk and the Authority's corporate governance arrangements, including risk management. The work is further supplemented by reviews around the main financial systems, scheduled visits to Authority establishments and fraud investigations. Internal Audit leads on promoting a counter-fraud culture within the Authority.
- 4.5 The resulting Audit Plan is discussed and agreed with officers of the Strategic Enabling Team and the Audit and Risk Committee and shared with the Authority's external auditor. Meetings between the internal and external auditor ensure that duplication of effort is avoided. All Authority Audit reports include an assessment of the adequacy of internal control and prioritised action plans to address any areas needing improvement.

- 4.6 The Authority's review of the effectiveness of the system of internal control is informed by:-
- The work undertaken by Internal Audit during the year;
 - The work undertaken by the external auditor reported in their annual audit;
 - Other work undertaken by independent inspection bodies.
- 4.7 From the work undertaken by Internal Audit in 2022/2023 the Internal Audit has given a 'reasonable assurance' that the Authority has adequate and effective governance, risk management and internal control processes. This represents an unqualified opinion and the highest level of assurance available to Audit Services. In giving this opinion it is recognised that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes.
- 4.8 The Authority is able to confirm that its financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.
- 4.9 Audit Services have reported and advised on the implications of the result of the review of effectiveness of the governance framework by the sources noted above and that the arrangements continue to be regarded as fit for purpose in accordance with the Authority's governance framework. The areas to be specifically addressed are outlined in 5.5.

5. Significant governance arrangements within the Authority

- 5.1 West Midlands Fire & Rescue Authority has a legal duty to provide an efficient, safe and effective fire and rescue service. The key priorities are:-
- Prevention – safer and healthier communities
 - Protection – stronger business communities
 - Response – dealing effectively with emergencies
- 5.2 These formed the basis of the Authority's three year rolling strategy 2022-25 and Annual Plan which set out the outcomes and priorities based on the Community Risk Management Plan and Medium-Term Financial Plan. The five-minute risk based attendance standard lies at the heart of the Service Delivery Model. The model shows how staff provide the core prevention, protection and response services to make the West Midlands safer, stronger and healthier.
- 5.3 Grant Thornton, the Authority's External Auditors, published the Audit Findings Report for its 2021/2022 audit work which reported an unqualified opinion on the financial statements. They are also required to issue a value for money conclusion stating if the Authority had proper arrangements in all significant respects to ensure it delivered value for money in the use of resources. The 2021/22 value for money conclusion is currently being undertaken alongside the 2022/23 conclusion and will be reported in due course.

5.4 Based on audit work undertaken during the year, an Annual Internal Audit Report was presented to the Audit and Risk Committee on 19 June 2023. Audit work which was completed in 2022/2023 included:-

- Freedom of Information
- Fixed Asset Accounting
- Accounts Payable
- Budgetary Control
- Accounts Receivable
- Governance
- Risk Management
- Payroll
- Data Protection
- Partnerships

5.5 As a result of these audits the following were identified as the main issues:-

Freedom of Information

A review was undertaken to provide assurance that adequate controls were in place for dealing with and responding to Freedom of Information requests. An issue identified related to requests not always being responded to within the designated 20-day timeframe. It was acknowledged that the relevant information requested was collated in a timely manner but the issue related to delays in the approval process which resulted in the information not being sent to the requestor within the stipulated timeframe. A management response was received confirming agreement to the report and an action plan provided detailing how an automated approval process has been implemented to address this issue.

Governance

The objective of the review was focussed upon the adoption, adequacy and application of the Local Government Transparency Code and to ensure that the control system in place mitigated risks to the achievement of the Authority's objectives in this area. The review identified one issue where improvement could be made, as detailed in both the Code of Conduct (which forms part of the Constitution) and the Anti-Fraud, Corruption and Bribery Policy, whereby it is a requirement that employees must declare to their line manager any financial or non-financial personal interests that could bring about conflict with the interests of the Authority. The review identified that this requirement was not being consistently complied with. There was evidence that interests were being declared in meetings, where appropriate but that the annual returns were not being completed by employees. The declaration of interests' process is integral for promoting the transparency of the decision-making process throughout the Authority and for mitigating the risk of reputational loss.

As part of a previous review of governance it was noted that a number of policies, including those which formed part of the appraisal/performance management/appraisal framework and the Whistleblowing and Anti-Fraud and Corruption Policy, had not been reviewed on a regular basis.

As part of the latest review, these matters were followed-up and it was confirmed that they have been addressed and the policies have been reviewed and approved.

- 5.6 The issues outlined above, together with any other issues highlighted in the Annual Internal Audit Report, have been raised with relevant managers and actions have been taken to achieve improvements.

Funding Position

- 5.7 In February 2022, the Secretary of State for the Department for Levelling Up, Housing and Communities (DLUHC) confirmed the Authority's funding settlement for 2022/23 at £53.590m, which was a one-year only settlement.
- 5.8 In December 2022, the Secretary of State for DLUHC announced the provisional settlement for 2023/24 at £56.867m, resulting in a funding increase of £3.277m (6.1%). This was increased by a further £54k in the final settlement allocation in February 2023. In addition, it was indicated the Services Grant would continue to be distributed through the existing Settlement Funding Assessment formula in 2023/24 amounting to approximately £1.4M for this Authority (£2.3M in 2022/23). The Government also proposed a general Council Tax referendum threshold of 3% for Fire and Rescue Authorities. However, for one year only (2023/24), for all Fire and Rescue Authorities, there would be flexibility to increase Band D precepts by £5.
- 5.9 The Local Government Finance Settlement is a one year only Settlement for 2023/24, rather than the anticipated two-year Spending Review period. Multi-year settlements are a more effective way of managing resources, aligned to longer term planning and this uncertainty needs to be factored into the Medium Term Financial Strategy. Every 1% increase/reduction in core funding represents an increase/loss of circa £0.570m funding for the Authority.
- 5.10 In addition, there are ongoing budget uncertainties, particularly relating to Firefighter pension related issues, that have significant funding implications but at this stage still remain unclear in terms of ongoing cost and whether those costs will need to be found by Fire and Rescue Authorities and/or by Government funding. Furthermore, there are significant budget pressures affecting the Authority arising from the 'Cost of Living' crisis, particularly pay awards and inflation levels. Therefore, whilst the Government funding allocation in 2023/24 is an increase in cash terms compared to 2022/23, a high level of caution still needs to be applied to future financial years as the funding position and expenditure position remain volatile for the Fire Sector.

6. **Certification**

- 6.1 To the best of our knowledge, the governance arrangements, as outlined above have been effectively operating during the year with the exception of those areas identified as requiring improvement. We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified during the review of effectiveness and will monitor their implementation and operation as part of our annual review.

Greg Brackenridge
Chair
West Midlands Fire & Rescue Authority

Wayne Brown
Chief Fire Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. SERVICE PROVIDED VEHICLES**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the Authority give approval for the provision of service provided vehicles for responding Officers together with the associated funding requirements.

2. PURPOSE OF REPORT

- 2.1 To provide an overview of the rationale, benefits and financial implications for WMFS to transition into a service provided vehicle scheme.

3. BACKGROUND

- 3.1. Since 2013, WMFS have operated a “grey fleet” scheme, whereby responding officers utilise their own vehicles when mobilising to emergency incidents. Officers are provided with financial payments reimbursing them for the use of their own vehicles with limited organisational assurance.
- 3.2. This means that officers currently respond in a fleet of 56 different vehicles of varying size, make, age and fuel type, some of which do not conform to what would typically be expected of an emergency response vehicle, e.g., a pick-up truck.
- 3.3. Following a review of this approach, it has been identified that this represents a risk to the Service, and that change is required to minimise road risk and provide appropriate assurance as to the safety and suitability of vehicles being used for emergency response.

- 3.4. Currently, the Service has limited means of assessing whether vehicles are both roadworthy and appropriate to the role which may present a risk to responding officers and is a clear reputational risk to the Service. Simply put, if an officer were to have an accident while responding on blue lights and it emerged their vehicle was in some way defective or unroadworthy, the Service could face significant legal and reputational issues (see Legal Implications below).
- 3.5. As a short term/interim mitigation measure to protect the Service against the risks identified and to reimburse responding officers proportionally, an enhancement to the current “grey fleet” provision has been proposed. This will consist of two phases of vehicle inspection designed to ensure roadworthiness:
- Responding officer inspections
 - TEW vehicle inspections.
- 3.6. Responding officers will receive an additional tiered lump sum based on historical evidence, available data and the role they provide. As set out in Table 1 below, the estimated increase in costs stands at around £10,000 per annum.

4. **MOVE TO SERVICE PROVIDED VEHICLE SCHEME**

- 4.1. In the medium term, greater assurance would be secured by a “service provided” vehicles model.
- 4.2. WMFS is currently an outlier within the sector in using a “grey fleet”, with almost all UK FRS providing officer cars under a service provided model. The approach ensures that the management of road risk is within the control of the Service and the type of vehicle that is used is appropriate and is in line with our corporate image.
- 4.3. Such an approach will also enable consistent enhanced capabilities within our officer vehicle fleet, such as 4x4 capability or vehicle equipment capacity.
- 4.4. It has been assessed that purchasing these vehicles outright is the best procurement approach. This model would be scalable and flexible to ensure value for money plus a scheme providing a consistent and effective vehicle that is proportionate in value when considering public perception.

- 4.5. Procuring these vehicles ourselves will also allow for economies of scale and ensure we can take account of future resale values. It should be noted that these vehicles will be assets of the Service and whilst there may be a significant capital investment, they will retain a significant residual value which can be recouped at the end of their service life in line with the vehicle replacement programme.
- 4.6. As part of any procurement process, the Service will consider not only price but the most economically advantageous option, which will allow for quality, safety, environmental and social impact considerations. This means the Service will be able to consider not only the cost of vehicles, but quality and sustainability of manufacture, and their suitability for the role.
- 4.7. We are seeking the Authority's approval to move forward with this model, within the costs outlined in the Financial Implications section below and in line with the Authority's Procurement Policy. The next phase would be for officers to begin consultation with stakeholders regarding a "service provided" model, with a procurement update report provided to Authority in autumn 2023.

5. **EQUALITY IMPACT ASSESSMENT**

- 5.1 An Initial EIA has been undertaken as part of this policy proposal and is awaiting feedback from the DICE team however, it is also intended that a full EIA will form part of the engagement and consultation process with affected officers.

6. **LEGAL IMPLICATIONS**

- 6.1. Even though our "grey fleet" vehicles are privately owned, when they are used for service business, the Authority has the same responsibilities and duties under the Health and Safety at Work Act 1974 and Management of Health & Safety at Work Regulations 1999 as they would do in a service vehicle or workplace.
- 6.2. The Authority and Service could be liable under the Corporate Manslaughter and Corporate Homicide Act 2007 in relation to a fatal accident involving a grey fleet vehicle being used for service business.

7. **FINANCIAL IMPLICATIONS**

- 7.1. The current “grey fleet” provisions, inclusive of all on-costs, costs approximately £150,000 per annum.
- 7.2. In order to provide the equivalent annual cost comparison if this option was to go ahead, the Table below summarises the position:

Estimated Annual Costs (3-year period)			
	Current Model	Enhanced	Purchase
Total Capital Expenditure: Business use (excl VAT)			£2,127,000
Annual Interest at 4% on capital expenditure			£85,000
Car tax (years 2 and 3)			£11,000
Depreciation per year			£248,000
Blue Light Allowance per year	£5,000	£5,000	
Essential Car User per year	£69,000	£69,000	
Mileage claims	£73,000	£73,000	£20,000
Kit allowance		£1,000	
Wear and tear		£9,000	
Insurance			£5,000
Running Costs / Servicing			£11,000
Total - Business use per year	£147,000	£157,000	£380,000

- 7.3. The estimated capital cost of moving to a service provided fleet, based on engagement with suppliers, stands at approximately £2.1 million. For the purposes of comparison against the current arrangements, the cost of the proposed model equates to approximately £380,000 per annum.
- 7.4. It is important to note at the end of a three year period, the vehicles would retain significant residual value from resale that can be reinvested in the next procurement cycle. In the example above, depreciation over three years would be approximately £744,000.

- 7.5. The estimated costs for the service provided model are based on a fleet of 56 vehicles of a certain specification but following consultation this may change – the proposed model would be fully scalable and flexible.
- 7.6. Subject to approval of the proposed car provision arrangements, the estimated capital and additional revenue costs would need to be considered as part of the Authority's 2024/25 budget setting process.

8. **ENVIRONMENTAL IMPLICATIONS**

- 8.1. The option of moving to a service provided vehicles model offers significant opportunities to consider the environmental impact of our officer cars. As part of the tender process, the service will consider the use of hybrid and lower-emission vehicles.
- 8.2. Currently, officer travel is a Scope 2 emission not in direct control of the Authority, but under this model they would become Scope 1 emissions and there would be an opportunity to reduce those emissions through procurement of hybrid or alternatively-fuelled vehicles in the short and medium term.

9. **BACKGROUND PAPERS**

None.

The contact for this report is Alex Shapland, Head of Response, Fire Control and Emergency Planning: alex.shapland@wmfs.net

WAYNE BROWN
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

AUTHORITY MEETING

26 JUNE 2023

1. PAY POLICY STATEMENT 2023/2024

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the Authority approves the Pay Policy Statement for the financial year 2023/2024.

2. PURPOSE OF REPORT

- To inform the Authority of the new local government employee pay rates (appendix 1D)
- To inform the Authority that WMFS award for Grey Book Staff was applied from 1st March 2023 which was backdated to 1st July 2022
- To inform the Authority that WMFS Green Book pay award was applied from 1st November 2022 which was backdated to 1st April 2022

THAT the Authority is made aware of:

- Grey Book award was published in March 2023, whilst the Green Book award was published in November 2022
- Real Living Wage 2022 was announced on the 22nd September 2022 and was applied by WMFS to eligible staff from this date.

This report is submitted for the Authority to approve the Pay Policy Statement for the financial year 2023/2024.

3. BACKGROUND

- 3.1 Section 38 (1) of The Localism Act 2011 requires Fire and Rescue Authorities to produce a Pay Policy Statement for each financial year. The proposed Pay Policy Statement 2023/2024 is set out at

Appendix 1 of this report.

3.2 A Pay Policy Statement is expected to comply with the following elements:-

3.2.1 a relevant Authority must prepare a Pay Policy Statement for each financial year.

3.2.2 a Pay Policy Statement for a financial year must set out the Authority's policies for the financial year relating to the remuneration of its Chief Officers.

3.2.3 the statement must include the Authority's policies relating to:-

- (a) decisions on any pay, remuneration or severance packages of Chief Officer roles and/or packages of £100,000 or more being submitted to the Fire Authority;
- (b) remuneration of Chief Officers on recruitment;
- (c) increases and additions to remuneration for each Chief Officer;
- (d) the use of performance related pay for Chief Officers;
- (e) the use of bonuses for Chief Officers;
- (f) the approach to the payment of Chief Officers on their ceasing to hold office under or to be employed by the Authority and
- (g) the publication of and access to information relating to the remuneration of Chief Officers.

3.2.4 in addition it must detail:

- (a) the remuneration of its Chief Officers;
- (b) the remuneration of its lowest-paid employees and
- (c) the relationship between the remuneration of its Chief Officers and all other employees (Appendix 1D).

3.2.5 a Pay Policy Statement for a financial year may also set out the Authority's policies for the financial year relating to the other terms and conditions applying to the Authority's Chief Officers.

- 3.3 The term Chief Officer refers to those defined within the Localism Act. For West Midlands Fire and Rescue Authority this covers the posts of Chief Fire Officer, Deputy Chief Fire Officer and two Assistant Chief Fire Officer roles (Enabling Services& People).
- 3.4 The term 'lowest paid employees' is defined as a full time employee on the bottom scale column point of the Green Book pay scale and the lowest paid role for Grey Book employees. These are the lowest paid employees other than apprenticeships which are paid less to reflect the nature of the training and development role.
- 3.5 There are supplementary provisions relating to statements as follows:-
- 3.5.1 a relevant Authority's Pay Policy Statement must be approved by a resolution of the Authority before it comes into force.
 - 3.5.2 the statement must be prepared and approved before the end of 31st March 2024.
 - 3.5.3 each subsequent statement must be prepared and approved before the end of 31st March immediately preceding the financial year to which it relates.
 - 3.5.4 a relevant Authority may by resolution amend its Pay Policy Statement, including after the beginning of the financial year to which it relates.
 - 3.5.5 as soon as is reasonably practicable after approving or amending a Pay Policy Statement, the Authority must publish the statement or the amended statement in such manner as it thinks fit, which must include publication on the Authority's website.
- 3.6 There is a two-track approach for determining levels of pay for Chief Officer roles. At national level, the National Joint Council (NJC) shall review annually the level of pay increase applicable to all those covered by this agreement. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to Fire Authorities by circular.

- 3.7 Other decisions about the level of pay and remuneration to be awarded to individual Chief Officer roles will be taken by the local Fire Authority. (Advice on the implementation of a local salary structure is contained within the Pay Policy Statement.)
- 3.8 Authorities are also required to produce information on the salaries of their Chief Officers and the names. This is included in the Statement of Accounts and on the internet site www.wmfs.net.
- 3.9 If readers are to understand the information being presented to them, they need to have an appreciation of the wider context affecting the organisation. To this end the guidance requires the West Midlands Fire Service to include some contextual information such as a description of what it does, total spend, budget responsibility, job descriptions and person specifications.
- 3.10 The information referred to above, including the expenses paid to Chief Officers, is also available on the West Midlands Fire Service website at www.wmfs.net.
- 3.11 As part of this report the Authority are also publishing their approach to the use of discretionary arrangements in relation to the Local Government Pension Scheme. During the current year evolving case law may see changes to these policies which will be published.

4. **GENDER PAY GAP COMPARISON**

- 4.1 This data is to provide detail of the Gender Pay Gap for WMFS, the data is to be released and published on the Gov.uk Gender Pay site, and for the data and narrative to be published on wmfs.net
- 4.2 When considering all employees, the mean gender pay gap as of March 2023 is shown in the table below alongside progress for the last 5 years.

The gender pay gap is the difference between the mean (average) hourly rate of pay for male and female relevant employees.

	As at 31.03.23		As at 31.03.22		As at 31.03.21		As at 31.03.20		As at 31.03.19		As at 31.03.18		As at 31.03.17	
Employee Group	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %
All Employees	1.08	6.1	1.13	6.8	1.46	8.9	1.55	9.8	1.76	11.3	1.57	10.4	2.18	14.2
Uniformed	0.91	5.2	0.77	4.7	1.10	6.9	1.11	7.1	1.17	7.6	0.71	4.7	0.42	2.8
Non-Uniformed	3.27	16.2	3.40	17.9	3.61	19.6	3.33	19.0	3.18	19.2	3.00	18.6	5.56	34.9

The mean gender pay gap has decreased to 6.1% in 2023 when compared to the 6.8% gap reported in 2022.

When considering all employees, 25.4% are female. Of the top 50 earners, 18 (36%) are female, compared to 16 in 2022. Of the top 100, 36 (36%) are female, compared to 31 in 2022.

The median gender pay gap in hourly pay is the difference between the midpoints in the ranges of men's and women's hourly pay.

5. **EQUALITY IMPACT ASSESSMENT**

- 5.1 In preparing this report an initial Equality Impact Assessment is not required as there is no direct impact on individuals in setting out the Authority's pay policy statements. Equality Impact Assessments will be carried out on individual processes and decisions taken in the application of the pay policy statement.

6. **LEGAL IMPLICATIONS**

- 6.1 The recommendations provided enable West Midlands Fire and Rescue Authority to continue to comply with the relevant sections of the Localism Act and demonstrate its support for the Government's Public Sector Pay Policy.
- 6.2 To comply with the Localism Act 2011, the West Midlands Fire and Rescue Authority must approve the Authority's Pay Policy Statement before 31st March 2024. The Service will then complete a review of the Pay Policy Statement each year which must be approved by the Authority before 31st March each year.

7. TRADE UNION CONSULTATION

- 7.1 This is not a matter for consultation with the trade unions. The Pay Policy Statement will be shared with the Trade Unions for information following approval at the Authority meeting on 26th June 2023.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no direct financial implications arising from this report.

BACKGROUND PAPERS

Localism Act 2011

The contact name for this report is Simon Barry, Deputy Chief Fire Officer, 07973 810657.

WAYNE BROWN
CHIEF FIRE OFFICER



FIRE AUTHORITY REPORT

PAY POLICY STATEMENT 2023/2024

5 June 2023
People Support Services

PAY POLICY STATEMENT 2023/2024**CONTENTS OF APPENDICES**

	<u>Page</u>
Pay Policy Statement 2023/2024	7-15
Appendix 1A Statement of Policy - LGPS	16-21
Appendix 1B Statement of Policy - Firefighters Pension Scheme 1992	22-24
Appendix 1C Statement of Policy- Firefighters Pension Scheme 2015	25-51
Appendix 1D Remuneration and relationship between Chief Officer's and Lowest Paid Employees	52-53

Pay Policy Statement 2023/2024

The level and elements of remuneration for each Chief Officer

The basic pay details of all Chief Officers is available on the West Midlands Fire Service website www.wmfs.net . The levels of pay will be determined by both national and local review following the guidance set out in the 'Gold Book' Terms of Conditions. All other payments will be contained within the Authority's statement of accounts which is also published on the West Midlands Fire Service website.

- WMFS award for Grey Book Staff was applied from 1st March 23 which was backdate to 1 July 2022.
- WMFS Green Book pay award was applied from 1st November 2022 which was backdated to 1st April 2022.

Grey Book award was published in March 2023, whilst the Green Book award was published in November 2022.

Real Living Wage 2021 was announced on the 22nd September 2022 and was applied by WMFS to eligible staff from this date.

Remuneration of Chief Officers on recruitment

On recruitment the Appointments Committee is authorised to consider and make recommendations to the Fire Authority on the conditions of employment and salary of the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer. Considerations will be given to the guidance contained within the Pay Policy Statement for determining the level of salary for each Principal Officer.

Increases and additions to remuneration for each Chief Officer

There is a two-track approach for determining levels of pay for Principal Officer roles. At national level, the NJC for Brigade Managers shall review annually the level of pay increase applicable to all those covered by this agreement, known as the Gold Book. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to Fire Authorities by Circular.

Other decisions about the level of pay and remuneration to be awarded

to individual Principal Officer roles will be taken by the local Fire Authority in accordance with the Gold Book. This will be considered at the time of the Pay Policy Statement Review. (Advice on the implementation of a local salary structure is contained within the Pay Policy Statement).

Remuneration of all other employees of the West Midlands Fire Service

Real Living Wage

The Fire Authority is an accredited Real Living Wage employer and is committed to ensuring that all employees are paid, as a minimum, the real Living Wage. This is reviewed on a year-on-year basis and amendments are made to ensure that are aligned to the Real Living Wage.

Green Book Employees

Salaries of 'Green Book' employees in the Service are set using locally determined pay scales and utilising an Integrated Personal Development System which is based around the nationally agreed Job Evaluation Scheme.

Please see Appendix 1D for the salaries of Green Book Employees including our lowest paid employees and the relationship between these employees and our Chief Officers. For this purpose, the relationship has been made to the Chief Fire Officer's salary.

Grey Book Employees

Salaries of 'Grey Book' employees in the Service are set using nationally agreed pay levels.

National Pay Awards are also made to pay scales on an annual basis and these pay awards are applied to all employees. This annual award is applicable in April for Green Book Employees and July for Grey Book Employees.

Please see Appendix 1D for the salaries of Grey and Green Book Employees including our lowest paid employees and the relationship between these employees and our Chief Officers. For this purpose the relationship has been made to the Chief Fire Officer's salary.

The use of performance related pay for Chief Officers

The West Midlands Fire Service does not use performance related pay for its Chief Officers.

The use of bonuses for Chief Officers

The West Midlands Fire Service does not award bonuses to Chief Officers.

The approach to the payment of Chief Officers on their ceasing to hold office or to be employed by the Authority

The payment to Chief Officers on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant Pension Scheme.

In the case of any redundancy payments to be made to Chief Officers these payments will be set using the existing regulations for 'Gold Book' employees and their appropriate pension scheme.

Redundancy payments for Chief Officers eligible to join the Firefighters' Pension Schemes will be calculated based on the statutory maximum weekly pay. Gold book employees eligible to join the Local Government Pension Scheme will receive a redundancy payment in line with authority agreement under Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. See Appendix 1A.

Any settlement to any member of staff of £100,000 or more or any other payments over that value will be subject to the approval of the Authority on a case by case basis.

The approach to the payment of all other Employees on their ceasing to hold office or to be employed by the Authority

- Green Book Employees

The payment of Green Book Employees on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant Pension Scheme.

In the case of redundancy the guidance contained within the pension policy statement will apply under the existing conditions of the Local Government Pension Scheme.

- Grey Book Employees

The payment of Grey Book Employees on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant pension scheme.

In the case of any redundancy payments to be made to Grey Book Employees eligible to join the firefighter's pension scheme, these payments will be set using the existing regulations for Grey Book employees. Redundancy payments will be calculated based on the statutory maximum weekly pay.

- Employees in Fire Control

In the case of redundancy the guidance contained within the pension policy statement will apply under the existing conditions of the Local Government Pension Scheme.

The publication of and access to information relating to the remuneration of Chief Officers

Details of the Chief Officer's salary and remuneration including any expenses will be made available on the West Midlands Fire Service website. This information is contained within the Annual Report and Statement of Accounts.

Discretions available to the Authority under the Local Government and Firefighters Pension Schemes

In line with the regulations of the Local Government and Firefighters Pension Schemes West Midlands Fire Service must formulate, keep under review and publish their policies on certain discretions contained within the Regulations. These regulations are included as appendices to this policy.

Definitions used within the Pay Policy Statement

The term Chief Officer refers to those defined within the Localism Act. In simple terms the policy covers the Chief Fire Officer and those posts which report directly to him/her and also the next management tier below (excluding any secretarial or clerical roles).

The term 'lowest paid employees' is defined as a full time employee on the lowest paid role/rank for Grey Book employees and the bottom scale column point of the Green book pay scale or employee subject to the living wage if higher. These are the lowest paid employees other than apprenticeships which are paid less to reflect the nature of the training and development role.

IMPLEMENTATION OF A LOCAL SALARY STRUCTURE GUIDANCE

Introduction

1. Both the Employers and Brigade Managers recognise the importance of applying the appropriate skills and developing the competencies necessary to support and embed the cultural change inherent within these new terms and conditions.

Local Salary Structures

2. When determining the appropriate level of salaries for all Brigade managers, the Fire and Rescue Authority should refer to the relevant minimum salary of the Chief Fire Officer and the most relevant benchmark data.
3. Normally the fire and rescue authority will wish to begin by determining appropriate salary for their most senior manager.
4. When deciding how these posts should be remunerated the following factors are to be considered:
 - a. the Chief Fire Officer's salary and that of any senior staff not covered by the Scheme of Conditions of Service (Gold Book);
 - b. the relationship of current salary to the appropriate illustrative national benchmark;
 - c. any special market considerations;
 - d. any substantial local factors not common to fire and rescue authorities of similar type and size e.g. London weighting; complex local, regional or national responsibilities which bring added value;
 - e. comparative information to be supplied on request by the Joint Secretaries on salaries in other similar authorities;
 - f. top management structures and size of management team compared to those of other fire and rescue authorities of similar type and size;
 - g. the relative job size of each post, as objectively assessed through an appropriate job evaluation process or otherwise; and

- h. incident command responsibility and the requirement to provide operational cover within the employing authority and beyond

The process for setting salary levels should include consideration of the following criteria:

- minimum salary levels for Chief Officers in relevant sized local authorities;
- market rates of pay for senior managers in a range of private and public sector organisations; and
- evidence of recruitment and/or retention difficulties with existing minimum rates.

There are a range of schemes and approaches available for authorities to use in assessing job size. To assist authorities, advice can be obtained from the Employers' Side Secretary of the NJC.

APPENDIX 1A**STATEMENT OF POLICY**

Under Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, operative from 29 November 2006, each employer must formulate, keep under review and publish their policies on certain discretions contained within the Regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the Local Government Pension Scheme (LGPS).

Regulation 5 - Power to increase statutory Redundancy payments**Explanation**

Employers have the discretion to resolve to use the employee's actual pay instead of the statutory maximum pay permitted under the Employments Rights Act 1996, in the calculation of redundancy payments.

Policy

The Fire Authority will always use the employees' actual pay when calculating redundancy payments.

Regulation 6 –Discretionary Compensation**Explanation**

The Authority has the discretion to resolve to increase the lump sum compensation payable under the Employments Rights Act 1996 to an employee who loses their employment with the Authority, up to a maximum of 104 weeks' pay.

Policy

The Fire Authority will not exercise this discretion and therefore will not increase the maximum payable beyond the statutory limit of 30 weeks' pay.

STATEMENT OF POLICY

Under Regulation 60 (1) of the Local Government Pension Scheme (LGPS) Regulations 2013, each employer must formulate, keep under review and publish their policies on certain discretions contained within the LGPS Regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the LGPS.

1. Regulation 30 (8) – Waiving of actuarial reduction

Explanation

From age 55, members who have left local government employment receive early payment of their retirement benefits and do not need their employer's consent. The pension benefits must be reduced in accordance with guidance provided by the Government actuary. Employers may determine on compassionate grounds that the benefits are not reduced.

For a member who joined the scheme prior to 1 October 2006 where the member's age and membership (in whole years) satisfies the "rule of 85" then the benefits would be reduced, unless the employer chooses to exercise the discretion within the regulations. For a member who joined the Scheme on or after 1 October 2006, then reduced benefits would be payable if taken before age 65.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Deputy Chief Fire Officer as delegated by Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is exercised.

2. **Regulation 31 - Power of the Employing Authority to award Additional Pension**

Explanation

An employer may resolve to award a member additional pension of not more than £6,500 a year, payable from the same date as their pension is payable under any other provision of these regulations. An additional pension may be paid in addition to any increase to total membership resolved under Regulation 16 so long as the overall total does not breach the limits laid down within these regulations.

Policy

Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.

3. **Regulation 30 (6) - Flexible Retirement**

Explanation

A member who is aged 55 or over and with their employer's consent reduces their hours or grade can then, but only with the agreement of the employer, make an election to the administering authority for payment of their accrued benefits without having retired from that employment.

Policy

Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

4. **Regulations 16(2)(e) and 16(4)(d) - Funding of Additional Pension**

Explanation

Where an active member opts to make Additional Pension Contributions (APC) under Rule 16(2)(e) these may be funded in whole or in part by the Employer. Under Rule 16(4)(d) the employee may opt to pay APC as a Lump Sum and this may also be funded in full or part by the employer.

Policy

The Fire Authority will fund in whole or in part any APC operated by themselves under a salary sacrifice arrangement.

The Fire Authority will, however, not fund in whole or in part any other APC purchased either by periodical payments or Lump Sum direct from a members Net Pay.

The Fire Authority is not obliged by the Regulations to publish a statement on the following discretions contained within the LGPS 2013 Regulations but has chosen to do so.

5. **Regulation 22(8)(b) - Re-employed and Rejoining Deferred Members**

Explanation

Where a deferred member becomes an active member again before becoming entitled to the immediate payment of retirement benefits in respect of their former membership, their former membership will be aggregated with their current active membership unless within 12 months from the date of the active member's pension account being opened they make an election in writing to the member's appropriate administering authority. The period of 12 months may be extended at the discretion of the employing authority.

Policy

The Fire Authority will extend the period of 12 months beginning with the date that the active member's pension account is opened again to allow a member to choose not to aggregate his/her former membership in exceptional circumstances or where it was beyond the member's control.

6. **Regulation 100 (6) – Inward Transfer of Pension Rights**

Explanation

A person who becomes an active member who has relevant pension rights may request his fund authority to accept a transfer value for some, or all, of his former rights. An election must be made in writing before the expiry of the period of 12 months beginning with the date that he became an active member or any such longer period as his employer may allow.

Policy

The Fire Authority will extend the period of 12 months beginning with the date that he/she became an active member – thereby, allowing a member to transfer some or all of his/her rights from the relevant transferor in exceptional circumstances or in circumstances beyond the member's control.

7. **Choice of early payment of Deferred Pension**

Explanation

Where a member became a deferred member between 31 March 2008 and 1 April 2014, they can apply for early release of benefits, and the Fire Authority can fund the costs of the release.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Deputy Chief Fire Officer as delegated by Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is exercised.

From 1 June 2004, an amended Internal disputes resolution procedure applies to active members of the LGPS and to others such as deferred and pensioner members, whose position may be affected by decisions taken by their former employer or LGPS administering authority.

8. **The Internal Dispute Resolution Procedure**

Explanation

Responsibility for determinations under the first stage of the procedure now rests with a 'specified person' appointed by your (former) employer. The Fire Authority must specify the job title and address of the person to whom applications should be directed.

Policy

The Responsible Officer for the West Midlands Fire and Rescue Authority is:-

Deputy Chief Fire Officer
West Midlands Fire Service HQ
99 Vauxhall Road
Birmingham
B7 4HW

The discretions within this Policy Statement will be reviewed at the point of regulation change but no less than yearly in line with the Authority's Pay Policy Statement.

STATEMENT OF POLICY

Under Rule B7 of the 1992 Firefighters' Pension Scheme Paragraph 5(A) a fire and rescue authority may, having regard to —

- (a) the economical, effective and efficient management of their functions, and
- (b) the costs likely to be incurred in the particular case

pay a lump sum in excess of two and a quarter times the full amount of the pension.

West Midlands Fire Service will formulate, keep under review and publish their policy on the discretion contained within this rule.

Due to the rate of the commutation factors laid down within the 1992 Firefighters' Pension Scheme it is possible for an unauthorised payment to occur if a member commutes the maximum allowable portion of their gross pension. In cases where this happens the Fire Authority will become liable to a further charge. When using this discretion the amount to which the lump sum will be increased will be limited to the maximum authorised payment allowed by HMRC regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the 1992 Firefighters' Pension Scheme.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. It is the Line Manager's responsibility to ensure that the recommendation is made and submitted to their SET managers for consideration. The value of the Lump Sum payment into the Pension account will be provided by the Pensions section on request and the remaining cost figures should be obtained from the Finance Liaison Officer.

This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Strategic Enabler of People Support Services and Strategic Enabler of Finance & Resources.

STATEMENT OF POLICY

Under Rule K4 of the 1992 Firefighters' Pension Scheme:

A fire and rescue authority may, in their discretion, withdraw the whole or any part of the pension, except a pension under Part C (awards on death–spouses and civil partners), for any period during which the person entitled to it is employed by any fire and rescue authority in whatever capacity.

Part LA Section 9 of the scheme rules states that:

Where an authority exercises its discretion not to withdraw the payment in whole or in part of any pension under rule K4 (withdrawal of pension whilst employed by a fire and rescue authority), the authority shall in the financial year in which payment is not withdrawn, transfer into the Firefighters Pension Fund an amount equal to the amount of pension paid during that financial year to that person which could have been abated or withdrawn. West Midlands Fire Service will formulate, keep under review and publish their policy on the discretion contained within this rule.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the 1992 Firefighters Pension Scheme.

Policy

West Midlands Fire Service will withdraw the whole or part of the pension, except a pension under Part C (awards on death–spouses and civil partners), for any period during which the person entitled to it is employed by any fire and rescue authority in whatever capacity.

The amount of Pension withdrawn will be calculated by reference to the Aggregate Annual Pensionable Pay received in the twelve months prior to retirement increased on the same basis as the pension in payment. This figure will be known as the reference pay and will be increased annually in line with the annual pension increase order.

The pension will be reduced by an amount equal to the amount required so that the total income from the pension plus re-employment does not exceed the reference pay calculated above.

Pay in re-employment is the pay receivable under the contract of employment for the hours worked and excludes any payments made for non-contractual overtime. Where the pay in re-employment changes the amount of pension to be withdrawn will be recalculated.

STATEMENT OF POLICY

The Firefighters' Pension Scheme (England) Regulations 2014 contain various regulations where the opportunity for alternative courses of action arises. In these circumstances West Midlands Fire Service will exercise discretion in line with this statement of policy.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the Firefighters Pension Scheme 2015.

Power to Delegate**1. Delegation (Regulation 5)**

The scheme manager must ensure that delegated powers are appropriate and current. [Regulation 5(2)]

Statement of Policy

The Fire Authority have recently confirmed that the Audit Committee will function as the Scheme Manager.

Opting Out**2. Opting into this scheme (Regulation 12)**

An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the scheme manager to vary the date on which the person becomes an active member, to such other time as the scheme manager considers appropriate. [Regulation 12(5)]

Statement of Policy

The Organisation will not vary the date on which a member becomes an active member.

3. **Opting out after the first three months (Regulation 16)**

An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the scheme manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the scheme manager does consider appropriate. [Regulation 16(2)(b)]

Statement of Policy

The Scheme Manager will not vary the date on which an optant out ceases to be a member.

Pensionable Pay

4. **Pensionable Pay (Regulation 17)**

The Scheme Manager has discretion if continual professional development payments are to be treated as pensionable pay. [Regulation 17(1)(d)]

Statement of Policy

Continual Professional development payments will be pensionable.

Retirement Benefits

5. **Active Membership (Regulation 19)**

A person who is on unpaid authorised absence can count the period as active membership if the Scheme Manager permits them to be treated as an active member during that period. (Presumably this would be linked to Regulation 111(4) and subject to the member paying the appropriate contributions.) [Regulation 19(d)]

Statement of Policy

The Scheme Manager will permit a member on unpaid absence to count the period as active membership subject to contributions being paid.

Pensions Accounts

6. Establishment of pension accounts: general (Regulation 28)

The Scheme Manager must establish and maintain pension accounts for scheme members, but they may be kept in such form as the scheme manager considers appropriate.

Statement of Policy

The Scheme Manager will maintain pension accounts within an electronic Pension Administration System. The security and operation of these accounts will be reviewed regularly by the Local Pension Board.

7. Closure and re-establishment of active member's account (Regulation 37)

If a member has more than two active members account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one.

Statement of Policy

The Scheme Manager will use their discretion on a case by case basis in the best interests of the member.

Retirement Benefits

8. Closure of deferred member's account after gap in pensionable service not exceeding five year. (Regulation 49)

If a deferred member re-enters pensionable employment after a gap of five years or less, the Scheme Manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment – which one should close. If they fail to make a selection, the Scheme Manager must make the choice for them. [Regulation 49(3) and (4)]

Statement of Policy

The Scheme Manager will use their discretion on a case by case basis in the best interests of the member.

9. Employer initiated retirement (Regulation 62)

An employer can determine that an active member aged 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its function having taken account of the costs likely to be incurred in the particular case. [Regulation 62(1) and (2)]

Statement of Policy

The employer will use their discretion on a case by case basis with the overriding control that any costs incurred in using this discretion will be recoverable within a three year period.

10. Exercise of partial retirement option (Regulation 63)

An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the scheme manager and the partial retirement option is taken to be exercised on a date agreed between the member and the Scheme Manager. [Regulation 63(5)]

Statement of Policy

Where a member wishes to make an application for partial retirement under Regulation 63 they must provide written notice to the Scheme Manager. On a case by case basis the Scheme Manager will agree a date with the member on which the option shall be exercised.

Ill-Health Benefits

11. Review of ill-health awarded or early payment of retirement pension (Regulation 68)

The Scheme Manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68(1) and (2)]

Statement of Policy

The Scheme Manager will review the award of ill-health pensions, where the recipient is under deferred pension age and has been receiving the awarded for less than 10 years, and deferred pensions in payment early on ill-health grounds and where the recipient is below deferred pension age on a three yearly basis.

12. Consequences of review (Regulation 69)

If, following the review of a lower tier ill-health pension under Regulation 68, the Scheme Manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health, the employer must consider whether or not to make an offer of re-employment. [Regulation 69(3)]

Statement of Policy

The Scheme Manager will consider whether or not to make an offer on a case by case basis.

13. Commencement of pensions (Regulation 70)

If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the scheme manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70(7)]

If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the Scheme Manager will decide the payment date after the claim for payment has been made.

Statement of Policy

The Scheme Manager will determine the date from which a deferred pension will become payable in the situations described in Regulation 70(7) and (8) on a case by case basis using information provided by the claimant, any appropriate medical professional, and with guidance from the Payroll and Pensions Manager.

Allocation

14. Allocation election (Regulation 72)

The Scheme Manager must give consent for the allocation of a portion of pension to a dependant, who is not the spouse, civil partner or cohabiting partner of an active or deferred member. (Consent can be withheld if the Scheme Manager is not satisfied that the person nominated is not substantially dependent of the active member.) [Regulation 72(3)(b) and (4)]

Statement of Policy

The Scheme Manager will give consent for the allocation of a portion of pension to a dependent where acceptable evidence of dependency is provided by the Scheme Member. At the time of application the Scheme Manager will confirm to the member what evidence is to be provided.

15. Adjustment of allocated benefit (Regulation 75)

If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the Scheme Manager. [Regulation 75(1) and (2)]

Statement of Policy

The Scheme Manager will make any adjustments allowed under Regulation 75(1) and (2) on a case by case basis.

Death Benefits

16. Meaning of "surviving partner" Regulation 76)

A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided by meeting certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The Scheme Manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76(1)(b)(v) and (2)]

Statement of Policy

The Scheme Manager will not use their discretion to allow a person to qualify as a "Surviving Partner" where the relationship has been in place for a period of at least two years.

17. Person to whom lump sum death benefit payable (Regulation 95)

The Scheme Manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]

Statement of Policy

The lump sum death benefit will be paid to whosoever the Scheme Manager decides it should be. The discretion will be operated by the Payroll and Pensions Manager in consultation with the Strategic Enabler for People Support Services.

18. Payment of pensions under Part 6 "Death Benefits" (Regulation 100)

If a child's pension is due in respect of an eligible child under age 18, the Scheme Manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100(2)]

Statement of Policy

The child's pension in respect of an eligible child over the age of 7 will be paid to that child. A child's pension for a child under the age of 7 will be paid to that child's surviving parent with instruction that it should be applied for that eligible child's benefit.

19. Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)

A Scheme Manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the Scheme Manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award. (This does affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so.) [Regulation 101(2) and (3)]

Statement of Policy

The Scheme Manager will cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the scheme manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the awarded except in cases where the Head of Finance & Procurement deems it to be financially counter productive to do so.

20. Provisional awards of eligible child's pensions: later adjustments (Regulation 102)

If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the scheme manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 102(2) and (3)]

Statement of Policy

If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child the scheme manager will adjust the amount of pensions as required in view of the facts as they subsequently appear. These adjustments will be made retrospectively where required.

21. Adjustment of benefits to comply with fA2004 where members die over 75 (Regulation 104)

If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the scheme manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act. [Regulation 104(1)(a) and (2)]

Statement of Policy

If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the scheme manager will adjust the benefit payable to the person so that it would qualify under that section of the Act.

Contributions

22. Member contributions (Regulation 110)

Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied. [Regulation 110(5)]

When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the Scheme Manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110(7) (h)]

Statement of Policy

Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, this rate will be applied from the first day of the pay period following the date on which the material change took effect. The member will be informed of the new contribution rate and the date from which it is to be applied within three months of the date when the new rate is first applied to their pay.

23. Contributions during absence from work due to illness, injury, trade dispute or authorised absence (Regulation 111)

Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the scheme employer may require that they should also pay employer contributions. [Regulation 111(2), (3) and (4)]

Statement of Policy

Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they will be allowed to pay contributions. The contribution payable will be the total of both the member and employer contribution.

24. Deduction and payment of contributions (Regulation 114)

Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the scheme manager and the member. [Regulation 114(1)]

Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulations 114(2)]

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the scheme manager. [Regulation 114(3)]

Statement of Policy

Member contributions due under Regulation 110 will be deducted from each instalment of pensionable pay as it becomes due.

Contributions due in respect of absence from work on reserve forces service leave will be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and Payroll and Pensions Manager on behalf of the scheme manager.

Transfers

25. Statement of entitlement (Regulation 135)

The scheme manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement. The scheme manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three-month period. [Regulation 135(4)]

Statement of Policy

The Scheme Manager will extend the "guarantee date" to within 6 months of the date of the member's application if, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three-month period.

26. Request for acceptance of a transfer payment (Regulation 141)

There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The scheme manager has the discretion to extend this period. [Regulation 141(3)]

Statement of Policy

The Scheme Manager will not extend the time limit in which a person can request a transfer payment from a non-occupational pension scheme.

27. Transfer statement (Regulation 142)

The Scheme Manager can require an active member to ask the scheme manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement.
[Regulation 142(2)]

Statement of Policy

The Scheme Manager will require an active member to ask the scheme manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count where the transfer date falls within two months of the date of the statement

28. Club transfer value statement (Regulation 144)

The Scheme Manager can require an active member to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144(2)]

Statement of Policy

The scheme manager will require an active member to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count where the transfer date falls within two months of the date of the statement

Appeals and Determinations

29. Appeal concerning entries on the certificate (Regulation 148)

If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, they can require the Scheme Manager to deal with their disagreement under arrangements implemented by the Scheme Manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The Scheme Manager must have these arrangements in place. [Regulation 148(1)]

Statement of Policy

If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, the scheme manager will deal with their disagreement under arrangements implemented by the scheme manager in accordance with the requirements of Section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.

The process for dealing with such disagreements will be published via the Intranet.

30. Determination by the Scheme Manager (Regulation 151)

It is the Scheme Manager that must determine whether a person is entitled to an award or to retain an award.
[Regulation 151]

Statement of Policy

On a case by case basis the scheme manager will determine whether a person is entitled to an award or to retain an award. This determination will be made by the Payroll and Pensions Manager in conjunction with the Strategic Enabler for People Support Services.

31. **Role of IQMP in determinations by the Scheme Manager (Regulation 152)**

The Scheme Manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152(1)]

If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the Scheme Manager can make the determination based on such medical evidence as the Scheme Manager thinks fit, or without medical evidence. [Regulation 152(7)]

Statement of Policy

The Scheme Manager will select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion.

Where a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager will make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence. This discretion will be exercised by the Strategic Enabler for People Support Services.

32. **Review of medical opinion (Regulation 153)**

Where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the Scheme Manager may agree to giving the IQMP the opportunity of reviewing the opinion. [Regulation 153(1)]

Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly. [Regulation 153(4) and (5)]

Statement of Policy

On a case by case basis, where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the scheme manager may agree to giving the IQMP the opportunity of reviewing the opinion.

Upon receiving the IQMP's response the Scheme Manager will confirm or revise its original determination and advise the member accordingly. The discretion will be exercised by the Strategic Enabler for People Support Services.

33. Notice of appeal (Regulation 155)

If a member wishes to appeal against a determination made by the scheme manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager has a discretion to extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied. [Regulation 155(2)]

Statement of Policy

On a case by case basis the scheme manager will consider extending the time limit during which a member can appeal to a board of medical referees to a maximum of six months from the date the Regulation 154(4) documents were supplied.

34. Reference of appeal to the board (Regulation 156 – See also Regulation 161)

Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156.

If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the scheme manager who must, in turn, send a copy of it to the scheme member advising that if their appeal is unsuccessful, the member may be required to pay the scheme manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal. [Regulation 156(8) to (12)]

Statement of Policy

If a member of a board of medical referees, who has reviewed appeal documents provided by the member, is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. The Scheme Manager will send a copy of this notification to the scheme member advising that if their appeal is unsuccessful, they will be required to pay the Scheme Manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal.

35. Procedure where appeal to be pursued (Regulation 157)

The Scheme Manager must decide which persons will attend the interview as its representatives. The Scheme Manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157(6) to (9)]

Statement of Policy

On a case by case basis where an appeal is pursued the scheme manager will decide;

1. Which persons will attend the interview as its representatives.
2. Whether or not to submit written evidence or a written statement.
3. How to respond to any written evidence or written statement from the appellant.

This decision will be made by the Head of People Support.

36. Expenses of each party (Regulation 161)

If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the scheme manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(2)]

If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(a)]

If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(b)]

Statement of Policy

If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the scheme manager will require the appellant to pay it a sum equal to the total amount of the fees and allowances payable to the board under Regulation 160(1).

37. **Appeals on other issues (Regulation 163)**

If a member disagrees with a scheme manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the scheme manager to deal with the disagreement under requirements which the scheme manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. [Regulation 163]

Statement of Policy

If a member disagrees with a scheme manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the scheme manager will deal with their disagreement under arrangements implemented by the scheme manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.

The process for dealing with such disagreements will be published via the Intranet.

Payment of Pensions

38. **Commutation of small pensions (Regulation 167)**

If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167(3)]

Statement of Policy

If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager will pay the entitlement as a lump sum, subject to the consent of the recipient and will comply with the commutation provisions that apply in the circumstances.

39. Payments for persons incapable of managing their affairs (Regulation 168)

If it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled. If the scheme manager does not pay the benefits in this way, the scheme manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]

Statement of Policy

Where it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager will pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled.

40. **Payments due in respect of deceased persons (Regulation 169)**

If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]

Statement of Policy

If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager will pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration.

Forfeiture

41. **Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)**

If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager can withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation.

The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171(1), (2), (3) and (5).]

Where a pension is withheld, the scheme manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171(4)]

Statement of Policy

If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager will withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate, subject to a maximum of the amount by which the pension exceeds any guaranteed minimum pension.

On a case by case basis where a pension is withheld, the scheme manager will consider at three monthly intervals, to any extent and for such duration as the manager thinks fit, applying the pension for the benefit of any dependant of the member or restoring it to the member.

42. Forfeiture of pensions: offences committed by other persons (Regulation 172)

If a surviving partner or eligible child is convicted of the murder of a scheme member from whose benefits their pension would be derived the scheme manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the scheme manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172(1) to (5)]

Statement of Policy

The discretion to withhold part of a pension under Regulation 172 (1) to (5) will be exercised on a case by case basis by the Head of People Support.

43. Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)

If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the scheme manager must withhold all of any lump sum death benefit payable to that person.

If, however, the conviction is subsequently quashed on appeal, the scheme manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173]

Statement of Policy

The discretion to restore part of a pension withheld under Regulation 173 will be exercised on a case by case basis by the Head of People Support.

44. Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)

If a member has a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the scheme manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator.

The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176.
[Regulation 174]

Statement of Policy

The discretion to withhold part of a pension under Regulation 174 will be exercised on a case by case basis by the Head of People Support.

45. Set-off (Regulation 175)

A scheme manager has a discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176.] [Regulation 175]

Statement of Policy

The scheme manager will set off any "relevant monetary obligation" against a member's entitlement to benefits.

Payment and Deduction of Tax

46. Payment on behalf of members of lifetime allowance charge (Regulation 178)

At a scheme member's request, the scheme manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs.
[Regulation 178]

Statement of Policy

At a scheme member's request, the scheme manager will pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager will only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs.

47. Evidence of Entitlement (Regulation 184)

The scheme manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide such supporting evidence as the scheme manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme. [Regulation 184(1) and (2)]

If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme. [Regulation 184(3)]

Statement of Policy

The scheme manager will require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide appropriate evidence to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme.

If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager will withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.

48. Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1, Part 1, Paragraph 4)

The total amount of accrued added pension must not exceed a certain limit. If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit the scheme manager may cancel the election (by written notice to the member). [Schedule 1 Part 1, Paragraph 4]

Statement of Policy

If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit prescribed in the regulations the scheme manager will, having provided written notice to the member, cancel the election.

49. Member's Election to make periodical contributions for added pension (Schedule 1, Part 1, Paragraph 7)

If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid. [Schedule 1, Part 1, Paragraph 7(3)]

Statement of Policy

The scheme manager will not allow a member to make periodic payments for added pension of less than £10 per month.

50. Periodical payments (Schedule 1, Part 2, Paragraph 8)

If a scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the scheme manager may agree another method of payment. [Schedule 1 Part 2, Paragraph 8 (3)]

Statement of Policy

The scheme manager will not allow a member to make periodical payments for added pension except by deduction from pensionable pay.

51. Periodical payments during periods of assumed pensionable pay (Schedule 1, Part 2, Paragraph 10)

After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The scheme manager can extend this period of six months. [Schedule 1 Part 2, Paragraph 10(4)]

Statement of Policy

Where a member gives written notice authorising the deduction of aggregate payments from their pay the scheme manager will extend the period of repayment to a maximum of two years. This discretion will be exercised by the Payroll and Pensions Manager.

52. Meaning of "tapered protection closing date" (Schedule 2, Part 1, Paragraph 3)

The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager. [Schedule 2 Part 1,

Paragraph 3(3); Schedule 2 Part 2, Paragraph 9(5); and Schedule 2 Part 3, Paragraph 21]

Statement of Policy

The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager. This determination will be exercised by the Payroll and Pensions Manager.

-45-

Pay Policy Statement 2023-2024 - Remuneration and relationship between Chief Officer's and Lowest Paid Employees

Appendix 1D

Job	Remuneration (including allowances)	Base Salary Range (excluding allowances)		Pay Relationship to CFO
		Min	Max	
BRIGADE MANAGERS				
Chief Fire Officer **	£180,449	N/A	N/A	Set by Appointments Committee
Deputy Chief Fire Officer **	£144,580	N/A	N/A	Set by Appointments Committee
Assistant Chief Fire Officer x2 **	£135,613	N/A	N/A	Set by Appointments Committee
Lowest Paid Employees (Grey Book)				
Firefighter (Control)	£32,776	£24,590	£32,776	0.18
Lowest Paid Employees (Green Book)				
Cleaner	£21,029*	£21,029*	£21,029*	0.12
GREY BOOK EMPLOYEES (Operational)				
Firefighter	N/A	£26,962	£34501	0.15-0.19
Crew Manager	N/A	£36,668	£38249	0.20-0.21
Watch Manager	N/A	£40162	£42772	0.22-0.24
Station Manager ***	£58885	£45825	£49071	0.25-0.33
Group Manager ***	£68162	£52776	£56802	0.29-0.38
				0.34-0.40
Area Manager ***(local rate)	£87099	£61958	£72582	
GREY BOOK EMPLOYEES (Fire Control)				
Firefighter (Control)	N/A	£25614	£32776	0.14-0.18
Crew Manager (Control)	N/A	£34835	£36337	0.19-0.20
Watch Manager (Control)	N/A	£38154	£40633	0.21-0.23
Station Manager (Control)***	£55,940	£43534	£46617	0.24.-0.31
Group Manager (Control)***	£64754	£50137	£53962	0.28-0.36

GREEN BOOK EMPLOYEES

Pay Point 102	N/A	£111263	N/A	0.62
Pay Band Manager 1 – SCP 51-59	N/A	£51690	£61702	0.29-0.34
Pay Band Manager 2 and Professional 1 - SCP 36-50	N/A	£42503	£50502	0.24-0.29
Pay Band Manager 3, Professional 2 and Technical 1 - SCP 27-35	N/A	£33820	£41496	0.19-0.23
Pay Band Professional 3, Technical 2 and Administrative 1 - SCP 15-26	N/A	£25878	£32909	0.14-0.19
Pay Band Technical 3 and Administrative 2 - SCP 5-14	N/A	£21575	£25409	0.12-0.14
Pay Band Administrative 3 and Operative 1 - SCP 2-5	N/A	£20441	£21575	0.11-0.12
Pay Band Administrative 4 and Operative 2 - SCP 1	N/A	£20258	£20258	0.11-0.11

NOTES:

*WMFS is committed to ensuring all employees are paid no less than the Real Living Wage which on 22nd September 2022 increased to £10.90 per hour, equivalent to £21.029 per annum. Lowest paid employees salary was increased in September to the Living Wage and they will continue to benefit from this increase but will not be entitled to any increase applied to NJC rates unless this results in their existing spine point exceeding the National Living Wage. All these figures are subject to change if/when pay awards are determined.

***Salaries incorporates on-call/continuous cover*

**** Salaries inclusive of 20% Flexi Duty Allowance*

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. RESULT OF RECENT FIRE SAFETY PROSECUTION**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the details of the fire safety prosecution be noted.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to inform the Authority of the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

3. BACKGROUND

- 3.1 On the 5th of October 2016, following a fire, a referral was made from Red Watch Erdington with regards to a lack of a fire alarm at Piri Fino Restaurant, 410 Birmingham Road, Wylde Green, Sutton Coldfield, B72 1YJ. Fire safety officers visited the premises. During their visit, officers noticed that renovation works had been carried out on the ground floor restaurant and there were numerous issues identified including:

- No fire risk assessment
- Insufficient fire resistance between the ground and first floor in numerous places
- No fire alarm system
- Insufficient fire resistance on the first floor between the waiting room and the landing on the first floor.

- 3.2 Despite several further fire safety visits, the issues were not resolved, with the directors of the restaurant (Arista Restaurants Ltd trading as Piri Fino) and the managing agent (KWB Property

Management Ltd) both trying to pass responsibility to the other. A prosecution was pursued by this Authority against both companies, and Mr Christos Orthodoxou (the building owner).

- 3.3 In February 2022, a director of KWB Property Management Ltd Mark Lenton, accepted a simple caution for offences relating to 410 Birmingham Road. He was offered a simple caution on the basis that his level of personal responsibility was less than the other defendants.
- 3.4 The remaining defendants, Arista Restaurants Limited, KWB Property Management Ltd and Christos Orthodoxou have pleaded guilty to all offences, and they were due to be sentenced on 27th May 2022.
- 3.5 Following several adjournments, sentencing was concluded on 28th April 2023 at Birmingham Crown Court. Mr Christos Orthodoxou, was handed a prison sentence of 16 months suspended for 21 months. He was further ordered to pay a fine of £5,000 and £15,765 towards prosecution costs. KWB Property Management Limited were ordered to pay a fine of £80,000 along with a further £20,000 towards prosecution costs. Arista Restaurants Limited were ordered to pay £60,000 along with a further £20,000 towards prosecution costs.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 The Regulatory Reform (Fire Safety) Order 2005 places a general duty on Responsible Persons, and others who have control to any extent, to provide general fire precautions to keep people safe in case of fire. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

- 6.1 The total costs of bringing the prosecution were £55,765 of which £23,416.25 were the costs for time spent by WMFS officers, and the remainder and for time spent by our solicitors and barrister. The

defendants were ordered to pay all costs in full.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Notification of Fire Safety Prosecution – 19th December 2019
Fire Safety Files

The contact name for this report is Simon Barry telephone number –
0121 380 7500.

WAYNE BROWN
CHIEF FIRE OFFICER

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. ANNUAL REPORT OF THE SCRUTINY COMMITTEE 2022/23**

Report of the Chair of the Scrutiny Committee.

RECOMMENDED

- 1.1 THAT the Authority receives the Scrutiny Committee Annual Report 2022/23.
- 1.2 THAT the Authority approve the proposed changes to the Scrutiny Committee Terms of Reference (Appendix 2).

2. PURPOSE OF REPORT

- 2.1 This report is submitted to bring to the attention of the Authority the Annual Report of the Scrutiny Committee 2022/23.

3. BACKGROUND

- 3.1 The Scrutiny Committee was established in line with expectations set out in the Fire and Rescue National Framework. The Committee forms an integral part of the Authority's scrutiny framework, supporting the Authority in achieving its strategic objectives.
- 3.2 The Committee enables the scrutiny of decisions, made or to be made, on the basis of public safety, supporting the principles of pre-decision scrutiny and post-decision scrutiny (defined as 'pre-scrutiny' and 'post-scrutiny' within the associated Terms of Reference). In doing so this further enables:
 - informing of policy development and/or
 - holding the Authority to account
 - scrutinising performance of specific issues and/or
 - holding officers to account.

- 3.3 The Annual Report for 2022/23 is attached as Appendix 1 for consideration by the Authority. The report includes further information on the role of the Committee, Member attendance and the work conducted by the Committee in 2022-2023. The report was agreed by the Scrutiny Committee on 24 April 2023.
- 3.4 The proposed amendments to the Scrutiny Committee Terms of Reference are attached as Appendix 2. The proposals were approved by the Scrutiny Committee on 24 April 2024.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

- 5.1 There are no particular legal requirements for the Authority to establish a Scrutiny Committee; it is however, considered good practice for authorities to have a means through which monitoring, and review of the Authority's policies and practices can be undertaken.

6. **FINANCIAL IMPLICATIONS**

- 6.1 Advice may be provided internally by Officers at no direct cost to the Authority, supporting the Committee in its work. The Scrutiny Committee can, if required, access resources to be able to engage external professional advice where applicable.

7. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

[Scrutiny Committee Reports and Minutes](#)

Councillor Sybil Spence
Chair of the Scrutiny Committee (covering 2022-23)

Appendix 1

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

24 APRIL 2023

1. **SCRUTINY COMMITTEE DRAFT ANNUAL REPORT**

Report of the Chair of Scrutiny Committee

RECOMMENDED

- 1.1. THAT Members approve the Draft 2022-23 Scrutiny Committee Annual Report.

2. **PURPOSE OF REPORT**

- 2.1. To provide the Draft 2022-23 Scrutiny Committee Annual Report for member comment and approval.

3. **BACKGROUND**

- 3.1. The Scrutiny Committee is required by its terms of reference to provide an Annual Report covering the key achievements and work of the Committee throughout the year. This report is submitted to the Fire Authority for approval.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1. No initial Equality Impact Assessment has been undertaken as this report does not involve a change in policy.

5. **LEGAL IMPLICATIONS**

- 5.1. There are no legal implications associated with this report.

6. **FINANCIAL IMPLICATIONS**

- 6.1. There are no financial implications associated with this report.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1. There are no environmental implications associated with this report.

8. **BACKGROUND PAPERS**

- [Scrutiny Committee Terms of Reference – WMFRA Constitution Article 9](#)
- [Scrutiny Review of Safe and Well](#)
- [Scrutiny Review of Business Continuity Arrangements](#)

The contact for this report is Tom Embury, Deputy Clerk to the Authority,
tom.embury@wmfs.net

Councillor Sybil Spence
CHAIR, SCRUTINY COMMITTEE

WEST MIDLANDS FIRE SERVICE

**Annual Report of the
Scrutiny Committee
2022/23**

1. Background

In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives. The committee ensures that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

Effective scrutiny frameworks will be in place for both the scrutiny of strategic policy, as well as performance. Aligned to the role of the Fire Authority and Chief Fire Officer (CFO) as set out within the Constitution of the Authority, the scrutiny function should scrutinise decisions made or to be made, on the basis of ‘public safety’ aligned to the following definitions:

- “Pre scrutiny” enables changes proposed to strategic policy decisions to be scrutinised. These are decisions which if implemented, would change the strategic priorities and outcomes agreed by the Fire Authority (for example, matters contained in Authority ‘forward plan’ for approval). Pre scrutiny can:
 - i) Inform policy development and/or
 - ii) Hold the Authority to account
- “Post scrutiny” enables the Fire Authority to seek assurance around operational decisions already made by the CFO and other officers in the delivery of strategic priorities and outcomes (for example: training, partnership working). Post scrutiny can:
 - i) Scrutinise performance of specific issues and/or
 - ii) Hold officers to account

The key benefits of the Committee can be seen as:

- Complementing the strategic and policy formulation and development work of the Authority and Service.
- Developing the skills of Members to enable them to investigate below the surface of policies, strategies and processes.
- Providing a useful oversight and an element of ‘challenge’ to performance improvement processes and continuous improvement.
- Encouraging public involvement in the policy process.

- Supporting the development of an environment that stimulates a more reflective, evaluative, and evidence-based culture within the Authority and Service.

The Terms of Reference for the Committee can be found within Article 9 of the Authority Constitution, published on the [Authority website](#).

2. Meetings

During 2022/23, the Committee met on the following dates:

- 7 November 2022
- 23 January 2023
- 24 April 2023

3. Members & Attendance Record

	07/11/22	23/01/23	24/04/23
Councillor Atwal	✓	✓	✓
Councillor Barrie	✓	✓	✓
Councillor Dehar	✓	✓	✓
Councillor Hussain	✓	✓	X
Councillor Spence	✓	✓	✓
Councillor Waters	✓	✓	✓
Councillor Young	✓	X	X
S Middleton (co-optee)	✓	✓	✓

Officers from the Authority are also present at meetings as appropriate.

Working Groups are also appointed to consider scrutiny reviews. As of February 2023, the limit on the number of Scrutiny Reviews per year has been removed, giving the Committee flexibility to undertake as many reviews as is necessary but also feasible.

4. Business

During 2022/23 the Committee conducted the following business:

- Diversity, Inclusion Cohesion and Equality Updates.
- Dispute Resolution Monitoring.
- Fire Control Performance Reports.
- Scrutiny Review of Safe and Well and including receipt of recommendations.
- Scrutiny review of proposed changes to Business Continuity Arrangements resulting in recommend full Authority to maintain current approach.
- Commissioning of Scrutiny Review into Training and Development starting April 2023 for completion in the 2023/24 municipal year.
- Work programme selection.

5. The Committee's main achievements

The Committee's key achievements during the year include:

- The consideration of performance related information throughout the year, enabling the continued robust monitoring of the Service's performance in the areas of:
 - Diversity, Inclusion, Cohesion and Equality,
 - Workforce profile indicators,
 - Dispute Resolution, Discipline and Grievance,
 - Operational performance of Fire Control.
- The Committee undertook a comprehensive review of the Service's Safe and Well provision, featuring a service wide survey and a number of focused interactive workshops with staff. The review reported to the Committee in November 2022 and identified opportunities for learning across a number of areas including:

- Risk Stratification
- Record Keeping
- Training and Development
- Performance Management
- Culture and Equity

The report also made ten recommendations for improvement and change, and the committee received an update on progress against those recommendations at its April 2023 meeting.

- In November 2022, the Committee considered two proposals for changes to the Service's approach to Business Continuity. This review was commissioned by the Full Authority. The review heard oral evidence from officers, representative bodies and the NFCC National Resilience Assurance Team. The committee concluded that the Authority should maintain its current approach to Business Continuity.
- In January 2023 the Committee commissioned the next scrutiny review, to consider the topic of training and development within the service, and in particular the experience of under-represented groups. A Terms of Reference for this review was agreed by the committee in April 2023. This will feature staff consultation, member-led focus groups with key staff groups and data analysis from both within the service and from other services. It is intended that the review will report in October 2023.

Appendix 2

WEST MIDLANDS FIRE AND RESCUE AUTHORITY
SCRUTINY COMMITTEE

24 APRIL 2023

9. **SCRUTINY COMMITTEE TERMS OF REFERENCE**

Report of the Clerk to the Authority

RECOMMENDED

- 9.1. THAT Members approve the proposed changes to the Scrutiny Committee Terms of Reference (summarised in **Appendix A**) to be submitted to Fire Authority for approval.
- 9.2. THAT Members consider any further changes or additions to the Terms of Reference which could support the Committee to undertake its role of support the Authority to achieve its strategic objectives.

10. **PURPOSE OF REPORT**

- 2.1 To review and update as required the Scrutiny Committee Terms of Reference, a process undertaken annually as part of a wider review of the Authority Constitution.

11. **BACKGROUND**

- 11.1. The Scrutiny Committee, like all Authority Committees, is required to regularly review its Terms of Reference to ensure they remain relevant.
- 11.2. Minor changes were made as a result of a focused review of the Constitution undertaken in February 2023. These changes are highlighted in blue text within the Terms of Reference in **Appendix A**.
- 11.3. Further changes are suggested in red text with the intention of further increasing the clarity and readability of the Terms of Reference.

12. **EQUALITY IMPACT ASSESSMENT**

- 4.1 No initial Equality Impact Assessment has been undertaken as none of the proposed changes will impact on the equalities aspects of the Scrutiny Committee's role.

13. **LEGAL IMPLICATIONS**

- 5.1 There are no legal implications of this report.

14. **FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications of this report.

15. **ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no environmental implications of this report.

16. **BACKGROUND PAPERS**

[WMFRA Constitution](#)

The contact for this report is Tom Embury, Deputy Clerk to the Authority

Karen Gowreesunker
CLERK TO THE AUTHORITY

Appendix A

Article 9 - Scrutiny Committee

- 9.1 In line with expectations set out in the Fire and Rescue National Framework, the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives. The committee ensures that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.
- 9.2 Effective scrutiny frameworks will be in place for both the scrutiny of strategic policy, as well as performance. Aligned to the role of the Fire Authority and **Chief Fire Officer** as set out in articles 4 and 5 of this constitution, the scrutiny function should scrutinise decisions made or to be made, on the basis of 'public safety', aligned to the following definitions:

Pre scrutiny enables changes proposed to strategic policy **decisions** to **be** scrutinised. These are decisions which if implemented, would change the strategic priorities and outcomes agreed by the Fire Authority (for example, matters contained in **the** Authority 'Forward Plan' for approval). Pre scrutiny can:

- i. Inform policy development and/or
- ii. Hold the Authority to account

Post scrutiny enables the Fire Authority to seek assurance around operational decisions already made by the **Chief Fire Officer** and other officers in the delivery of strategic priorities and outcomes (for example: training, partnership working). Post scrutiny can:

- i. Scrutinise performance of specific issues and/or
- ii. Hold officers to account

9.3 Role and Functions: -

- To carry out scrutiny reviews selected by the Committee, with appropriate consideration of committee and officer capacity and cost. Such reviews will be member-led, and evidence based, and will produce SMART (specific, measurable, **achievable** **attainable**, **relevant** **realistic** and timely) recommendations to the Authority.
- To track and monitor the implementation of review recommendations that are accepted by the Authority.
- To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.
- To manage, in consultation with the **Section 151 Officer Strategic Enabler for Finance and Resources**, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

- To receive and scrutinise performance information including progress against the Community Risk Management Plan and 'The Plan', ~~the~~ objectives and priorities, and corporate performance indicators and review performance targets.
 - To review and scrutinise strategic performance information of ~~the Shared Staffordshire and West Midlands~~ Fire Control on a ~~twice-yearly biannual~~ basis.
 - To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality ~~and diversity~~ throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.
 - To monitor and scrutinise as appropriate the Authority's HR policies.
 - To monitor and scrutinise sickness levels, promotion policies and employee exit information.
 - To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.
 - To ~~scrutinise whether the ensure that the~~ Authority is meeting its duties under Health & Safety, ~~and~~ Environmental and other relevant legislation.
 - To deal with any matters referred to it by the full Authority ~~or its committees the Policy Planning Forum~~, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.
 - To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.
 - To submit its minutes and an Annual Report to the Authority.
- 9.4 In order to allow for separation of the Scrutiny and decision-making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.
- 9.5 The Committee will sit in public with minimum exceptions.
- 9.6 In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**26 JUNE 2023****1. MINUTES OF PREVIOUS COMMITTEE MEETINGS**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the minutes of the following minutes of previous Committee meetings, attached as appendices to this report, be noted:

- Audit and Risk Committee – Monday, 28 November 2022 and 20 March 2023
- Collaboration and Transformation Committee – Monday, 12 December 2022 and 27 February 2023
- Scrutiny Committee – Monday, 23 January 2023

2. PURPOSE OF REPORT

- 2.1 The purpose of this report is for the Authority to note the minutes of previous public Committee meetings.

3. BACKGROUND

- 3.1 The minutes of the previous public Committee meetings have been approved by the relevant meeting as a true and accurate record of proceedings.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 An Equality Impact Assessment is not required.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from this report.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

[Relevant Committee Agenda Packs](#)

[West Midlands Fire and Rescue Authority Constitution](#)

The contact name for this report is Karen Gowreesunker, Clerk of the Authority – telephone number 07973810338.

Wayne Brown
Chief Fire Officer

Karen Gowreesunker
Clerk of the Authority

Minutes of the Audit and Risk Committee
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20 March 2023 at 10:30 hours

Conducted as a public meeting at Headquarters and digitally via
Microsoft Teams

Present: Councillor Miks (Chair), Councillor Jalil (Vice-Chair),
Councillor Barrie and Councillor Spence

Virtually: Councillor Miller, John Mathews (Internal Audit), Avtar Sohal
(Grant Thornton), Paul Bennett (Pension Board
Representative)

Officers: Karen Gowreesunker, Kal Shoker, Kirsty Tuffin, Martina
Doolan, Mike Griffiths, Peter Farrow (Internal Audit), Phil
Tromans (Internal Audit) and Tom Embury.

01/23 **Apologies for Absence**

No apologies for absence were received.

02/23 **Declarations of Interest**

There were no declarations of interest registered.

03/23 **Minutes of the Audit and Risk Committee held on 28
November 2022**

Resolved:

1. That the minutes of the Audit and Risk Committee held on 28
November 2022 were approved as a correct record.

04/23 **Matters Arising**

No matters were raised.

05/23 **Audit Findings Report 2021-2022**

Avtar Sohal, Grant Thornton, presented the Audit Findings
Report 2021-2022 report that outlined the audit work undertaken
by the external auditors and any findings as a consequence.

The Committee were advised that since their update at the last Audit and Risk Committee, the outstanding information on the implantation of a new ledger system had now been included. During the IT review of the systems, it had found deficiencies, but external auditors had been confident there had been no foul play and the Authority had put in measures to prevent inadequate control findings. The new additions to the control findings, as outlined in the report, were highlighted. The Committee were advised that it had been the auditor's intention to sign the audit opinion the end of March 2023.

Resolved:

1. That the contents of the Audit Findings Report 2021-2022 be noted.

06/23 **Statement of Accounts 2021-2022**

Mike Griffiths, Section 151 Officer/Treasurer, presented the Statement of Accounts 2021-2022 report that outlined the Authority's Statement of Accounts for the financial year ended 31 March 2022.

The Committee were advised that following the last update to the Committee in November 2022, all issues raised by the External Auditors had now been updated within the report and relevant appendices. All relevant changes to the report had been highlighted in yellow.

Resolved:

1. That it be agreed that the Statement of Accounts for 2021/2022 as set out in Appendix A be approved.
2. That it be agreed that Statement of Accounts summary for 2021/2022 set out in Appendix B be noted.

07/23 **Informing the Audit Risk Assessment 2022-2023**

Avtar Sohal, Grant Thornton, presented the Audit Risk Assessment 2022-2023 report that outlined the progress of the external auditor (Grant Thornton UK LLP) in delivering their responsibilities.

The Committee were advised that the annual report had been required under the Internal Standards on Auditing (UK). The

annual report included responses from West Midlands Fire and Rescue Management to queries raised by the External Auditors. It was confirmed that nothing from the responses would impact upon the External Audit.

Resolved:

1. That it be agreed that the content of the Informing the Audit Risk Assessment – West Midlands Fire and Rescue Authority 2022/2023 be noted.

08/23 **Addition of Fire Investigation - Corporate Risk**

Karen Gowreesunker, Assistant Chief Fire Officer, presented the Addition of Fire Investigation - Corporate Risk report that a new corporate risk be added to the Corporate Risk Register.

The Committee were advised that The West Midlands Fire Service (WMFS) Fire Investigation and Prevention Section (FIPS) were working towards accreditation under the Quality Standard ISO 17020. In order to comply with the requirements of accreditation, the additional risk for fire investigation would be needed. The accreditation would allow for WMFS to conduct joint investigations with the police in fatal fire incidents (Tier 2) and provide evidence in court if required. The suggested wording for the additional risk outlined was as follows:

Corporate Risk 3.3

The Fire Authority is unable to complete and establish correct origin and cause of Tier 2 Fires (complex investigations) by the Fire Investigation and Prevention Section (FIPS) resulting in reduced confidence, credibility and increased litigation and reputational damage and a reduction in the evidence base to help define the prevention strategy.

The Committee were advised that in addition to conducting Tier 2 fire investigations in the West Midlands, WMFS provided Fire Investigation services to both Staffordshire and Royal Berkshire Fire and Rescue Services. If WMFS did not achieve accreditation it would no longer be able to provide these services after October 2023. More detail would be provided in the next Corporate Risk Update Report.

Resolved:

1. That it be agreed that the addition of the identified Fire Investigation risk to the Corporate Risk Register be approved.

09/23 **Internal Audit – Progress Report**

John Mathews, Internal Auditor, presented the Internal Audit – Progress Report that outlined the progress made against the delivery of the 2022/23 Internal Audit Plan.

The Committee were advised of the assessment of assurance need/risk analysis and RAG rating required for each category. The key issues arising from the internal auditors work highlighted were Risk Management and Governance. No issues of concern were raised for risk management as the audit had shown there had been a good system in place. One area for improvement had been highlighted in Governance around declarations of personal interest but work had already begun by management to improve the process. all issues raised in 2022 had been completed. Overall, both issues had a rating good assurance. The auditors had been on target to complete the Internal Auditors plan by April 2023.

Resolved:

1. That it be agreed that the internal Audit Progress Report be noted.

10/23 **Internal Audit Plan 2023-2024**

Peter Farrow, Internal Auditor, presented the Internal Audit Plan 2023-2024 that outlined the proposed Internal Audit Plan for 2023/24, with an indicative plan covering the period 2024/25 to 2025/26.

The Committee were advised that due to limited resource, the internal auditors would focus upon key areas in which all parties involved agreed upon. He advised that those RAG rated as green would not be included within the plan but reassured members that the internal auditors would continue to monitor them. Amber rated items would be reviewed between 1-3years

and red items on an annual basis. The audits planned for 2023-2024, as per the report, were highlighted.

Resolved:

1. That it be agreed that the Internal Audit Plan for 2023/24 be approved.

11/23 **Internal Audit Charter – Annual Review**

Peter Farrow, Internal Auditor, presented the Internal Audit Charter – Annual Review that outlined the scope and background and mission of the internal auditors.

The Committee were advised that no changes had been made to the Internal Audit Charter since it was last reviewed and approved by Committee in March 2022.

Resolved:

1. That it be agreed that the existing Internal Audit Charter be reviewed and approved subject to its next annual review.

12/23 **Annual Report of the Senior Information Risk Owner**

Karen Gowreesunker provided an overview of the Annual Report of the Senior Information Risk Owner (SIRO) report that provided assurance in relation to how the organisation discharges its duties and responsibilities in relation to information governance.

Martina Doolan, Data Governance Manager, provided a presentation to the Committee, as per appendix B of the report. She advised the Committee that the annual SIRO report had been good practice to provide assurance. Wayne Brown had temporarily been appointed as the new Chief Fire Officer and Karen Gowreesunker as the temporary Assistant Chief Fire Officer responsible for overseeing the SIRO report.

The Committee were advised that Freedom of Information requests and cyber security had been high on the agenda for the

teams involved. Mitigation steps into the delayed freedom of Information request had been put in place by incorporating all reporting into one Microsoft teams' system. This would mean all responses could be acknowledged within 30 days. The impact globally on cyber security was highlighted, with the recent banning of TikTok from official devices used as an example.

Following queries around paper documents, Martina reassured Members that the service had been working with an external company to digitise all documentation and the risks highlighted previously around the storage of documentation/potential water damage had now been rectified. Karen Gowreesunker advised the Committee that all teams involved had a process in place to digitise all their documentation and suppliers would provide assistance to ensure resources could be maintained. It was agreed that an update on the training (phases 1 and 2) for Oracle and relevant timescales be provided at the next Audit and Risk Committee.

Resolved:

1. That it be agreed that the contents of the Annual Report of the Senior Information Risk Owner (SIRO) 2022, be noted.
2. That it be agreed that an update on the training (phases 1 and 2) for Oracle and relevant timescales be provided at the next Audit and Risk Committee.

13/23 **Information Governance Audit Outcomes**

Karen Gowreesunker provided an overview of the Information Governance Audit Outcomes report that focused upon the annual themed audit of information governance activities in the organisation, conducted by Sandwell MBC.

Martina Doolan provided a presentation to the Committee, as per appendix A of the report. She advised the Committee that the Internal Audit had begun on 4 July 2022 until the 21 November 2022. The audit around freedom of Information requested had been evidence based and had resulted in the implementation of a dashboard for the Strategic Enabling Team to ensure all requests could receive their oversight immediately.

This would aide in responses being provided within the required timeframe. Issues around the flow charts had also been rectified by amendments being made around the process and upskilling of the those involved.

Resolved:

1. That it be agreed that the contents of the Annual Report from Sandwell MBC 2022 be noted.

14/23 **Pension Board Update**

Kal Shoker, Finance Manager, presented the Pension Board Update report that outlined the work of the Pension Board to the Audit and Risk Committee in its capacity as the Scheme Manager for the West Midlands Firefighters' Pension Scheme.

The Committee were advised that as agreed at the last Audit and Risk Committee, an action plan had been developed with input from both Pension Board and the Committee, that was aligned to the Pension Regulators recommendations. He advised that, as per appendix A, the Risk Register was reviewed by Pension Board and a delegated sub-committee of the Board on a regular basis.

Tom Embury, Deputy Clerk, advised the Committee that as outlined in the report, the Pension Board had expressed their desire for the Scheme Manager to be delivered through one individual with financial specialism, which had not been uncommon practice. If delegation be granted, it would still remain within the Fire Authority responsibility. Following queries around the risk 17 therein the risk register, Tom advised Members that moving forward Pension Boards would be scheduled before Audit and Risk Committee meetings so feedback can be included. Feedback on Risk 17, around corresponding with Mike Griffiths, would be feedback to the Pension Board.

Following queries around training, it was confirmed that LGA training would be provided to Audit Members on 27 March and Pension Board on 29 March. Following this a training needs

assessment would be conducted with a follow up annual assessment.

Resolved:

1. That it be agreed that the March 2022 version of the Pension Board Risk Register included within Appendix A, be noted.
2. That it be agreed that the progress on key actions included within the Pension Board Action Plan, which included the specific Actions agreed with The Pension Regulator for completion by June 2023, be noted.
3. That it be agreed that the Minutes of the Pension Board Meetings held on 20 September 2022 and 20 October 2022 (Appendix C and D), be noted.
4. That it be agreed that the feedback from the Pension Board regarding the future governance of the Scheme, be noted.

15/23 **Pension Scheme Key Performance Indicators**

Tom Embury, Deputy Clerk to the Authority, presented the Pension Scheme Key Performance Indicators (KPIs) report that outlined the draft KPIs for Members input.

The Committee were advised that following the regulators recommendations, KPIs had been drafted to monitor performances. With the exception of the last two KPIs outlined therein the report, all KPIs had been a statutory requirement and therefore, had to be targeted at 100%. If 100% was not achieved, then the service would be required to report this to the regulator. the last two KPIs included a standard on response times that would be rendered irrelevant when a new system be implemented to do this so it was suggested this could be removed. Following discussions, it was agreed to keep this KPI as it was until the system had been implemented successfully.

Following queries from a member of the public, it was agreed that an update on the trials for the implementation of the Oracle system be provided to the next Pension Board meeting.

Resolved:

1. That it be agreed that delegated responsibility for final sign off of the KPI structure to the Chair of the Committee be approved.

2. That it be agreed that an update on the oracle trial be provided to the next Pension Board meeting.

16/23 **Pension Board Membership**

Tom Embury presented the Pension Board Membership report that outlined the re-appointment of representatives to the Pension Board and options for filling the vacancy of the Independent Chair of the Pension Board.

The Committee were advised that both Alan Tranter and Adam Harper, current Employee representatives had agreed to extend their appointment for a further three years, subject to the approval of the Scheme Manager. A warm welcome was extended to Paul Bennett who was the newly elected third Employee representative to the Pension Board. The options proposed for the outstanding Independent Chair of the Pension Board, as per the report, were highlighted to Members. Following discussions around the lack of funding and the approach taken by other services, it was agreed that the following option would be most appropriate:

- *Remove the role of Independent Chair and alternating chairing duties between Employer and Scheme Side representative.*

The Chair of the Committee requested that a senior officer attend the Pension Board meetings moving forward. It was agreed that Karen Gowreesunker, Assistant Chief Fire Officer, would oversee this action.

Resolved:

1. That it be agreed that the reappointment of Alan Tranter and Adam Harper as Scheme Side/Employee Representatives to the Pension Board be approved.
2. That it be agreed that option 3 to fill the vacancy of the Independent Chair, as per the report, be approved.
3. That it be agreed that Karen Gowreesunker, Assistant Chief Fire Officer, would oversee a senior officer attending Pension Boards moving forward.

17/23 **Update on Topical, Legal and Regulatory Issues (Verbal Report)**

No updates were raised.

18/23 **Audit and Risk Committee Work Programme 2022-2023**

Tom Embury presented the Audit and Risk Committee Work Programme for 2022-2023 that outlined the planned agenda items for future scheduled Audit and Risk Committee meetings.

Resolved:

1. That the Audit and Risk Committee Work Plan 2022-2023 be approved.

19/23 **Exclusion of the Press and Public**

Resolved:

1. That the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Paragraph 3 of the Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006."

The Committee adjourned at 12:12pm.

The Committee reconvened at 12:26pm.

20/23 **Fraud Awareness Training**

Phillip Tromans, Internal Audit, provided Members of the Committee with training on Fraud Awareness.

Resolved:

1. That it be agreed that the training on fraud awareness be noted.

21/23 **Private Meeting with Internal Auditors**

Members of the Committee met with Peter Farrow, Internal Auditor, and John Mathews, Internal Auditor to raise any concerns they may have. No concerns were raised.

Resolved:

1. That it be agreed that the private meeting with internal auditors be noted.

The meeting closed at 13:23 hours.

Kirsty Tuffin
Strategic Hub
0121 380 6906
Kirsty.tuffin@wmfs.net

Minutes of the Audit and Risk Committee
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28 November 2022 at 14:00 hours

Conducted as a public meeting at Headquarters and digitally via
Microsoft Teams

Present: Councillor Miks (Chair), Councillor Atwal, Councillor Barrie
and Councillor Jalil

Virtually: Councillor Miller, John Mathews (Internal Audit), Avtar Sohal
(Grant Thornton), Harkamal Vaid (Grant Thornton)

Officers: Gary Taylor, Kal Shoker, Kirsty Tuffin, Mike Griffiths, Paul
Gwynn and Tom Embury

Please note: Councillor Jalil joined the meeting at 2:33pm, item 5 of the
agenda.

94/22 **Apologies for Absence**

Apologies for absence were received from Councillor Spence,
substituted by Councillor Atwal, and Mike Ager.

95/22 **Declarations of Interest**

There were no declarations of interest registered.

96/22 **Minutes of the Audit and Risk Committee held on 26
September 2022**

Resolved:

1. That the minutes of the Audit and Risk Committee held on 06
June 2022 were approved as a correct record.

97/22 **Approach to be Taken in Respect of Immediate Detriment
(‘Reverse Detriment’) Cases Under the McCloud/Sargeant
Ruling**

Mike Griffiths presented the Approach to be Taken in Respect of
Immediate Detriment (‘Reverse Detriment’) Cases Under the

McCloud/Sargeant Ruling report that outlined the Scheme Administrator request for action to be taken with regard to members who may benefit from being given access to the 2015 Firefighters' Scheme from 1 April 2015 ('reverse discrimination' cases).

The Committee were advised that following the decision by Audit and Risk Committee to lift the pause in processing Immediate Detriment cases on the 6 June 2022, a staged approach was underway to process payments. There had been additional members who had been denied access to the 2015 Firefighters scheme as a result of remedy. These members were denied access due to their age, referred to as 'reverse discrimination'. The service wished to avoid any discrimination in regard to one's age, so it had been recommended that the small number of those impacted be processed in line with category one immediate detriment cases. Paul Gwynn emphasised that the government have acknowledged those impacted by Immediate Detriment and options would be given following the publication of their legislation. The service had decided to act before the legislation was published to prevent any discrimination from taking place.

Following a query on timescales, Mike advised the Committee that if approved, cases would be processed in line with category one timescales, which had been at the point of retirement. As those affected had been existing staff, correspondence would be circulated to them in the lead up to their retirement.

Resolved:

1. That action be taken with regard to members who may benefit from being given access to the 2015 Firefighters' Scheme from 1 April 2015 ('reverse discrimination' cases). be approved.

98/22 **Corporate Risk Update**

Gary Taylor, Assistant Chief Fire Officer, presented the Corporate Risk Update that provided a six-monthly update for quarter one and quarter two – 2022/2023 and the management of the Authority's corporate risks.

The Committee were advised that corporate risks had been deemed as risks that if they occurred would seriously affect the Authority's ability to carry out its core function or deliver strategic objectives, as per 'The Plan'. There are eight corporate risks, each with an assigned risk owner, who was a member of the Strategic Enabling Team (SET). The risk owner had overall responsibility of their risk and reviewed them on a monthly basis/reported into SET on a quarterly basis.

The Committee were advised that in quarter one, risk 5.2 had decreased to likelihood 3 from 4, impact 3, providing an overall rating of 9 – Satisfactory Assurance. This decrease had been the result of the recently updated command and control system within Fire Control becoming more reliable. During quarter two, risk 5.2 decreased further from the likelihood of 3 to 2, impact 3, providing an overall score of 6 – substantial assurance. This had been the result of the command-and-control system being fully embedded within Fire Control.

The Committee were advised that Corporate Risk 6.1 remained at the highest scoring of 16 (impact 4, likelihood 4), as advised at the last Audit and Risk Committee, as the service felt it did not have confidence that services could be provided should there be strike action. It was emphasised that this not only impacted business continuity but also had an impact on staff and relationships. Following a query around the Scrutiny Review on business continuity and industrial action, Tom Embury, Deputy Clerk, advised the Committee that the Scrutiny Committee had concluded their review of business continuity arrangements and their recommendations would be discussed at the next Fire Authority in December 2022.

A new risk had also been established that focused upon cyber security as a result of the Ukraine/Russia situation. New systems had been put in place to protect the service from cyber-attacks as the impact of this would be significant to the service and its reputation.

Following queries around absentees and drivers, as per the report, Gary Taylor advised the Committee that an action plan had been developed for absentees and although work would still

need to be done, there had been improvements. He reassured members that SET had been focused upon the situation around absentees and the number of drivers. It was agreed that the action plan would be brought to a future meeting of the Audit and Risk Committee.

Resolved:

1. That the corporate risk summaries (quarter one, 2022/23, appendix 1 and quarter two 2022/23, appendix 2) be approved.
2. That the management of corporate risk be noted.
3. That it be agreed that the action plan for absentees be brought to the next Audit and Risk Committee meeting.

99/22 **Audit Findings Report 2021-2022**

Avtar Sohal, Grant Thornton, presented the Audit Findings Report 2021-2022 report that outlined the audit work undertaken by the external auditors and any findings as a consequence. All Members confirmed receipt of appendix A, that had been issued as a supplementary.

The Committee were advised that work had been underway to rectify two misstatements within the pension fund net liability, highlighted by the pension fund auditor. It was highlighted that previous Audit and Risk Committee reports would have included this incorrect information and therefore, the Authority would need to update its financial statements to reflect this. There was outstanding information on the Authority's floor plans for a number of premises as they had been identified mid-audit (August 2022) and until all had been received, figures could not be concluded to confirm they were free from material impact. It was anticipated that the audit opinion would be issued by the end of December 2022, subject to this information being provided. Mike Griffiths reassured members that information had to be provided from different sections of the Service, with 10-12 floor plans provided to Grant Thornton so far. He expressed that this was viewed as a priority.

The Committee were advised that although the value for money work had not been completed, it was anticipated that the Auditors Annual Report would be issued by 31 January 2023, in

line with the national audit office deadline of three months after the date of opinion on the financial statements. So far, there had been no material impact identified. It was anticipated that subject to the completion of work, an unqualified opinion would be issued.

Resolved:

1. That the contents of the Audit Findings Report 2021-2022 be noted.

01/22 **Treasury Management – Mid-Year Review – 2022-23**

Kal Shoker, Finance Manager, presented the Treasury Management – Mid-Year Review – 2022-2023 that outlined the treasury activity and the actual prudential indicators for the current financial year.

The Committee were advised that the Treasury Management strategy was approved in February 2022 with the requirement for a mid-year update to the Committee. The three key indicators highlighted were Capital Expenditure, the Authority debt and investment. The Committee were advised that following approval in February 2022 for a capital programme of £5.2m for the current financial year, this had been updated to £6.6m. This increase had been to reflect the outturn position and financial decisions for 2021-2022. As reported in Fire Authority on 10 October 2022, the forecast outturn as at 30 September was £5.6m, a variance of £1m. The main reasons for this highlighted were:

- vehicle replacement programme (£0.5m) – delayed purchasing
- drill tower/training facilities (£0.5m) – tower refurbishments that were subject to a training review in the new year.

No borrowing had been undertaken to finance any capital expenditure during the first half of the financial year.

The Committee were advised that the Authority external debt had decreased from £31.5m to £31.1m following a repayment of a Public Works Loan Board loan. £29.2m of the total debt had been borrowing undertaken with PWLB and £1.9m of the total had been the Authority's shared West Midlands County Council

debt. The estimated average interest rate payable on the debt had been 5.2%. As at 30 September 2022 the Authority's investments totalled £52.2m which were invested with Sandwell Metropolitan Borough Council (MBC) as part of the treasury management arrangement the Authority had with them. Interest had been received on the Authority's daily cash balance and was based on the average return achieved by Sandwell MBC plus ten basis points which for 2022/23 was 1.35%. This compared favourably to the benchmark, the SONIA (Sterling Overnight Index Average) uncompounded rate of 1.22%. It was estimated that the interest received would be above the anticipated £0.1m previously budgeted, to circa £0.4m above budget.

Following queries around the delay in the vehicle replacements programme, Mike Griffiths advised the Committee that both supply chains and ongoing work in the Community Risk Management Plan (CRMP) around blended fleet regarding the number of vehicle(s) required had resulted in the delays. A further report on CRMP and potential impacts as a result of funding, would be discussed at Fire Authority in December 2022.

Resolved:

1. That the treasury management – Mid-Year Review 2022-2023 be noted, and the prudential/treasury indicators be approved.

02/22 **Internal Audit – Progress Report**

John Mathews, Internal Auditor, presented the Internal Audit – Progress Report that outlined the progress made against the delivery of the 2022-2023 Internal Audit Plan, approved in March 2022. All Members confirmed receipt of the report and appendix A, that had been issued as a supplementary.

The Committee were advised of the assessment of assurance need/risk analysis and RAG rating required for each category. The level of assurance provided in the annual report would be included in the Statement of Accounts (SOA). Work had been conducted on the Freedom of Information (FOI) requests to ensure adequate controls had been in place for dealing/responding to requests and on Fixed Asset

Accounting/Asset Planning in respect of capital expenditure. Both pieces of work had been positive, and a substantial level of assurance had been provided. It was anticipated that the issues around FOI requests, as per report, would be rectified with the new automated system that had now been implemented.

The Committee were advised that audit work on Risk Management had been pushed to quarter four due to the implementation of new systems. Meetings would be scheduled with finance on reviews. It was anticipated that these audits would be completed by the end of 2022, with the Internal Audit - Annual Report to be issued to the Committee in June 2023.

Resolved:

1. That the issues raised from the work undertaken by Internal Audit, so far in the current financial year, be noted.

03/22 **Regulatory Supervisory Report – Update**

Tom Embury, Deputy Clerk to the Authority, presented the Regulatory Supervisory Report – Update that outlined the final Pension Regulator Action Plan, drafted as a result of the Supervisory Report.

The Committee were advised that as agreed at the last Audit and Risk Committee, an action plan had been developed with input from both Pension Board and the Committee. The action plan had been circulated to the Regulator by their deadline of 11 November 2022. The Regulator had confirmed their approval of the proposed plan so all actions could now be progressed. As per report, actions had been categorised with those responsible listed. The Audit and Risk Committee's actions were highlighted. It was agreed that updates on the actions be circulated via email, with a full update to be provided at the March Committee meeting. This aligned with the required six-month timescale set by the Regulator. It was agreed that following their appointment, an informal meeting be scheduled with the Independent Chair of Pension Board, Pension Board Members, Audit and Risk Committee and the Pension Regulator.

The Chair of the Committee advised the Committee that should they have any questions on the action plan to make contact with herself or Tom Embury, who would provide clarity.

Resolved:

1. That the agreed Action Plan shared with The Pension Regulator on 11 November 2022 (Appendix 1), including specific Actions for the Committee, be noted.
2. That updates on progress and input be provided on the action plan over the next three months via e-mail, with a full update to be received at the March 2023 Audit and Risk Committee meeting, be approved.
3. That the Pension Regulator (the Regulator) to attend the March 2023 Audit and Risk Committee Meeting to participate in the update discussion, be approved.

04/22 **Annual Report of the Pension Board 2021-2022**

Kal Shoker presented the Annual Report of the Pension Board 2021-2022 that outlined the work conducted and achievements by the Pension Board throughout 2021-2022. It was acknowledged that recent issues raised around Pensions would be covered in the Annual Report for 2022-2023.

Resolved:

1. That the Annual Report of the Pension Board for 2021-2022 be approved.

05/22 **Minutes of the Previous Pension Board held on 28 March 2022**

Resolved:

1. That the minutes of the Previous Pension Board held on 28 March 2022 be noted.

06/22 **Minutes of the Previous Pension Board held on 10 June 2022**

Resolved:

1. That the minutes of the Previous Pension Board held on 10 June 2022 be noted.

07/22 **Update on Topical, Legal and Regulatory Issues (Verbal Report)**

Tom Embury provided an update on the Audit and Risk Committees independent investigation, at the request of the Chair of the Committee. He advised the Committee that the investigation had commenced, and the Terms of Reference had been agreed. Thanks was given to the Internal Auditors on their contributions in its development. Louise Wagstaff, an independent consultant sourced through West Midlands Employers, had been appointed to lead on the investigation as she had relevant background experience and knowledge. It was anticipated that an update would be provided by Louise in a months' time. The Chair of the Committee confirmed that she had met with Louise directly to assist with the establishment of the investigation. She thanked officers for the hard work they had put in. Gary Taylor echoed his thanks to Tom Embury.

The Committee were advised that the advertisement for the appointment of an Independent Chair of Pension Board would close Mid-December. A sub-committee of the Audit and Risk Committee would need to be established to lead on the interview stage once applications were received. Election process for the employee representative would also take place after Christmas, with the application process due to close mid-December. The Chair of the Committee advised that she had denied a request for an interim chair to be appointed to Pension Board and for the current process, as per the Pension Board terms of reference, be continued until a formal appointment could be made in the new year.

08/22 **Audit and Risk Committee Work Plan 2022-2023**

Tom Embury, Deputy Clerk, presented the Audit and Risk Committee Work Plan for 2022-2023 that outlined the planned agenda items for future scheduled Audit and Risk Committee meetings.

The Committee were advised that as discussed under item 9 of the agenda, a report to update on the Pension Regulator Supervisory report will be added for the March 2023 meeting.

Following queries, the Chair of the Committee advised that items had been deferred as a result of July's Committee meeting being non-quorate. Kal Shoker advised that the Statement of Accounts had been deferred, as discussed under item 6 of the agenda.

Resolved:

1. That the Audit and Risk Committee Work Plan 2022-2023 be approved.

The meeting closed at 15:20 hours.

Kirsty Tuffin
Strategic Hub
0121 380 6906
Kirsty.tuffin@wmfs.net

Minutes of the Collaboration and Transformation Committee

12 December 2022

Conducted as a public meeting at Headquarters and digitally via
Microsoft Teams

Present: Councillor Dehar (Chair), Councillor Jalil, Councillor Lloyd

Virtual: Councillor Hogarth, Councillor Kettle, Prof Simon Brake,
APCC Wasim Ali

Officers: Hannah Spencer, Kirsty Tuffin, Mike Griffiths, Tom Embury,
Will Doolan

Observers: Councillor Miks

Please note: the meeting was adjourned until 14:08 due to non-
quoracy. Cllr Jalil joined the meeting at 14:08.

20/22 **To receive apologies for absence (if any)**

Apologies for absence were received from the Chief Fire
Officer Phil Loach and Councillor Hussain, substituted by Cllr
Jalil.

21/22 **Declarations of Interest**

There were no declarations of interest received.

22/22 **Minutes of the Collaboration and Transformation
Committee held on 05 September 2022**

Resolved:

1. That the Minutes of the Collaboration and Transformation
Committee held on 05 September 2022 were approved as
a correct record of proceedings.

23/22 **Scrutiny Review of Safe and Wells**

Tom Embury, Deputy Clerk to the Authority presented the
Scrutiny Review of Safe and Wells (SAW) report that

outlined the learning and recommendations from the recent Scrutiny Review of SAW.

The Committee were advised that over the last 12 months, the Scrutiny Committee had conducted a review of SAW to scope their effectiveness and efficiency. The review found ten recommendations for improvement, four of which were relevant for the Collaboration and Transformation Committee. The four relevant recommendations were as follows:

1. Continue to develop and implement the Tymly system and support automated business processes.
2. Continue with the implantation of Remote SAW (RSAW) as a means of providing SAW to those who were identified as low risk at the point of referral, ensuring there was a clear escalation process to SAW where risk identified at RSAW required this.
3. To support the provision of a consistent and national approach to SAW and continue to implement the eight core components of the NFCC Person Centred Framework for Home Fire Safety Visits.
4. Continue to develop the SAW Membership arrangements and onboard partners who worked with the service users that the Community Risk Management Plan (CRMP) identified as being at risk/vulnerable to fire.

The Members were advised that should they have any feedback this could be fed into the Prevention Team accordingly. No questions were raised.

Resolved:

1. That it be agreed that the learning and recommendations from the recent scrutiny review of Safe and Well be noted.

24/22

Collaboration with Ambulance Services

Tom Embury, Deputy Clerk to the Authority, presented the Collaboration with Ambulance Services report that outlined the current collaboration arrangements with West Midlands Ambulance Service (WMAS) and other Fire and Rescue

Services (FRS)/Ambulance Collaboration arrangements across England.

The Committee were advised that following their request for potential collaboration work to be conducted with WMAS in June 2022, an update on the current situation and possible actions were outlined within the report. All three emergency services (WMAS, FRS and West Midlands Police (WMP) had a duty to collaborate under the Policing and Crime Act 2017, but those services were not required to collaborate if they did not believe it to be in their interest.

All three services do collaborate on operational matters to ensure effectiveness at incidents and this is continuously evolving. The example of new downlink technology, that provided all services with access to National Police Air Service aerial footage at incidents, was provided. Collaborative training for all three services is also utilised in the preparations for major incidents and events, including the Commonwealth Games.

The FRS and WMAS had shared estate however, it was highlighted that this had been significantly reduced in recent years as a result of WMAS move to a 'Hub-and-Spoke' model and their efforts to reduce rental costs. There had been little interest from WMAS for co-responding or more direct operation support in their delivery of response to medical emergencies. No co-responding collaboration took place with WMAS and the five FRS within their service area.

Although there had been limited collaboration in the West Midlands, there had been significant collaboration work arrangements elsewhere across the country, as per the report. The positive impact of the collaborative driving of ambulances during the COVID pandemic, with over 100,000 incidents responded to by firefighters, was highlighted.

Members emphasised the need to undertake further collaboration talks with WMAS as it was felt that the current challenges they were experiencing could change their attitude to the FRS offer of collaboration. Following comments on the need to use facilities in Solihull to host

WMAS, Mike Griffiths, Section 151 Officer, advised the Committee that WMAS had only paid a 'peppercorn' rent when previously occupying space on Stations to cover the maintenance cost and there had been no commercial profit for FRS. It was agreed that the WMAS collaboration and potential engagement with them be deferred to the Scrutiny Committee for review.

Resolved:

1. That the current state of collaboration between West Midlands Fire Service and West Midlands Ambulance Service be noted.
2. That the examples of collaboration by other FRS with Ambulance Services in England be noted.
3. That it be agreed that the WMAS collaboration and potential engagement with them be deferred to the Scrutiny Committee for review.

25/22

Collaboration and Transformation Committee CRMP Update

Hannah Spencer, CRMP Co-ordinator, presented the Collaboration and Transformation Committee CRMP Update report that outlined the progress made on relevant CRMP projects.

One of the CRMP proposals, approved by Fire Authority (FRA) in February 2021, was Risk Based Crewing (RBC). This enabled an assessment of incidents and the level of resource required. So far, this approach had been rolled out across 11 core stations and assessments showed that this had increased vehicle availability significantly. It was highlighted that during the recent heatwave experienced in the UK, the use of RBC had enabled the service to use resources effectively to deal with the increased demand.

Training had been collaboratively developed between West Midlands Fire Service (WMFS) Prevent representative and West Midlands Police Counter Terrorism Unit (WMP CTU) to enable employees to recognise and refer concerns related to extremism - under the remit of safeguarding. Following the Chair of the Committee query on councillor attendance, it

was agreed that information would be circulated to Members as to whether they are able to attend the training.

Mike Griffiths advised the Committee that as discussed in FRA earlier that morning, there had been an ongoing review of the CRMP proposals, which included RBC. This review had been the result of concerns around funding from Government for the next financial year. A report would be submitted to FRA in February 2023, once there had been a clearer picture on funding.

Resolved:

1. That the Collaboration and Transformation Committee CRMP Update report be noted.
2. That it be agreed that information would be circulated to Members as to whether they are able to attend the prevent training.

26/22

West Midlands Combined Authority – Trailblazing Devolution Deal

Tom Embury, Deputy Clerk to the Authority presented the West Midlands Combined Authority (WMCA) – Trailblazing Devolution Deal report that outlined details of the deal and the opportunities presented to FRS.

The Committee were advised that the West Midlands and Greater Manchester Combined Authorities had been selected for negotiations for ‘deepening devolution’, as part of the Government’s Levelling Up White Paper (February 2022). It was recognised that there had been changes in Government in recent months that could impact timelines for the work, however, it did not stop it.

The Committee were advised that although the FRS were not included in the deals, it would offer opportunities and was likely to have direct impact on the service’s work, including existing collaborations with local authorities. It was anticipated that the some of the following areas of the devolution deal could be amongst the most impactful:

1. Transport – plans to introduce new public and private transport technologies may impact the way in which FRS

respond to traffic incidents and there may be opportunities provided by investment into technology such as drones.

2. Housing, Property and Regeneration – new approaches to affordable housing and retrofit (including “Modern Methods of Construction”) would need to be resilient and safe and may present new challenges for WMFS Fire Safety teams.
3. Crime, community safety and resilience – further intervention in areas such as youth offending could extend to WMFS programmes such as the Cadets.
4. Climate Adaptation and the Natural Environment – as part of the commitment to make the West Midlands Net Zero by 2041, WMFS had a role to play in both reducing our own environmental impact and dealing with the consequences of climate change. This includes FRS response to and planning for extreme weather incidents (flooding, heatwaves etc.).
5. Health Inequalities – WMCA plans in this area are linked to WMFS own work on reducing health inequalities. Talks had been underway on potential funding for these projects.
6. Homelessness – would assist with WMFS work around abandoned properties that are at a greater risk of fire. The proposals would also assist with exempt properties and rogue landlords who put vulnerable people at risk, which included risk of fire.

Following queries, it was agreed that a detailed report be brought back to the Committee on the proposals for homelessness. It was agreed that Tom Embury would share all proposals once they had been finalised and published with Members.

Tom Embury also urged Committee Members to consider how they could seek to influence the Trailblazing Devolution Deal within their respective authorities as each of the seven local authorities was playing a key role in its development and delivery.

Professor Simon Brake, Co-opted Member, advised the Committee that new government regulations had placed a responsibility on Local Authorities to consider the impact decisions may have on Armed Forces veterans and felt this should be a supplementary to this piece of work. Following Members' confirmation that their Local Authorities had undergone work on this, the need for collaboration to develop this work for WMFS was emphasised. It was agreed that collaboration between WMFS, all seven local authorities and the Lord Lieutenant on the impact on Regional armed forces would be beneficial.

Resolved:

1. That the current progress of the West Midlands Trailblazing Devolution Deal and the potential implications or opportunities for WMFS be noted.
2. That it be agreed that a detailed report be brought back to the Committee on the proposals for homelessness. Tom Embury would share all proposals once they had been finalised and published with Members.
3. That it be agreed that collaboration between WMFS, all seven local authorities and the Lord Lieutenant on the impact on Regional armed forces would be beneficial.

27/22

Collaboration and Transformation Committee Work Programme 2022-2023

Tom Embury, Deputy Clerk to the Authority presented the Collaboration and Transformation Committee Work Programme that outlined the planned agenda items for the Committee 2022-2023.

The Committee were advised that the White Paper and the HMICFRS updates had been deferred to the February meeting as these were dependent upon their publication by Government, which was now expected in the new year.

Resolved:

1. That the Collaboration and Transformation Committee Work Programme 2022-2023 be approved.

The meeting finished at 14:51 hours.

Kirsty Tuffin
Strategic Hub
0121 380 6906

Minutes of the Collaboration and Transformation Committee

27 February 2023

Conducted as a public meeting at Headquarters and digitally via Microsoft Teams

Present: Councillor Dehar (Chair), Councillor Hussain (Vice-Chair), Councillor Atwal, Councillor Barrie and Prof Simon Brake.

Virtual: Councillor Miks and Councillor Kettle.

Officers: Wayne Brown, Darryll Darkin, Tom Embury, Mike Griffiths, Sophie Lee and Mark Price.

01/23 **To receive apologies for absence (if any)**

Apologies for absence were received from Councillor Hogarth, substituted by Councillor Barrie and Councillor Lloyd, substituted by Cllr Miks and Councillor Iqbal.

02/23 **Declarations of Interest**

There were no declarations of interest received.

03/23 **Minutes of the Collaboration and Transformation Committee held on 12 December 2022**

Resolved:

1. That the Minutes of the Collaboration and Transformation Committee held on 12 December 2022 were approved as a correct record of proceedings.

04/23 **HMICFRS Inspection Report – Collaboration and Transformation**

Tom Embury, Deputy Clerk to the Authority, presented the HMICFRS Inspection Report – Collaboration and Transformation report that outlined the key findings from the HMICFRS Inspection report, specifically related to collaboration and transformation. The report focused upon three main areas: effectiveness, efficiency and people.

The Committee were advised that overall, the view on collaboration and transformation within the inspection report had been positive. The service was rated outstanding rating for the following areas:

- effectiveness,
- understanding fire and other risks and
- responding to fires and emergencies.

All other categories, as per the report, had been rated as 'Good'.

Members welcomed the report and emphasised the importance to continue pushing for further improvements where possible.

Following Prof Simon Brakes comments on an action plan for further improvements, Wayne Brown, Chief Fire Officer, he reassured Members that the service would continue to review outcomes from HMIC inspection at both the West Midlands level and from a sector wide perspective. A gap analysis would be conducted against other Fire and Rescue Services (FRS) which would then form an action plan. This would include a focus from a collaboration and transformation perspective and there would be further reports to both Full authority and the Collaboration and Transformation Committee.

Resolved:

1. That it be agreed that the findings of the 2021/22 HMICFRS inspection report, in relation to collaboration and transformation be noted.

05/23

Environmental, Social and Governance Framework

Mark Price, Group Commander – Innovation, Sustainability and Oracle, presented the Environmental, Social and Governance (ESG) Framework report that outlined the development of the Service's ESG framework and recent partnership working.

The Committee were advised that the service had created an ESG Framework which focused on sustainability from an

environmental, social and governance perspective. Real focus had been placed on collaboration work with the West Midlands Combined Authority (WMCA), relevant academic institutions and applicable to West Midlands community. This was a key topic, especially as HMICFRS were considering placing sustainability into their inspections moving forward.

Darryll Darkin, Station Commander – Innovation, advised the Committee that the ESG framework had been best suited to West Midlands Fire Service (WMFS) of the various models for sustainability that existed. Developing partnerships had been a key part of the work, including branching out into academic circles and to the communities that the service served.

The service was looking to be the first UK Fire service to join the UN global compact, in which the Strategic Enabling Team (SET) were currently looking into. The Compact covers the following four key areas:

- environment anti-corruption,
- human rights, and
- labour standards.

Work was being conducted with the WMCA, which included adapting their “doughnut” approach and looking at how the service could join in with their sustainability initiatives.

The service was trialling a “warm spaces” initiative to help communities through the energy crisis. This would form part of a wider look at how the service use spaces and infrastructure in the future for maximum benefit. They are currently being trialled at Foleshill and Ward end Fire Stations. Work had already been conducted to develop partnerships with Unity Hubb at Ward End Fire Station where they would be using the space twice a week with arts and crafts and other community activities.

The Committee were advised that Academic collaborations with Birmingham City University to look at the architecture and design of future fire stations was underway. This sought to determine how they could be more future proof. This included concepts of having charging facilities for devices,

community rooms that could be used by others. The service would also partner up with Birmingham School of Architecture and Design on a PHD programme. The Service had signed up to the European commission to allow them to accept research interns as part of the programme.

Following queries on apprenticeships and future work programmes for the projects, Members were advised that the service would be looking into internships with research students. A 12-month, three year and 10-year action plan would be developed on the projects. Work would be conducted with the programme team and the Assistant Chief Fire Officer, Karen Gowreesunker, to develop this and complete a critical path timeline to achieve elements. This would include specific timelines relating to the UN compact agreement and it was anticipated that sustainability would form a key part of the services forthcoming public consultation.

Prof Simon Brake praised the report and was keen to see any KPIs related to this to ensure areas of improvement could be monitored and the finalised academic programme.

Resolved:

1. That the content of the update report on the services Environmental, Social and Governance (ESG) Framework and related collaboration, be noted.

06/23

Serious Violence Duty

Tom Embury presented the Serious Violence Duty report that outlined the new Serious Violence Duty and the implication for West Midlands Fire Service.

The Committee were advised that the Police, Crime, Sentencing, and Courts Act added a duty on local bodies to develop a strategy to prevent serious violence. Health boards, Police, FRS, Local Authorities, and other local bodies like education were involved. The aim was to create a multi-agency approach to tackling serious violence. The Duty came into effect from 31 January 2023.

In the West Midlands, the duty would be met at a regional level through the Violence Reduction Partnership, which operated on the WMFS and West Midlands Police footprint. However, each local authority would also develop a specific “problem profile” through their Community Safety Partnership (CSP). Moving forward the service would engage with each of these partnerships.

The Committee were advised that the Home Office had the following three key targets for the duty:

1. reducing Knife crime,
2. reducing homicides and
3. reducing Hospital admissions from knife crime.

Therefore, this had formed the main agreed focus for the West Midlands serious violence strategy, although it had been noted that violent crime could be defined more widely to include areas such as domestic abuse or arson.

A small amount of funding had been provided to support the work, distributed by the OPCC. There were implications for WMFS with resourcing each of the CSP subgroups and developing local profiles, developing key targets and with the strategy by Jan 2024. There were also issues highlighted that represent a risk to the FRS. The service had a good level of trust, access to the community and had diversionary activities such as cadets, but the service had been cautious about using that trust for activity which require necessary skills for (e.g., gang issues) and could have an impact on the level of trust with some communities.

The Chair of the Committee thanked officers for the report and highlighted the background papers that are available for further background.

Resolved:

1. That the content of this report regarding the implementation of the new Serious Violence Duty be noted.

07/23

Careers Engagement with Schools

Tom Embury provided a verbal update on the services career engagement with schools.

The Committee were advised that the service did not have specific career engagement with schools. Ad Hoc work was done with local schools and colleges at their request, but full engagement had not been done in a comprehensive way. However, there was a plan to engage more consistently with local colleges with specific public service courses.

Following queries on apprenticeships with young people, it was agreed that Tom Embury would speak with the relevant teams and an updated would be provided at a future meeting.

Resolved:

1. That it be agreed that the verbal update on career engagement with schools be noted.
2. That it be agreed that Tom Embury would discuss the approach with apprenticeships with the relevant teams and provide an update at a future meeting.

08/23

Collaboration and Transformation Committee Work Programme 2022-2023

Tom Embury presented the Collaboration and Transformation Committee Work Programme that outlined the planned agenda items for the Committee 2022-2023.

The Committee were advised that there had been no further updated from Central Government on the Reform White Paper. It was anticipated that this may not be received until May 2023. As per the work programme, CRMP Updates had been deferred until a future meeting. Additions had been added following the request of the Chair of the Committee for future agenda items.

Resolved:

1. That the Collaboration and Transformation Committee Work Programme 2022-2023 be approved.

09/23 **Any other business**

There was no further business raised.

10/23 **Date of the next meeting**

Resolved:

1. That the date of the next meeting, scheduled to take place on Monday 15 May, be noted.

The meeting finished at 11:01 hours.

Sophie Lee Portfolio 0121 380 6906
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Minutes of the Scrutiny Committee

23 January 2023

Conducted as a public meeting at Headquarters and digitally via Microsoft Teams

- Present:** Councillor Spence (Chair), Councillor Atwal (Vice-Chair), Councillor Barrie, and Councillor Hussain
- Virtual:** Councillor Dehar, Councillor Waters, Sarah Middleton, Co-Optee.
- Officers:** Simon Barry, Kamla Devi-Ahir, Tom Embury, Kirsty Tuffin, Kelly Whitmore, Pete Wilson (virtual).

01/23 **Apologies**

Apologies were received from Councillor Young.

02/23 **Declarations of Interest**

There were no declarations of interest received.

03/23 **Minutes of the Scrutiny Committee held on 07 November 2022**

Resolved:

1. That the minutes of the Scrutiny Committee held on 07 November 2022 were approved as an accurate record of proceedings subject to Councillor Hussain's attendance being added.

04/23 **Scrutiny Review Option**

Tom Embury, Deputy Clerk to the Authority, presented the Scrutiny Review Option report that outlined proposed options for the next Scrutiny Review.

The Committee were advised that the last Scrutiny Review on Safe and Well had concluded in November 2022.

Following discussions with the Chair and Vice-Chair of the Committee, it was proposed that the next Scrutiny Review

focused upon the services training and career development. It would be intended that progression and development into leadership and management roles within the service, with specific focus upon underrepresented employees, would be reviewed. The Chair of the Committee emphasised the desire for the review to consider opportunities to allow employees to reach the required educational levels for management roles.

The Committee were also advised that the Collaboration and Transformation Committee on Monday 12 December 2022, referred the topic of blue light collaboration between West Midlands Fire Service and West Midlands Ambulance Service for review. Following discussions with the Chair and Vice-Chair of the Committee, it was recommended that this be reviewed in the next municipal year 2023-2024.

Resolved:

1. That it be agreed that the proposed topics for the second scrutiny review be noted.
2. That it be agreed that a scrutiny review of the services training and development, and specifically in areas identified in the terms of reference once developed, be approved.
3. That it be agreed to defer a scrutiny review of blue light collaboration with the Ambulance Service to 2023-2024 Municipal Year, be approved.

05/23

Fire Control Performance Report Update – Quarter 3 2022-23

Kelly Whitmore, Group Commander – Fire Control, presented the Fire Control Performance Report – Quarter 3 2022-23, that outlined the operational performance of Fire Control over a three-month period.

The Committee were advised that as per the report, a total of 17,749 emergency calls were received between 1 October 2022 and 31 December 2022 across both West Midlands and Staffordshire Fire and Rescue Services.

13,096 (74%) were the for West Midlands and 4,178 (24%) were for Staffordshire. A total of 2% of calls had been taken

on behalf of other services. Of the total number of calls received, Fire Control mobilised to 51% of the incidents for the West Midlands and 52% for Staffordshire. The mobilisation ratio of calls had been dependent upon the following:

- Call challenging automated fire alarms (AFAs)
- Call challenging special service calls that were deemed non-emergency
- Repeat 999 calls
- Use of 999eye footage/imagery

During Qtr. 3 the median call handling time by Fire Control had increased to 101 seconds compared to Qtr. 2. The increase in time handling had been a result of the number of new entrants that joined the Fire Control team, the introduction of Vision 4, a new command and control system, and enhanced questioning to support proportionate and appropriate mobilising of resources.

The Committee were advised that 999eye, which assists Fire Control with intelligence led mobilisation and resource management, had been used a total of 1,954 times during Qtr. 3. This system allowed Fire Control to receive images/footage from an incident and share it with responding personnel to assist early decision making.

Following queries on comparison data available for other Fire Services, Kelly advised that services used different systems and varied approaches across different control rooms so although comparison data could be collected, it would reflect a great difference in comparison. Members were also reassured that there had been a process in place for nuisance calls and the term 'repeat calls' referred to multiple calls for one incident. The Chair of the Committee praised the 999eye system.

Resolved:

1. That it be agreed that the Fire Control performance update for Quarter 3 2022-23, be noted.

06/23

Dispute Resolution Report 1 Jan – 30 June 2022

Kamla Devi-Ahir, Senior Business Partner, presented the Dispute Resolution Report that outlined the number, type and outcomes of discipline, grievance hearings and other dispute resolution including Employment Tribunal activity that has occurred during a six-month period 01 July 2022 to 31 December 2022.

The Committee were advised that 10 grievances were received and three disciplinary cases, all of which were gross misconduct, were received during the six-month period. Following analysis of the equality data there had been no impact on any specific group in regard to grievances and disciplinaries.

Five employment tribunal cases were due to take place over the upcoming 12 months, as per the report. The Committee were advised that the 'unfair dismissal/age discrimination' hearing had taken place and awaiting the outcome on 6 February. The 'unfair dismissal/disability discrimination' would be taking place on 13 February 2023 and finished 10 March 2023.

Following queries around the outcome of cases, specifically those that result in reviews of policies, it was agreed this information would be included in reports moving forward. Following queries around DBS checks, Simon Barry, Assistant Chief Fire Officer, re-assured members that members of staff that worked with vulnerable people completed an enhanced DBS check upon their appointment. The NFCC had been working on strengthening the pre/during employment checks on employees. It was agreed that an update would be brought to a future Scrutiny Committee.

Resolved:

1. That it be agreed that the Dispute Resolution Report be noted.
2. That it be agreed that information on the outcome of cases, specifically those that result in reviews of policies, would be included in reports moving forward.

3. It was agreed that an update on the work conducted with the NFCC on DBS checks would be brought to a future Scrutiny Committee.

07/23

Business Continuity Arrangements (Verbal Update)

Simon Barry, Assistant Chief Fire Officer, provided a verbal update on the position of the service with Business Continuity Arrangements.

The Committee were advised that the Fire Brigades Union (FBU) ballot on potential strike action would conclude on 31 January 2023. The service believed it was highly likely they would vote in favour of strike and therefore, had begun advancing the service's business continuity arrangements. It was highlighted that although it had been a different governance set up compared to the West Midlands, the London Fire Commissioner had offered an 11% pay rise (6% in 2022/23 and 5% in 2023/24), over the duration of two years for its employees.

Tom Embury advised the Committee that although the ballot would end on 31 January, an urgent meeting with the FBU and National Joint Council (NJC) would take place after the ballot had ended (Feb 8 2023). No announcement of strike action would be announced until this meeting had taken place.

Simon Barry emphasised the importance of the upcoming weeks for the service. Employees had been contacted again, following the feedback from Scrutiny Committee in November, on their intentions to strike but again had received a small number of responses. It was anticipated that should a strike happen, the service would have around 10 vehicles available, compared to its usual compliment of 60. A statement had been issued by the Chief Fire Officer, asking employees to respect each other during this difficult time and acknowledged employee's rights to take strike action.

The Chair of the Committee advised that she had a lot of respect for firefighters and did not feel a potential strike would take place. Simon Barry re-confirmed to members that the dispute had been a national issue. It was agreed that

should a strike take place; a report would be brought back to Scrutiny Committee on the level of resources the service had been able to obtain during the striking period. The Chair of the Authority and Chief Fire Officer would also be updated regularly with a future report into Fire Authority, if required.

Resolved:

1. That it be agreed that the verbal update be noted.
2. That it be agreed that should a strike take place, a report would be brought back to Scrutiny Committee on the level of resources the service had been able to obtain during the striking period.

08/23

Scrutiny Committee Work Programme 2022-2023

Tom Embury, Deputy Clerk to the Authority, presented the Scrutiny Committee Work Plan for 2022-2023.

The Committee were advised that the Scrutiny Committee Terms of Reference and Industrial action update would be added to the next Scrutiny Committee, due to take place in April 2023.

Resolved:

1. That the Scrutiny Committee Work Plan for 2022-2023, be approved.

The meeting finished at 11:07 hours.

Kirsty Tuffin Strategic Hub 0121 380 6906
