

**Minutes of a Meeting of the
West Midlands Fire and Rescue Authority**

25th November, 2013 at 11.00 am
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Edwards [Chair];
Councillor Idrees [Vice-Chair];
Councillors Aston, Auluck, Chambers, Clinton,
Collingswood, Davis, Delaney, Douglas-Maul,
Eustace, Finnegan, Foster, Mottram JP, O'Reilly,
Quinnen, Sealey, Shackleton, Singh, Spence, Walsh
and Wright.

Apologies: Councillors Singh Atwal, Hogarth, Tranter, Yardley
and Young.

Observer: Mr Ager.

77/13 Declaration of Interest

Councillor Edwards declared a non-disclosable pecuniary interest in Minute No. 82/13 below (Monitoring of Finances).

Councillor Foster declared a non-pecuniary interest in Minute No. 83/13 below (Buildings Asset Strategy) insofar that it related to Babcock. He indicated that should any particular discussion take place in this regard that he would stay in meeting but would refrain from discussion on the item.

78/13 Chair's Announcements

The Chair welcomed Phil Loach to his first meeting of the Authority as Chief Fire Officer. He also congratulated Phil Hales on his appointment as Deputy Chief Fire Officer until such time as the review of the principal management structure and support staff was concluded in Spring 2014.

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The Chair reported that he and the Chief Fire Officer were to meet with the Minister for Communities and Local Government, Brandon Lewis, tomorrow to talk about various issues affecting the fire service, including funding and structure and the case for the West Midlands. Before that meeting there would be a meeting with the Police Commissioner, Bob Jones, to discuss shared services.

There would also be a meeting on Thursday, 28th November 2013 with the Shadow Minister for Communities and Local Government, Lyn Brown M P.

At the request of the Chair, the Chief Fire Officer gave an update on the firefighters' strike action resulting from the national dispute relating to pension arrangements. Details were also available on the Service's website. The Authority was advocating that all involved parties should 'get round the table' to try and resolve this impasse. In the meantime, Grey Book staff had received refresher training and were assisted by such staff who had decided not to strike. It was a reduced service and not business as usual, but as yet it had been able to cope and would be reviewed on an on-going basis.

79/13

Minutes

Resolved that the minutes of the meeting of the Authority on 16th September, 2013 be confirmed as a correct record.

80/13

Government Intervention Protocol

The Authority received the protocol on government intervention action on fire and rescue authorities in England which had been published by the Department for Communities and Local Government. The protocol confirmed that the intervention powers set out within it only referred to action to be taken by the Secretary of State in exercise of his powers under Section 22 of the Fire and Rescue Services Act 2004. This meant that the protocol could only be applied where the Secretary of State believed that a fire and rescue authority was failing or was likely to fail to act in accordance with the Fire and Rescue Service National Framework.

Certain comments made at the Executive Committee on 5th November, 2012 (see Minute No. 21/12), in response to the Department for Communities and Local Government consultation on the proposals, had been incorporated into the protocol; in particular the greater involvement of the Local Government Association and the Chief Fire Officers' Association in the process. It was seen that the use of the intervention power by the Secretary of State would be as a last resort.

Resolved that the protocol on government intervention action on fire and rescue authorities in England be noted.

81/13

Statement of Assurance

The Authority received a Statement of Assurance document, which it was now required to publish annually under the Fire and Rescue National Framework for England, to provide assurance on financial, governance and operational matters and show how it had due regard to the expectations set out in its integrated risk management plan.

The Executive Committee at its meeting on 5th November, 2012 had received and responded to a consultation document from the Department for Communities and Local Government based on lobbying by the Local Government Association and the Chief Fire Officers' Association against the proposal, as it would be an additional burden placed on fire authorities alone and would duplicate existing assurance arrangements (see Minute No. 21/12).

Whilst most of the information required was already in existence and established within the organisation, it was acknowledged that there were benefits of bringing these together within a single document in terms of providing transparency.

It was the intention that the document would be live and to this end there would be electronic links from it to other corporate documents referenced therein. This would enable the reader to evaluate and make a valid assessment of the Authority's performance.

Resolved the Statement of Assurance document be approved.

82/13 **Monitoring of Finances**

The Authority noted a report on the monitoring of finances to the end of October, 2013, which included revenue expenditure and the capital programme.

Members requested that the terminology should be amended to avoid the use of the word “underspend”, which gave the impression that there was an excess of funding, particularly where it referred to resources which were earmarked for a specific purpose. It was also requested that reports for all authority meetings should include the name of the report author(s).

Members noted that there was likely to be a further 10% reduction in resources for 2015/16, even if there was a change of government in that year. Medium term financial planning would need to ensure that reserves were available to cushion any such reduction.

83/13 **Buildings Asset Strategy**

Further to Minute No. 8/13 of the Executive Committee, held on 30th April, 2013, the Authority received a report on a review of Fire Stations that had been undertaken to ensure that future expenditure was targeted as efficiently as possible across the Fire Authority’s building estate.

As part of the review, an assessment tool had been developed which provided the ability to prioritise those Fire Stations most critical to service delivery. It was anticipated that the outcome from the assessment tool would provide similar results to the existing degradation plan which identified those Stations most critical in the delivery of operational response if there were staffing and/or resource shortages for any reason. Given the ongoing austerity measures the Fire Authority was expected to face over the coming years, the assessment tool could also be used to; review Fire Station numbers, reassess the need for a pump rescue ladder to be based at every Station, or to identify potential sites for conversion to alternative duty systems other than wholetime.

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In connection with alternative duty systems, on 19th December, 2012, the Director for Fire, Resilience and Emergencies at the Department for Communities and Local Government had announced that capital grant of £38m would be allocated to 15 Fire and Rescue Authorities in 2013/14 and 2014/15. This Authority was allocated £7.6m (£3.8m in both 2013/14 and 2014/15). One of the successful bids was £2m to support building alteration work to facilitate Low Risk Flexible Crewing arrangements to be introduced. At this stage there was no Authority approval to proceed with this scheme.

The review had identified Stations by: those essential for response but would benefit from a change of location (Aston and Kings Norton sites); those suitable for rebuild (Coventry and Bickenhill); and The Academy site.

An evaluation of all West Midlands Fire Service residential properties had been carried out as part of the review to assess:-

- the condition of property and costs associated with modernisation; and
- the feasibility of income generation from further rental or disposal.

Members were informed of the Authority's responsibilities to the nine secure tenants of its 40 residential properties.

Members had reservations concerning the proposals for the Kings Norton and Coventry Fire Stations, both with regard to their condition and their current and potential replacement sites. The Chair reported that it was proposed to amend two of the proposed recommendations to note/give approval only in principle, subject to further reports on appropriate land sites being available and on location and land site potential.

Resolved:-

- (1) that development of an assessment tool, which provides the ability to prioritise those Fire Stations most critical to service delivery, be noted;

- (2) that the position mentioned above relating to the £2m Capital Grant Funding be noted;
- (3) that the identification of a number of Fire Stations that would benefit from re-build or minor relocation be noted, and that, subject to appropriate land sites being available, further reports be made to the Authority on proposed locations and land site potential;
- (4) that approval be given to the disposal, or the rental on commercial terms, of The Academy site;
- (5) that approval in principle be given to authorise the Chief Fire Officer to approve the option to dispose of the following vacant residential/non-operational properties and that further reports be made to the Authority on proposed locations and land site potential:-

Perry Barr - sell 6 of the 8 houses which are void properties;

Erdington – sell 7 of the 14 flats which are void properties;

Kings Norton – sell the apartment block containing 6 flats;
and

Bloxwich - sell the 'Old Bank Building'.

84/13

Office Accommodation Leasing Options

The Authority received a report on proposals to lease office accommodation space at the Fire Service Headquarters to Birmingham City Council Youth Offenders.

West Midlands Fire Service (WMFS) staff had moved to the current Headquarters in September 2008. However since that time, because of reductions in the number of staff due to service efficiencies, there was now vacant workspace within the building. In recognition of the need to improve the efficiency of the building and potentially generate income, consideration had been given to leasing part of the building.

An approach had been made to WMFS by Birmingham City Council (BCC) Youth Offenders and representatives were interested in discussing a lease option based on the occupation of 4,240 sq. ft. for a period of three years at a rental charge of £9 per sq. ft. and a service charge of £4.00 per sq. ft.

To accommodate the rental of the area, Human Resources staff would be relocated elsewhere within the Headquarters building. The proposed arrangements would generate approximately £55k income per annum. There would be initial costs required of approximately £40k in order to appropriately separate the space which would still be occupied on the ground floor by WMFS staff and staff from BCC.

Resolved that the proposals to lease office accommodation space at the Headquarters site, on the basis outlined above, be approved.

85/13

Setting of Operational Establishment Figure

Approval was sought to setting of the operational establishment figure with effect from 1st April, 2014. The term operational establishment figure relates to the number of operational staff required in the two distinct areas of:-

Ridership – The number of staff required to maintain the resource configuration plan. This was the number of posts from firefighter to watch commander across the 38 fire stations, 41 pump rescue ladders, 19 brigade response vehicles and special appliances.

Technical Rescue Unit (TRU) – the number of posts required for the staffing based at Wednesbury and Bickenhill from firefighter to watch commander.

The current operational establishment figure was 1,472 which had been agreed in April 2012 following the implementation of dual staffing arrangements and the Cradley and Halesowen fire stations merger. Following the implementation of the resource configuration plan up to 1st April 2015 the required establishment would be 1,322 plus 57 for the Technical Rescue Unit.

The strategic operational staffing decisions and ongoing analysis of staffing requirements would be based on a three year strategy. The ongoing development and delivery of the strategy would be the responsibility of the Director of Operations.

The full implementation of the resource configuration plan would result in a reduction to the establishment figure of 93 posts which would generate savings of approximately £3.7m.

Resolved that, in accordance with the implementation of the resource configuration plan, an operational establishment figure of 1,322 plus 57 for the Technical Rescue Unit be approved with effect from 1st April, 2014.

86/13

Review of the Principal Management Structure

Further to Minute No. 63/13, approval was sought to the purpose, scope and methodology of the review of the principal management structure, which had been developed between the Chief Fire Officer, and the Clerk to the Authority, in consultation with the Chair of the Authority. The review was to ensure that the West Midlands Fire and Rescue Authority (WMFRA) had, as outlined in 'The Plan 2013-16', a 'lean, accountable and empowered management structure'. The review would provide a preferred proposal or proposals to the Authority which would take into account the size, roles, responsibilities, conditions of service and pay structure for the Principal Management Team.

It was noted, however, that whilst the scope of the review would be defined as the Principal Management Team it was likely that the outcomes of the review would impact upon other structures below the Principal Management tier which might require additional changes. These would be identified and options scoped as part of the review and delivered through the scheme of delegations.

The review would explore the full range of options available including looking for shared service opportunities with other public sector providers. It would use the recognised approach of benchmarking between comparator organisations and roles.

The methodology would be supported by:

- the Clerk to the Authority to provide Quality Assurance;
- appointed members to provide scrutiny throughout the review;
- the use of Policy Planning Forums to provide updates on the review;
- the use of appropriate external validation as required, arising from analysis and recommendations from the functions of quality assurance and scrutiny. This might also include consultation on the range of options considered.

The reduction from two to one post of Assistant Chief Fire Officer would be achieved by combining the role of Assistant Chief Fire Officer TOPS and the role of Deputy Chief Fire Officer. The Principal Officers' operational rota would be maintained by the three Brigade Managers (CFO, DCFO and ACFO). This interim structure would help inform the review in terms of structure, roles, responsibilities and capacity.

Consideration would be given to those posts directly supporting the Principal Management Team with changes made through the agreed scheme of delegations within The Constitution (part 3, 3.7).

Resolved:-

- (1) that the proposed purpose, scope and methodology of the review of the principal management structure be approved;
- (2) that the Chair and Vice-Chair (Councillors Edwards and Idrees) and Councillors Davis, O'Reilly, Shackleton and Young be appointed to scrutinise the review process.

87/13

Urgent Action of the Chief Fire Officer in Consultation with the Chair and Vice-Chair

The Authority noted the urgent action taken by the Chief Fire Officer, in consultation with the Chair and Vice-Chair, in approving the attendance of members of the Authority at the Asian Fire Services Association Conference in Manchester on 31st October and 1st November 2013.

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Members noted the intention to include this Conference in the report to the Annual Meeting concerning the payment of member allowances.

88/13 Minutes of the Audit Committee

The minutes of the Audit Committee meeting held on 14th October, 2013, were received.

89/13 Minutes of the Scrutiny Committee

The minutes of the Scrutiny Committee meetings held on 16th September, 21st October and 4th November, 2013, were received.

At the request of the Chair of the Committee it was agreed that the assessment tool which had been developed to provide the ability to prioritise those Fire Stations most critical to service delivery (Minute No. 83/13 above refers) be reviewed as part of the Scrutiny Committee's work programme.

90/13 Notes of the Policy Planning Forum

The notes of the Policy Planning Forum meetings held on 14th October and 4th November, 2013, were received.

91/13 Notes of the Joint Consultative Panel

The notes of the Joint Consultative Panel meeting held on 23rd September, 2013, were received.

92/13 Exclusion of the Public

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Part I of Schedule 12A to the Local Government Act, 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to the financial or business affairs of any particular person (including the authority holding that information) and action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

93/13

Shared Fire Control Service Level Agreement

Further to Minute No. 25/13(3) (15th April, 2013), members received an update of the progress of the Shared Fire Control Project that the Service (WMFS) was collaborating on with Staffordshire Fire and Rescue Service (SFRS). In particular a copy of the proposed Service Level Agreement, which had been approved by the Fire Control Project Governance Board on 1st October, 2013 and by the Stoke-on-Trent and ratified by Staffordshire Fire and Rescue Authority on 21st October, 2013 was submitted for the Authority's approval.

The key deliverables that would ensure the implementation of the Shared Fire Control Centre at Vauxhall Road from April 2014 had been identified. There were currently 39 work packages that had been scoped which fell under the categories of Fire Control, Fire Control Management, Operations, Performance & Planning, ICT, Legal, Finance and HR. Each work package had been allocated an owner with tasks and resources identified to support the delivery of the agreed deliverables. Work was progressing well on the Fire Control and Fire Control Management work packages, concentrating on building a shared platform on which to load the WMFS and SFRS data and developing a single configuration.

On 1st October, 2013 the Governance Board had also been presented with papers covering the HR assimilation approach and had requested further legal advice on the recommendations before agreement was reached.

The SLA had been drafted to ensure that, wherever possible, it assisted and supported rather than hindered the embedding of joint working and the development of a common culture that facilitated the centre achieving a single identity. Although the working group that developed the SLA had tried to avoid the use of technical legal wording to try to ensure that the document would be 'user friendly', in some areas, due to the contractual nature of the agreement, specific technical wording had been required. A practitioner's guide in common language would be drafted for the day to day use by the operational staff in determining, when necessary, the approach to any issues encountered. The schedules to the Agreement, including the financial model schedule, were still the subject of continuing discussions and, as such, their final content would evolve during the period up until the shared facility went live.

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Members noted that whilst the Fire Control Project Governance Board worked jointly to facilitate the Shared Fire Control Service there would be occasions when both Authorities would have to agree certain actions to move the Project forward.

The Chair, on behalf of the Authority, thanked the Deputy Chief Fire Officer, his Team and Dan Critchley from Sandwell's Legal Services for their work in delivering a viable SLA.

Resolved:-

- (1) that the contents of the update be received;
- (2) that the Service Level Agreement be approved;
- (3) that the initial 70:30 financial cost apportionment agreement contained within the financial model schedule be approved and that the cost capture and review of full costs be undertaken after a twelve month period of operation;
- (4) that authority be delegated to the Chief Fire Officer, in consultation with the Chair, to make non-material variations to the SLA in order to incorporate the final schedules of the Service Level Agreement.

94/13

Action of the Chief Fire Officer in Consultation with the Chair and Vice-Chair of the Authority

The Chief Fire Officer and the Monitoring Officer reported on action taken by the Chief Fire Officer, in consultation with the Chair and Vice-Chair, to instigate legal proceedings for failure to comply with the Regulatory Reform (Fire Safety) Order 2005.

(Meeting ended at 12.13 pm)

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