

Minutes of the West Midlands Fire and Civil Defence Authority

22nd November, 2004 at 11.00 a.m.
at the Fire Service Headquarters, Birmingham

Present: Councillor Hinton (Chair);
Councillor Hogarth (Vice-Chair);
Councillors Afzal, Birbeck, G. Davies, S. Davis, Eustace,
Foster, Haque, Idrees, Jevon, Kazi, Lawrence, Matchet,
Mulhall, Pitt, Rogers, Ross, Ryder, Singh, Underhill,
Wallace and Ward.

Apologies: Councillors Bowen, Howard, Jackson and Perry.

70/04 **Chair's Announcements**

Comprehensive Performance Assessment

The Chair reminded Members that the Authority would be undergoing Comprehensive Performance Assessment during March and April 2005. Seminars for Members on the process involved would take place early in the New Year. The Audit Commission would be carrying out a site visit during April 2005 that might involve meetings and interviews with Members.

Remembrance Day

The Chair thanked Members and officers for their attendance at various Remembrance Day events, and for the observance of the two-minute silence at all Authority locations on 11th November.

Visit by the Rt Hon Nick Raynsford, MP

The Chair reported on a recent visit to Fire Service HQ by the Rt Hon Nick Raynsford, MP.

Independent Remuneration Panel

The Chair reported that the Bishop of Dudley was not able to attend the meeting to present the report of the Independent Remuneration Panel on a review of Members' allowances. He expressed appreciation on behalf of the Authority of the expeditious and professional manner in which the Panel had conducted the review.

Integrated Risk Management Plan – Action Plan

The Chair reported that local MPs were generally supportive of the

West Midlands Fire and Civil Defence Authority
22nd November, 2004

proposals set out in the Integrated Risk Management Action Plan consultation document.

Visit to the Fire Service College/Visit to House of Commons

The Chair urged Members to respond as soon as possible with regard to their attendance at the above events.

71/04 **Minutes**

Resolved that the minutes of the meeting held on 27th September, 2004 be confirmed as a correct record.

72/04 **Annual External Audit Letter 2003/04**

The Authority received the annual external audit management letter for 2003/04 submitted by the Authority's external auditors, KPMG. Representatives of KPMG attended the meeting and addressed the Authority.

The Authority noted the contents of the management letter including the summary of recommendations, the action plan and the statutory report on the best value performance plan. The recommendations were accepted by management. The Authority also noted the progress on the previous year's implementation plan.

73/04 **Statutory Audit of the Best Value Performance Plan**

The Authority noted the report of the Authority's external auditors, KPMG, on the Authority's Best Value Performance Plan for 2004/05. No areas of concern had been raised, and the publication requirements stipulated by the auditors in respect of the Plan were noted.

74/04 **Update on the Operation of New Arrangements for the Re-engagement of Uniformed Personnel following Retirement**

Members were reminded that the Authority in February, 2003 (Minute No. 10/03) had approved arrangements for the re-engagement of uniformed personnel following retirement under the terms of the Firefighters' Pension Scheme. Personnel were

West Midlands Fire and Civil Defence Authority

22nd November, 2004

allowed to retire and receive their lump sum commutation. Their pension was frozen and the employee was re-engaged under the same pay and conditions as previously held. The contract of employment was reviewed annually until the compulsory age of retirement under the Pension Scheme. The Authority had asked for an update on the operation of the arrangements.

Since the arrangements had been in force, three uniformed employees had been re-engaged after retirement. No problems had been experienced with the arrangements.

75/04 **Update on the Comprehensive Performance Assessment**

The Authority received a report on the implications of the Comprehensive Performance Assessment (CPA) for the Fire and Rescue Service, and outlining the process and timetable for the assessment.

The CPA process would commence in January 2005. The assessment would be carried out in March and April 2005 culminating in a site visit by the Audit Commission between 21st and 27th April 2005.

Details of the methodology were presented. Self-assessment and peer assessment would feed into the formal corporate assessment. Appropriate preparation and training for the CPA was in hand, which would include briefings for Members and staff on the objectives of the CPA.

Members were encouraged to attend and participate in the forthcoming briefing sessions.

Resolved that the schedule and planning process to support and manage the CPA be approved.

76/04 **Restructure of Station Management**

The Authority considered a report seeking to restructure the management of fire stations by grouping stations together on the basis of local authority boundaries. This was part of a larger piece of work that would review all areas of Brigade management, including supervisory arrangements on Watches.

Some restructuring had taken place in 2001 with a view to improving engagement with local communities, and devolving responsibility and

West Midlands Fire and Civil Defence Authority
22nd November, 2004

accountability for service delivery to an appropriate level. Evaluation of those arrangements suggested that whilst there was overall satisfaction with the arrangements, communication, co-ordination and managerial support and development could be improved.

Stations were currently grouped along local authority district lines for the purpose of risk management, training and other key functions. It was now proposed to appoint a manager for each of these districts, which would comprise a group of between two and seven stations.

To provide a coherent approach the Birmingham area would come under the overall control of a senior manager, but because of its size would be divided into three districts along ward and delivery area boundaries, each with its own manager.

The current structure of one Station Commander per station was now considered inappropriate in that stations had widely differing risk profiles. In the revised structure managers would be responsible for one or more stations depending on the risk and resources of those stations. Those managers would form the teams led by district managers; in Birmingham there would also be an overall Area Manager.

The overall effect would be a reduction in the number of Station Managers by 26, and an increase in the number of Group and Area Managers by 23, giving an overall reduction of three uniformed posts. The proposed grades outlined in the report were provisional and subject to national guidance on job size and weighting.

It was also proposed that administrative posts/hours be increased by the equivalent of six part-time Grade 6 posts, one to be attached to each district, to support the new structure.

It was intended to implement the new arrangements with effect from January 2005, and it was anticipated the arrangements would be fully operational from September 2005.

The additional staffing costs of the proposals were £8,625 in a full year and would need to be accommodated in the Authority's budgetary plans. Some building and ICT costs totalling £20,000 would be incurred in the current year and could be met from within the existing budget.

Trades Unions had been consulted and were generally supportive of the principle of the restructuring. Further consultation would be taking place on any areas of concern raised by union representatives.

West Midlands Fire and Civil Defence Authority

22nd November, 2004

Resolved that the restructure of station management as set out in the report be approved.

77/04 **Monitoring of Finances**

The Authority received a report on the monitoring of finances during 2004/05.

78/04 **Questions on the Discharge of Functions**

Resolved that Councillor Eustace be nominated as Deputy Lead Member under Section 41 of the Local Government Act 1985 to answer questions put in the course of proceedings of Birmingham City Council on the discharge of the Authority's functions.

79/04 **New Ethical Framework Regulations**

The Authority was informed that the Local Authorities (Code of Conduct) (Local Determination)(Amendment) Regulations 2004 and the Standards Board for England (Functions) Order 2004 had come into force on 4th November, 2004. These regulations provided for local authority monitoring officers to carry out investigations into alleged breaches of the Members' Code of Conduct referred to them by the Standards Board for England; and for Standards Committees to make determinations following the monitoring officer's report on the investigation of such breaches.

Revised terms of reference for the Standards Committee to take account of these changes were submitted for consideration.

Resolved that the revised terms of reference of the Standards Committee attached as Appendix 1 be approved.

80/04 **Disciplinary and Appeals Committees**

The Authority was advised that the Joint Consultative Panel on 15th November, 2004 had agreed to recommend the adoption of revised disciplinary and grievance procedures for uniformed and non-uniformed staff which would necessitate amendments to the Authority's Committee structure.

West Midlands Fire and Civil Defence Authority
22nd November, 2004

Resolved that authority be delegated to the Executive Committee to consider and determine any necessary amendments to the Authority's Committee structure arising from the adoption of revised disciplinary and grievance procedures.

81/04 **Minutes of the Executive Committee**

The minutes of the meetings held on 25th October and 15th November, 2004 were received.

Resolved that, with reference to Minute No. 103/04 (Report of the Independent Remuneration Panel), approval be given to the recommendation of the Executive Committee to backdate the payment of revised Members' allowances to 26th July, 2004.

82/04 **Notes of the Policy Planning Forum**

The notes of the meetings held on 25th October and 15th November, 2004 were received.

83/04 **Notes of the Joint Consultative Panel**

The notes of the meeting held on 15th November, 2004 were received.

The Panel recommended that the Authority adopt revised Disciplinary and Grievance Procedures with effect from 1st January, 2005.

Resolved:-

- (1) that the revised Disciplinary Procedure attached as Appendix 2 to these minutes be approved to apply to all employees with effect from 1st January 2005;
- (2) that the revised Grievance Procedure attached as Appendix 3 to these minutes be approved to apply to all employees with effect from 1st January 2005.

84/04 **Minutes of the Disciplinary Committee**

The minutes of the meeting held on 20th October, 2004 were received.

West Midlands Fire and Civil Defence Authority
22nd November, 2004

It was noted that the meeting had been chaired by Councillor Matchet, and not by Councillor Mulhall who had submitted his apologies for the meeting.

85/04 **Minutes of the Appeals Committee**

The minutes of the meeting held on 21st October 2004 were received.

86/04 **West Midlands Regional Management Board**

The minutes of the meeting held on 24th September, 2004 were submitted.

Resolved:-

- (1) that the acts, proceedings and recommendations of the West Midlands Regional Management Board (RMB), as set out in the minutes, be approved and adopted; and
- (2) that any necessary exception to Standing Orders be made, and that the RMB Financial Regulations and Contract Standing Orders be adopted for project managers in the employ of the Authority to adhere to whilst working on RMB projects.

87/04 **Programme of Meetings 2004/05**

Resolved that the updated programme of meetings for 2004/05 be noted.

88/04 **Exclusion of the Public and Press**

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972 for the following reasons:

West Midlands Fire and Civil Defence Authority

22nd November, 2004

Minute No. 89/04 relating to terms proposed for the disposal/acquisition of property or the supply of goods and services and disclosure would be likely to prejudice the Authority;

Minute No. 90/04 relating to advice in connection with legal proceedings/the determination of a matter affecting the Authority.; and

Minute No. 91/04 relating to particular employees.

89/04 **National Integrated Clothing Project for the Procurement of Personal Protective Equipment**

The Authority considered a report setting out details of proposals to establish a national Integrated Clothing Project (ICP) for the procurement of personal protective equipment (PPE). One of the options for funding the project was through the Private Finance Initiative (PFI) but Government approval for the PFI route had not yet been received. The ICP Project Board had requested Authorities who were interested in collaborating in the project to enter into a Memorandum of Understanding and to make a contribution towards the set-up costs of the project. The estimated costs and project financial benefits to the Authority were outlined.

The Authority was reminded that the Office of the Deputy Prime Minister had recently drawn up a Draft National Procurement Strategy that had been circulated to Fire and Rescue Services for comment. The consultation period had not yet expired. The Executive Committee of the Authority had approved a response to the document that included reference to the national Integrated Clothing Project as follows:

‘it should be noted that the ICP Project Board are currently seeking approval from Fire Authorities in agreeing upfront funding to support the national ICP project. Whilst it is accepted that the timing of this request is intended to assist Authorities with their budget planning process, it appears somewhat premature as it is prior to the closing date of the consultation process relating to the National Procurement Strategy, which is 3rd December, 2004.

Therefore, it is considered that it would be inappropriate for the Authority to commit upfront funding to the ICP project PFI route

West Midlands Fire and Civil Defence Authority

22nd November, 2004

for the procurement of future PPE until after the outcomes of the consultation process have been advised to Fire and Rescue Authorities and other stakeholders.'

Members affirmed the view that it would be premature to commit to the national ICP project before the outcomes of the consultation were known.

Resolved:-

- (1) that consideration of the Authority's decision on whether to collaborate in the ICP national project be deferred until the outcome of the consultation process on the draft National Procurement Strategy is known;
- (2) that the Authority notes that the Secretary of State may exercise powers under Section 29 of the Fire and Rescue Services Act 2004 to compel Fire Authorities to join the national ICP project;
- (3) that the Authority notes the contractual and financial implications and potential benefits of the ICP national contract as set out in the report; and
- (4) that authority be delegated to the Executive Committee to deal with any future issues relating to the ICP national project.

90/04 **Outcome of the Judicial Review Proceedings in respect of an Appeal to the Secretary of State under the Fire Service (Discipline) Regulations 1985**

The Authority received a report on the progress of judicial review proceedings brought by the Authority in respect of an appeal to the Secretary of State under the Fire Service (Discipline) Regulations 1985.

91/04 **Review of the Salary of the Chief Fire Officer and Principal Officer Team**

The Authority considered the recommendation of the Executive Committee set out in Minute No. 108/04 (15th November, 2004) with regard to the review of the salary of the Chief Fire Officer and the

West Midlands Fire and Civil Defence Authority
22nd November, 2004

Principal Officer Team.

Resolved that the recommendation of the Executive Committee set out in Minute No. 108/04 be approved.

(All officers affected by the review who were present declared a prejudicial interest in this matter and withdrew from the meeting during consideration of this item).

(Meeting ended at 12.05 p.m.)

*Contact Officer: Georgina Wythes
Democratic Services Unit
0121-569 3791*