

Minutes of the West Midlands Fire and Rescue Authority

24th September, 2007, at 11.00 am
at the Fire Service Headquarters, Birmingham

Present: Councillor Howard (Chairman);
Councillor Ward (Vice-Chairman);
Councillors Alden, Ali Khan, Birbeck, Bowen,
S Davis, Delaney, Douglas-Maul, Foster, Gazey,
Hinton, Hussain, Idrees, Jackson, Mulhall, Pitt,
Ryder, Spence, Stevenson, Tagger, Turner, Wild
and Wilkes;
Messrs Denny and Topliss.

Apologies: Councillors G Davies, Eustace and Singh.

44/07 **Chair's Announcements**

The Chairman extended an invitation to Members to join him on the occasion of a concert to be given by the Band of the West Midlands Fire Service on 1st December, 2007 at Sutton Coldfield Town Hall.

45/07 **Minutes**

Resolved that the minutes of the meeting held on 25th June, 2007 be confirmed as a correct record.

46/07 **External Audit: Audit Memorandum – Report to those charged with governance**

Simon Allsop of KPMG, the Authority's external auditors, attended the meeting to present the report to those charged with governance.

West Midlands Fire and Rescue Authority
24th September, 2007

The report indicated that KPMG had concluded that the Authority had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31st March, 2007. KPMG also proposed to issue an unqualified audit opinion. Detailed audit work was substantially complete, and no material issues had been identified in the course of the audit.

The Authority noted the contents of the draft management representation letter that would be signed by the Chairman and the Treasurer on behalf of the Authority and submitted to the external auditors.

The Authority was informed that this would be the last year that KPMG would carry out the external audit under the current arrangements, and that the District Auditor would be taking over this role for the next three-year period. Members thanked KPMG for their services over the period of their appointment.

47/07 **Revised Code of Conduct for Members of the West Midlands Fire and Rescue Authority**

The Monitoring Officer reported that the Standards Committee on 7th September, 2007 (Minute No. 16/07), had recommended that the Authority adopt the revised Model Code of Conduct for Members which had come into force on 3rd May, 2007. The Standards Committee had also recommended that Paragraph 6(c), a non-mandatory section of the Code relating to a Code of Publicity, be adopted.

Members expressed their disappointment that a similar regime did not apply to national politicians.

Resolved:-

- (1) that the revised Model Code of Conduct attached as Appendix 1 hereto, be adopted in place of the existing Code;
- (2) that in terms of the non-mandatory paragraphs within the Model Code, paragraph 6(c) relating to a Code of Publicity be adopted as part of the Code;

West Midlands Fire and Rescue Authority

24th September, 2007

- (3) that the ten General Principles as set out in Appendix 2 hereto, be adopted as a non-enforceable annex to the Code to remind Members and the public of the principles underlying the Code;
- (4) that a copy of the revised Code of Conduct be provided to every Member of the Authority;
- (5) that the Clerk and the Monitoring Officer notify all Members of the need to register or renew their registration of interests;
- (6) that the Clerk and the Monitoring Officer be authorised to identify the training needs of Members, co-opted Members and appointed Members of the Authority and to arrange appropriate training as necessary;
- (7) that the Clerk and the Monitoring Officer be authorised to carry out the post adoption formalities including:-
 - a. ensuring that copies of the revised Code of Conduct are available for inspection at the Authority's offices;
 - b. publishing notice of the adoption of the revised Code of Conduct in a local newspaper; and
 - c. sending a copy of the Code of Conduct, as adopted, to the Standards Board for England.

48/07 **Protocol for Members on Gifts and Hospitality**

The Monitoring Officer reported that the current Protocol for Members on Gifts and Hospitality needed to be reviewed to take into account the revised Model Code of Conduct for Members and associated guidance.

The Standards Committee at its meeting on 7th September,

West Midlands Fire and Rescue Authority
24th September, 2007

2007 (Minute No. 17/07), had recommended the adoption of a revised protocol.

Members discussed how the revised protocol would apply to them in their various roles. The declaring of gifts at every meeting for a period of three years after receipt or offer was seen as particularly onerous, and it was suggested that the register of gifts and hospitality could be available for inspection at each meeting to assist with this process.

Resolved that the revised Protocol for Members on Gifts and Hospitality, attached as Appendix 3 hereto, be adopted in place of the current protocol, subject to minor amendments.

49/07 **Proposal to establish an Audit Committee**

The Authority considered a proposal to set up an Audit Committee. Audit Committees were optional for Fire Authorities but were considered to be an essential element of good governance.

Resolved:-

- (1) that an Audit Committee comprising 5 Members (3 Con; 1 Lab; 1 Lib Dem) be established, to meet quarterly, with the terms of reference set out in Appendix 1;
- (2) that the terms of reference of the Executive Committee be amended to read as set out in Appendix 2;
- (3) that the following Statement of Purpose for the Audit Committee be approved:-

“The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the 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 to oversee the

West Midlands Fire and Rescue Authority
24th September, 2007

financial reporting process”;

- (4) that Members be appointed to serve on the Audit Committee for the remainder of the current Municipal Year as follows:

Councillor Gazey (Chairman);
Councillor Wild (Vice-Chairman);
Councillors Ali Khan, Spence and Turner;

- (5) that with effect from the Annual Meeting of the Authority in 2007/2008, the membership of the Audit Committee shall include one independent Member to serve for a three year term of office, without voting rights;
- (6) that the Clerk advertise the vacancy for an independent Member in due course with a view to making an appointment effective from the Annual Meeting in 2008, and that the Audit Committee shortlist and interview candidates and make a recommendation to the Authority on a suitable appointment;
- (7) that a Special Responsibility Allowance of £1,920 [plus appropriate annual uplifts] be allocated to the Chairman of the Audit Committee pro-rata with effect from 24th September, 2007 and that the Members' Allowances Scheme be amended accordingly.
- (8) that a Special Responsibility Allowance of £640 [plus appropriate annual uplifts] be allocated to the Vice-Chairman of the Audit Committee pro-rata with effect from 24th September, 2007 and that the Members' Allowances Scheme be amended accordingly.
- (9) That arrangements be made for appropriate training to be provided for Members of the Audit Committee.

West Midlands Fire and Rescue Authority
24th September, 2007

50/07 **Appointment of Representatives on Other Bodies**

The Clerk reported that the West Midlands Planning and Transportation Sub-Committee of the West Midlands Joint Committee had established a West Midlands Road Safety Partnership, to which the Authority was entitled to appoint one elected member.

Resolved that Councillor Ward be appointed to serve on the West Midlands Road Safety Partnership for the period expiring with the Annual Meeting of the Authority in June, 2008.

51/07 **Local Public Service Agreement – Birmingham 2004-2007**

The Chief Fire Officer reported that the Authority had been party to Birmingham City Council's Public Service Agreement 2001-2004 which had included fire reduction targets. Performance reward grant of £2.3m had been received as a result of this partnership work, £815,000 of which had been reinvested to meet fire reduction targets included in the second Public Service Agreement 2004-2007.

There had again been considerable success in meeting fire reduction targets under the 2004-07 agreement, and a performance reward grant of £2.65m was anticipated. It was hoped that there could be further re-investment in fire reduction interventions, and that some resources could also be allocated to support the Safeside project at the new Headquarters. It was, however, unclear at present how funds would be allocated under the new Local Area Agreement process.

52/07 **Monitoring of Finances**

The Authority received a report on the monitoring of finances for the current financial year to August 2007.

West Midlands Fire and Rescue Authority
24th September, 2007

53/07 **Institution of Legal Proceedings**

The Authority was informed that, after consultation with the Chairman and Vice-Chairman, legal proceedings had been instituted in respect of the following premises for failure to comply with the Regulatory Reform (Fire Safety) Order, 2007:

T J Hughes Limited, Mander Centre, Wolverhampton;
Sportsworld, 22-24 Park Street, Walsall;
Greswolde Hotel, 980 Warwick Road, Acocks Green,
Birmingham;
Comet Public House, Collingbourne Avenue, Castle
Bromwich, Birmingham.

54/07 **Minutes of the West Midlands Regional Management Board**

The minutes of the meeting held on 26th July, 2007 were submitted.

Resolved that the acts, proceedings and recommendations of the West Midlands Regional Management Board, as set out in the minutes, be approved and adopted.

55/07 **Minutes of the Executive Committee**

The minutes of the meetings held on 9th and 23rd July and 10th September, 2007 were received.

Resolved that the recommendation set out in Minute No. 41/07 (Review of Salary of Chief Fire Officer and Principal Officer Team) be approved and adopted.

56/07 **Minutes of the Standards Committee**

The minutes of the meeting held on 5th March 2007 were received.

West Midlands Fire and Rescue Authority

24th September, 2007

Resolved that the recommendation set out in Minute No. 15/07 (Payment of Allowances to Independent Members) be approved and adopted.

57/07 **Notes of the Policy Planning Forum**

The notes of the meetings held on 23rd July and 10th September, 2007, were received.

58/07 **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 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).

59/07 **Insurance Renewal 2007**

The Authority received details of the costs of renewal of insurance arrangements to apply from 1st October, 2007.

Members were reminded that work was ongoing on the possibility of regional collaboration on insurance arrangements.

Resolved:-

- (1) that the recommendations set out in the report with regard to the Authority's insurance arrangements for the year commencing 1st October, 2007 be approved;
- (2) that the Authority's insurance arrangements for future years be referred to the Audit Committee for consideration.

West Midlands Fire and Rescue Authority
24th September, 2007

(Meeting ended at 11.40 am)

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