

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

**13 February, 2012 at 11.00 am
at the Fire Service Headquarters, Birmingham**

Present: Councillor Edwards [Chair];
Councillor Eustace [Vice Chair];
Councillors Alden, Ali Khan, Chambers, Clinton, Davies,
Delaney, Docker, Douglas-Maul, Finnegan, Foster,
Griffiths, Hogarth, Idrees, Lines, O'Neill, Ryder, Sandy,
Singh, Spence, Stevenson, Tranter, Turner and Walsh.

Observer: Mr Topliss.

Apologies: Councillors Andrew and S Davis; Messrs Ager and
Denny.

1/12 Declaration of Interests

Councillors Edwards and O'Neill declared personal interests in Minute Nos 6/12 (Budget and Precept) and 7/12 (Monitoring of Finances) below.

2/12 Chair's and Chief Fire Officer's Announcements

The Chair reported that the Authority had been awarded the Carbon Trust Standard for reducing the carbon footprint for the organisation and for meeting strict criteria with regard to the consumption of energy. The Authority had achieved a 17% reduction in its carbon footprint over a three year period.

The Chair also reported that a Brigade Response Vehicle [BRV] would be operational from today in Dudley and that further BRVs would be brought into use in Coventry and Tipton in due course. Reports on the progress of the pilot scheme would be brought back to the Authority in due course.

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The Chair indicated that a cross party delegation of MPs had met with the Fire Minister on 31 January 2012 to lobby on the financial settlement for metropolitan fire authorities. This Authority had been represented by John Hemming MP. As a result the Chief Fire Adviser had agreed to meet representatives of the metropolitan fire authorities. Ian Austin MP had also raised the issue of funding for this Authority in the House of Commons in January 2012 and had asked the Fire Minister to meet a delegation from the Authority. Arrangements for this meeting were in hand. It was noted that James Morris MP had also engaged in the debate in the House.

The Chair reminded members that a visit to Fire Control would take place at the end of this meeting.

The Chair announced that Rudy Parkes, a firefighter with 29 years service with the Authority and a member of the International Search and Rescue Team, had been awarded an MBE in the New Year's Honours List 2012. Rudy was present at the meeting. The Chief Fire Officer reported that Rudy had worked in Haiti and Japan as a member of the International Search and Rescue Team. He had also worked for over 20 years for a Romanian charity, organising fundraising events and a volunteer programme, as well as raising funds for Birmingham renal and cancer charities. The award recognised his service over many years as an excellent ambassador for the Brigade and the whole of the Fire Service. The Chair congratulated Rudy on behalf of the Authority on his award and expressed his pride in his achievements and his contribution to the reputation of the Service.

3/12 Urgent item

The Chair was of the opinion that the matter referred to at Minute No 26/12 (Firefighters' Pension Scheme) should be considered as an urgent item of business under Section 100B of the Local Government Act 1972 in view of the potential impact on service delivery.

4/12 Minutes

Resolved that the minutes of the meeting held on 28 November, 2011, be confirmed as a correct record.

5/12 The Plan 2012/15

The Authority considered the draft Plan 2012/15 which outlined the strategic direction for the Service and set out the preferred vision, key priorities and strategic objectives. The Plan was a requirement of the Fire and Rescue Service National Framework and defined the range of services that would be provided, the outcomes that would be achieved and the commitment to partnership working. The Plan also included the Service's corporate performance indicators and targets. The Plan and performance targets would be subject to review regularly during the year to ensure they were still valid and relevant. Performance against the Plan would also be monitored on a regular basis.

Resolved:

- (1) that the Plan 2012/15 be approved;
- (2) that the key performance indicators and targets for 2012/2015 be approved.

6/12 Budget and Precept 2012/13 and Budget Forecast 2013/14 to 2014/15

The Authority considered a report on the Capital Programme for 2012/13 to 2014/15, the prudential indicators relating to the Authority's capital financing requirements, the Minimum Revenue Provision Statement, the Treasury Management Strategy, the revenue budget and the consequent precept level and resultant amount payable by each constituent District Council.

The Comprehensive Spending Review had indicated that grant funding for fire and rescue authorities would be reduced by 25% over a four year period and that the largest portion of the reduction would occur in years 3 and 4 of the settlement. The settlement for 2011/12 and 2012/13 represented an overall grant reduction of £10.164m (12.58%) over two years. The Authority's grant for 2012/13 had been confirmed by Government in January 2012 with the expected grant reduction.

The Government had set a Council Tax referendum threshold of 4% for fire and rescue authorities and would make available additional resources in 2012/13 to help authorities deliver a voluntary council tax

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freeze, but this was offered on less generous terms than in the previous year.

Members had received a presentation at the Policy Planning Forum on the anticipated budget position in the light of grant reductions and the implications of accepting the Council Tax Freeze grant, compared with increasing the precept up to the 4% referendum threshold. The acceptance of the grant would lead to a permanent potential loss of funding rising to almost £1.6m by 2014/15. District leaders were of the view that the Authority should accept the Council Tax Freeze grant for 2012/13 as they felt that a 4% increase in the precept could not be justified in the current economic climate.

The projected budget included efficiency measures and provided capacity to implement measures coming out of the Building Upon Success [BUS] programme. Capital schemes for 2012/13 would also derive from the BUS programme, depending on the funding available, and reports would be brought to the Authority in due course for approval.

The Treasurer gave assurances in accordance with sections 25-27 of the Local Government Act 2003 that the budget preparation had been robust and that the level of reserves was sustainable and sufficient.

Members discussed the relative merits of the alternative budgets and the consensus was to accept the Council Tax Freeze grant in 2012/13.

Resolved:-

- (1) that the Authority's Revenue Budget for 2012/2013 of £38.454m, as now submitted, be approved;
- (2) that the Authority's capital programme for 2012/2013 to 2014/2015, as now submitted, be approved;
- (3) that the Authority's Treasury Management Strategy, including the Minimum Revenue Provision Statement - +and Prudential Indicators, as now submitted, be approved;
- (4) that it be noted that the constituent District Councils have formally set their Council Tax bases for the year 2012/2013 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act

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1992 as follows:-

	Tax Base
Birmingham	299,208.00
Coventry	89,393.90
Dudley	98,918.21
Sandwell	85,980.30
Solihull	79,998.00
Walsall	78,898.20
Wolverhampton	<u>71,574.20</u>
	<u>803,970.81</u>

- (5) that the following amounts be now calculated by the Authority for the year 2012/2013, in accordance with Sections 40 to 48 of the Local Government Finance Act 1992:-
- (i) £117,023,000 being the aggregate of the amounts which the Authority estimates for the items set out in Section 42A(2)(a) to (d) of the Act;
 - (ii) £78,569,000 being the aggregate of the amounts which the Authority estimates for the items set out in Section 42A(3)(a) to (b) of the Act;
 - (iii) £38,454,000 being the amount by which the aggregate at (i) above exceeds the aggregate at (ii) above calculated by the Authority in accordance with Section 42A(4) of the Act as its council tax requirement for the year;
 - (iv) £47.83 being the amount at (iii) above divided by the total amount at (4) above, calculated by the Authority in accordance with Section 42B(1) of the Act as the basic amount of its Council Tax for the year;
 - (v)

<u>Valuation Bands</u>	£ (to 6 decimals)	£ (rounded to 2 decimals)
A	31.886666	31.89
B	37.201110	37.20
C	42.515554	42.52
D	47.829998	47.83
E	58.458887	58.46

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F	69.087775	69.09
G	79.716664	79.72
H	95.659997	95.66

being the amounts given by multiplying the amount at (iv) above by the number which in the proportion set out in Section 5(1) of the Act is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Authority in accordance with Section 47(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (vi) that the following precepts be issued to the seven charging authorities in the West Midlands:-

	£
Birmingham City Council	14,311,117
Coventry City Council	4,275,710
Dudley Metropolitan Borough Council	4,731,258
Sandwell Metropolitan Borough Council	4,112,438
Solihull Metropolitan Borough Council	3,826,304
Walsall Metropolitan Borough Council	3,773,701
Wolverhampton City Council	<u>3,423,394</u>
Total	<u>38,453,922</u>

being the amounts given by multiplying the amount at (iv) above by the appropriate tax base at (4) above in accordance with section 48(2) of the Act, as the amount of precept payable by each constituent District Council;

- (7) that the precept for each District Council as calculated at (vi) above be issued in accordance with Section 40 of the Local Government Finance Act 1992.

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7/12 Monitoring of Finances

The Authority noted a report on the monitoring of finances to the end of December 2011.

8/12 The Local Government (Early Termination of Employment) (Discretionary Compensation)(England and Wales) Regulations 2006

The Authority was informed that changes had been made to Regulations 18 and 30 of the Local Government Pension Scheme which necessitated changes to the Authority's Pension Policy Statement with regard to choice of early payment of benefits and flexible retirement. A revised pension policy statement incorporating the changes was submitted.

Resolved that the changes to the Pension Policy Statement be approved as now submitted.

9/12 Revision of the Employee Relations Framework

The Authority was informed that the Employee Relations Framework had first been received by the Authority in September 2009. The trades unions had requested a review of the framework in August 2010 and the Employee Relations Team had been working with the trades unions on this matter. Many of the changes proposed by the Service and the trades unions/representative bodies had been accepted and included in a revised framework which had been endorsed by the Joint Consultative Panel on 23 January 2012 and was now submitted for consideration.

The Authority noted the revised framework which also included some revisions to the terms of reference of the Joint Consultative Panel.

Resolved that the revised terms of reference of the Joint Consultative Panel as set out in Appendix 1 be approved.

10/12 Pay and Grading Structure – Implementation of the Revised Pay and Grading Structure for Support Staff

The Authority was advised that the Employee Relations Team had

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been working with stakeholders including trade unions on proposals relating to a revised pay and grading structure for support staff. The revised structure would incorporate a performance management framework which would support the delivery of corporate objectives and was underpinned by the NJC Green Book pay and conditions. The new system would provide managers with the tools to manage the performance of employees and would also create more generic roles that would simplify redeployment. Details of the new pay and grading structure were submitted. There would be no additional costs as a result of the implementation of the new system as existing employees would be assimilated into the new structure on their existing salary level.

The Authority noted that the revised pay and grading structure for support staff would be implemented with effect from 1 April 2012.

11/12 Pay Policy Statement

The Authority was advised that there was a requirement under the Localism Act 2011 to publish an annual Pay Policy Statement. The Pay Policy Statement had to be approved by resolution of the Authority and the first Statement had to be approved by 31 March 2012. The Authority could amend the Statement in year if necessary. The Authority was obliged to publish the Statement following approval or amendment.

The legislation set out what information had to be provided in the Pay Policy Statement which included the pay of individual senior officers and their job descriptions. The guidance also required the inclusion of contextual information about the service. The publication of the Statement would increase transparency and accountability.

A draft Pay Policy Statement was submitted for consideration. The Statement would be published on the Authority's web site with links to the Statement of Accounts and job descriptions, to assist with transparency. It was suggested that reference to the linking of this information be included in the Statement.

Resolved that, subject to the amendment set out above, the Pay Policy Statement for the financial year 2012/13 be approved.

12/12 Principal Officers' Staffing Committee – Terms of Reference

The Authority was asked to approve amendments to the terms of reference of the Principal Officers' Staffing Committee to allow that Committee to determine appeals against dismissal and disciplinary action in respect of the Deputy Chief Fire Officer, an Assistant Chief Fire Officer, Director of Corporate Services, Director of Human Resources and Director of Finance and Procurement. This would also require consequential amendment of the schedule of matters reserved to the Authority, the scheme of delegations to officers and the procedural Standing Orders of the Authority.

Resolved that the amendment to the terms of reference of the Principal Officers' Staffing Committee and consequential amendment of other constitutional documents as set out in Appendix 2 be approved.

13/12 Fire and Rescue Service National Framework for England Consultation 2012

The Authority considered a draft response to a Government consultation on a revised Fire and Rescue National Framework for England. The National Framework set out the Government's expectations for the Service, and fire and rescue authorities were required to have regard to the Framework in carrying out their duties. The draft Framework proposed a move away from prescription, allowing fire and rescue authorities to deliver services in a way that suited local needs, whilst continuing to meet the wider needs of national resilience, responsibility for which remained with Government. The draft Framework promoted accountability to communities, partnership working and transparency of data. It reinforced the importance of effective integrated risk management planning and active consultation with communities and partners.

The draft response had been drawn up following consultation with members.

Resolved that the consultation response as now submitted be approved.

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14/12 2012/13 Property Asset Management Plan

The Authority considered a draft Property Asset Management Plan for 2012/13 which would ensure the effective and efficient use of land and buildings. Considerable work had been carried out over the last 12 months to assess the appropriateness of existing property assets and to consider where any future investment should be directed, particularly in the light of the Building Upon Success programme. The proposed plan reflected property priorities over the next five years. Planned maintenance would cost in the region of £1.1m. Proposed capital developments would cost approximately £477,000 for boiler replacements and £220,000 on training at height facilities.

Reference was made to the proposals in relation to the Cradley Heath and Halesowen Fire Stations and the Chair and Chief Fire Officer were asked to ensure that members were kept fully informed about the proposals. The Chair responded that no decisions had been made in this matter since those taken by the Authority in November 2012 [Minute No 83/11]. Officers were investigating a series of options for the development of a new facility and a further report would be submitted to the Authority in April 2012 for a decision in this matter. In the meantime informal consultation would take place with the local community on the options for the future development of the new facility.

Resolved that the 2012/13 Property Asset Management Plan be approved.

15/12 Minutes of the Audit and Performance Management Committee

The minutes of the meetings held on 28 November, 2011 and 9 January 2012 were received.

16/12 Minutes of the Executive Committee

The minutes of the meetings held on 12 December, 2011 and 23 January, 2012 were received.

17/12 Minutes of the Standards Committee

The minutes of the meeting held on 9 January, 2012 were received.

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18/12 Minutes of the Principal Officers' Staffing Committee

The minutes of the meeting held on 2 December, 2011 were received.

19/12 Notes of the Policy Planning Forum

The notes of the meetings held on 12 December, 2011 and 9 and 23 January, 2012 were received.

With regard to Note 30/11 [Brigade Response Vehicles] the Chair indicated that an interim report on the pilot scheme would be brought back to the Policy Planning Forum before the end of the trial period.

20/12 Notes of the Joint Consultative Panel

The notes of the meeting held on 23 January, 2012 were received.

21/12 Notes of the Member Development Working Group

The notes of the meetings held on 19 September and 28 November, 2011 were received.

22/12 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); and 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.

23/12 Planned Procurement Exercises for 2012/13

The Authority received information about a number of planned tender exercises.

Resolved that authority be given to proceed with the following tender exercises for the provision of goods and services to the Authority in 2012/13:

End of Life Vehicles
High Pressure Lifting Equipment
Hydraulic Cutting Equipment
Boiler Replacements
Window Replacements
Periodic Electrical Testing
Works arising from Periodic Electrical Testing
Uniform
Foam
Annual ICT Hardware and Associated Software Refresh
Construction of Training at Height Facilities
Emergency Lighting and Maintenance Contract
Electrical Rewiring Contract

24/12 Corporate Board Restructure

The report was withdrawn.

25/12 Business Case for Proposed Trading Activity through West Midlands Fire Service Business Safety Limited

Further to Minute No 4/12 of the Executive Committee, which approved the establishment of a company limited by shares wholly owned by the Authority for the purpose of undertaking trading and income generation activities, the Authority considered a report setting out the business case for the proposed trading activity through West Midlands Fire Service Business Safety Limited [the Company], and seeking approval for the provision of Authority resources and working capital to the Company on commercial terms.

The Authority was advised that the Company would be incorporated shortly and the Articles of Association were submitted for information.

The next steps following approval of the business case would be to bring the company into operation including holding board meetings, establishing a staffing structure, ensuring appropriate financial and risk management arrangements were put in place, and bidding for work.

Members asked a number of questions on the detail of the business case and received assurances as to the anticipated profit margins, risk management and accountability to the Authority.

Resolved:

- (1) that the Business Case for proposed trading activity by the Authority through a wholly owned trading company, as now submitted, be approved, and that the associated risks and implications be noted;
- (2) that the actions taken to date to establish the Company, develop its financial and operational models, and undertake negotiations with potential commercial partners, be endorsed;
- (3) that the advance of a working capital facility of up to £200,000 by the Authority to the Company on commercial terms be approved;
- (4) that the use of Authority resources (staffing, equipment and assets) to support the Company as outlined in the business plan on a full cost recovery basis be approved;
- (5) that in connection with paragraph 19 (2) of the Articles of Association, the Authority determines that directors will received no remuneration for their services to the Company as directors or for any other service that they undertake for the Company;
- (6) that a further report be submitted to the Authority in three months' time.

26/12 Firefighters' Pension Scheme

The Authority was informed of the current position with regard to national negotiations with the Fire Brigades Union with regard to proposed changes to the Firefighters' Pension Scheme. Information had been

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provided to staff within the Brigade on the anticipated impact of the changes. Section 41 members would be kept informed of developments and reports would be brought back to Executive Committee as necessary.

(Meeting ended at 1.00 pm)

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